



Mondragon  
Unibertsitatea

Faculty of Humanities  
and Education Sciences



**PROTOCOL ON SEXUAL HARASSMENT,  
SEX/GENDER-BASED HARASSMENT AND  
OTHER SEXUAL VIOLENCE**



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## DECLARATION OF PRINCIPLES

The Faculty of Humanities and Education Sciences (Humanitate eta Hezkuntza Zientzien Fakultateak, HUEZI) does not accept any type of violence and through this protocol commits to adopting the measures necessary to deal with harassment and violent behaviors. The Faculty further commits to resolving any cases of harassment or violence that may arise and to reporting them. The objective of this protocol is to prevent this type of violence, which is understood to be an equality and social justice issue, through information, awareness, training and detection.

Our Faculty is characterized by its social responsibility values and in accordance with those values, we encourage individual participation and personal development as a way to achieve a more just, more supportive and more egalitarian society.

It is therefore essential to guarantee a work and study environment free from any and all types of harassment and violence for all members of the Faculty, in keeping with our social values.

Given that people of all different types coexist in our Faculty and that a plethora of relationships will naturally form between staff and students, it is imperative that these relationships be based on equality. At the center of this protocol lies the feminist interpretation of inequality, according to which the violence perpetrated in many and varied contexts against women and against others who fall outside the norms dictated by the patriarchy has a specific social origin. The university is one such context. Violence and sexual harassment, as well as violence and harassment directed at people because of their gender, sexual or gender identity, gender expression or sexual orientation are structural problems and it is therefore the responsibility of all to find a solution.

This Faculty has a triple responsibility in the face of harassment: first and foremost, because of its commitment

to the individuals who comprise the university community; second, because it is our responsibility to ensure that our Faculty is a safe place, and we must therefore prevent, detect and take measures against any and all types of harassment; and third, because the Faculty has a certain responsibility to society, in that it creates and provides a space in which to instill values in human training and professional training.

With this responsibility and this commitment in mind, the Faculty of Humanities and Education Sciences launched a student and staff participatory process in 2018.<sup>1</sup> Through an online questionnaire and a number of listening groups, perspectives on the topic were explained, and contributions and suggestions were made. All of these were taken into account in the creation of the protocol, which is presented below.

<sup>1</sup> See Appendix 1 for details.

## AREAS OF IMPLEMENTATION



- On the campuses, in the areas where activities related to the studies are developed, in the activities organized/supported by the University.
- Physical and/or virtual spaces.
- Staff, students, external entities with a working relationship with the faculty and visitors.

This protocol will be in effect in all on-campus and off-campus areas associated with the Faculty of Humanities and Education Sciences (HUHEZI), wherever students carry out any activity related to their studies (internships, end-of-degree projects, etc.). The protocol is likewise in effect in off-campus areas that host or house activities organized or sponsored by the University.

Additionally, all individuals with a work relationship with the Faculty of Humanities and Education Sciences (HUHEZI) and all members of other faculty services must comply with all provisions of this protocol, as must outside organizations working with the Faculty of Humanities and Education Sciences (HUHEZI), and any and all individuals who visit the Faculty, whether physically or virtually.

The following section specifies behaviors considered to be harassment under the protocol should they take place either physically or virtually in any area associated with the Faculty of Humanities and Education Sciences (HUHEZI).



## BEHAVIORS REGULATED BY THE PROTOCOL<sup>2</sup>

- 2 The Committee Against Sexual Harassment is responsible for determining the degree of severity of the harassment or assault in each specific instance and case. Expressions or incidences of harassment beyond those listed in Appendix 3 may be taken into consideration if the Committee sees fit to do so.

1

**Anti-LGBTI harassment:** harassment aimed at people who do not identify with their birth gender, people who feel an emotional, romantic or sexual attraction to people of the same gender and/or sex, or people who do not demonstrate a normative gender expression. Such harassment aims to create a hostile, intimidating or insulting environment to punish behavior that the harasser sees as an infringement of normality and to upset the victim.

**Sex/gender-based harassment:** harassment that aims to create a hostile, intimidating or insulting environment for the victim to reinforce traditional ideas of what it means to be a man or a woman. This type of harassment is intended to punish those who cast doubt on the dual sex/gender system and adopt roles that break with that system.

2

3

**Sexual harassment:** actions of a sexual nature intended to create a hostile, intimidating or insulting environment for the victim.

**Anti-LGBTI assault:** violent physical action and/or spoken abuse against another person because that person does not identify with their birth gender, does not demonstrate a normative gender expression, or feels an emotional, romantic or sexual attraction to people of the same gender and/or sex.

4

5

**Sex/gender-based assault:** violent physical action and/or spoken abuse against another person for reasons of sex/gender. One of the objectives, among others, of this type of assault is to reinforce traditional ideas of what it means to be a man or a woman.

**Sexual assault:** any physical or spoken sexual action carried out against the will of the victim.

6

## WHAT PREVENTIVE MEASURES WILL BE TAKEN?



### RAISING SENSITIVITY

Once the protocol has been approved, the Faculty will distribute a memorandum, which will also be published online.

When the protocol is approved, it will be emailed to all members of the Faculty of Humanities and Education Sciences (HUHEZI), and a formal presentation will be made. The information will be distributed repeatedly, on a regular schedule determined by the training programs.

The approved protocol will be distributed to all members of the Faculty of Humanities and Education Sciences (HUHEZI), and will be included in the orientation plan.

People and organizations not affiliated with the Faculty of Humanities and Education Sciences (HUHEZI) but who have a work relationship with the Faculty will also be informed of the protocol. This includes institutions that offer internships, organizations that provide external services, etc.

### RAISING AWARENESS

General training will be given to all students and staff of the Faculty of Humanities and Education Sciences (HUHEZI).

Members of the Committee Against Sexual Harassment will receive specialized training.

Harassment prevention initiatives will be organized periodically.

A Code of Best Practices will be developed.

### MANAGEMENT MODEL OF THE FACULTY OF HUMANITIES AND EDUCATION SCIENCES (HUHEZI)

The issue of harassment will be included both on the work environment questionnaire to be completed by Faculty staff and on the questionnaire on quality completed by students.

An account will be submitted annually on all identified and reported cases, including clear and transparent information on each case and on the solutions provided.



## WHO WILL BE RESPONSIBLE FOR MANAGING THE PROTOCOL?

The Committee Against Sexual Harassment is charged with managing the protocol. This committee will be composed of four representatives: one from the Office of the Dean, one from the Equality Board, one from the academic disciplines, and one responsible for communication. The entire Faculty will be told who is on the Committee.

The tasks of the Committee are the following: to manage cases of complaints and accusations covered by the protocol, carry out the appropriate investigations, write a report on the proposed resolutions, and submit all pertinent documents to the deciding body.

The Committee will have no fixed term, and each branch will select its own representative.

The Committee will meet twice annually in ordinary plenary session, and in special session whenever deemed necessary.



## WHO CAN REPORT HARASSMENT AND/OR ASSAULT SITUATIONS?

Any individual who has experienced any type of harassment and/or assault described in this protocol.

Representatives of students or groups of students.

Representatives of the staff of the Faculty of Humanities and Education Sciences (HUHEZI), as well as representa-

tives, co-workers and providers of groups in which Faculty staff members participate.

Any individual who knows of a harassment and/or assault situation.

## GUARANTEES



### CONFIDENTIALITY AND DISCRETION

All people who take part in the proceedings are required to respect the right of all parties to privacy and confidentiality. Identifying data must therefore be protected at all times.

In any case, confidentiality should not impede those responsible for the process from having access to the information they need to be able to carry out their duties.

### PROFESSIONALISM AND RESPONSIBILITY

Both the investigation and its subsequent resolution must be conducted with professionalism and responsibility and without undue delay so that the proceedings may be completed as quickly as possible.

### A COMMITMENT TO PEOPLE

The entire process will be conducted in a manner favorable to the well-being of the involved parties and, in accordance with this commitment, the involved individuals will suffer no harmful treatment at any time. All members of the Faculty of Humanities and Education Sciences (HUHEZI) are bound by this commitment. All individuals who take part in the process will do so in good faith.

### NO DOUBLE VICTIMIZATION

Once the protocol has been activated, assistance and protection will be given throughout the entire process to the person who brought the complaint or accusation, and all care will be taken at all times to avoid situations that may cause additional harm or increase the aftermath of the event in question.

### CORRECTIVE MEASURES

To the extent possible under the jurisdiction of the Faculty, measures will be taken to restore the rights of those who experienced the harassment or assault. All available measures will also be taken to ensure that the harassment or assault does not recur.

### PROHIBITION OF REPRISALS OR RETALIATION

All necessary measures will be put into place to ensure that those who register a complaint or accusation, those who take part in the proceedings, and those who testify as part of the investigation suffer no reprisal or retaliation that may put their professional or academic development at risk.



## PROCEDURE

### RECEPTION OF CASES

The Committee Against Sexual Harassment of the Faculty of Humanities and Education Sciences (HUHEZI) will receive complaints and accusations primarily at the email address created for that purpose (jazarpena.huhezi@mondragon.edu). This email address may be managed by any member of the Committee.

In exceptional circumstances, cases may be reported orally, provided that verification is received in writing before the case is processed.

Under no circumstances will anonymous complaints or accusations be accepted.

In cases in which a third party brings the complaint, the protocol will not be activated until the person who experienced the harassment or assault provides his or her written consent. In such cases, two members of the Committee Against Sexual Harassment will meet with the injured party to present the information they have received.

If the person who experienced the harassment or assault does not wish to activate the protocol, that wish will be respected. The person will be offered assistance and informed of available resources, and the case will be followed up.

If the act in question is deemed serious or there is risk to a third party, the Committee Against Sexual Harassment will analyze the best way to proceed.

### INITIAL ASSESSMENT OF THE COMPLAINT OR ACCUSATION

The Committee Against Sexual Harassment of the Faculty of Humanities and Education Sciences (HUHEZI) will determine whether the presented complaint or accusation falls within the realm of the protocol.

- If this is the case, the Committee will activate the protocol and initiate proceedings.
- If the event in question involves an instance that is not covered by the protocol, the person reporting the case will be informed of why the Committee is unable to take it. The Committee will then close the case, or direct it to the appropriate agency.

**This process will be carried out within a maximum of 7 days.**

### PRECAUTIONARY MEASURES

When deemed necessary, the Committee Against Sexual Harassment of the Faculty of Humanities and Education Sciences (HUHEZI) will recommend to the parties involved in a case that precautionary measures be established for the duration of the proceedings.

These measures will be enforced in accordance with the internal regulations of the Faculty of Humanities and Education Sciences (HUHEZI).

## OPENING OF THE PROCEEDINGS

In order to verify and complete the information on any given case, two members of the Committee Against Sexual Harassment of the Faculty of Humanities and Education Sciences (HUHEZI) will meet with both the person whose actions brought about the complaint or accusation and the person who suffered those actions. Each Committee member will meet separately with each party.

When deemed necessary, other individuals who may be able to contribute valuable information may also be interviewed so that a better understanding may be gained of the events in question.

## COMPLAINTS

When a complaint is brought and the verification process has confirmed that the complaint is valid, a meeting will be called with the person against whom the complaint has been made. After the case has been explained, he or she will be informed of the consequences if the offending action is repeated.

If he or she wishes, the complainant may also take part in this meeting. The defendant, for his or her part, may offer whatever explanations he or she thinks pertinent to the case.

Once this meeting has taken place, the case will be closed, unless one of the parties involved in the proceedings disagrees with the outcome and decides to move forward with the complaint process.

## ACCUSATIONS

When an accusation has been made, and after it has been verified and investigated, the Committee Against Sexual Harassment of the Faculty of Humanities and Education Sciences (HUHEZI) will write a report that includes all information on the case in question, while to the maximum extent possible avoiding the use of personal details that are not absolutely essential. Additionally, the report will include a proposal for resolution for the deciding body to assess.

If the Committee does not agree on a proposal, multiple proposals will be included in the report, together with the reasons for disagreement and suggestions for reaching an agreement.

The following measures may be proposed:

- Closing the case without sanction, when the events in question cannot be proven beyond doubt.

- Sanctions on the accused, in accordance with the internal regulations of the Faculty of Humanities and Education Sciences (HUHEZI).
- Reparations for the person who brought the accusation.
- If the investigation finds that no harassment took place and that furthermore the accusation was made with the intention of causing harm without justification in the work environment of the accused, the Committee may recommend that disciplinary action be taken.

**The proceedings will last a maximum of 30 days.**

## DECISION OF THE DECIDING BODY

In cases in which the individuals involved in the case are students or staff of the Faculty of Humanities and Education Sciences (HUHEZI), the Board of Directors will be the deciding body.

In cases in which the individuals involved in the case are associates of the Faculty of Humanities and Education Sciences (HUHEZI), the Advisory Board will be the deciding body.

The measures to be taken will be decided according to the report submitted by the Committee Against Sexual Harassment and in accordance with the internal regulations of the Faculty of Humanities and Education Sciences (HUHEZI).

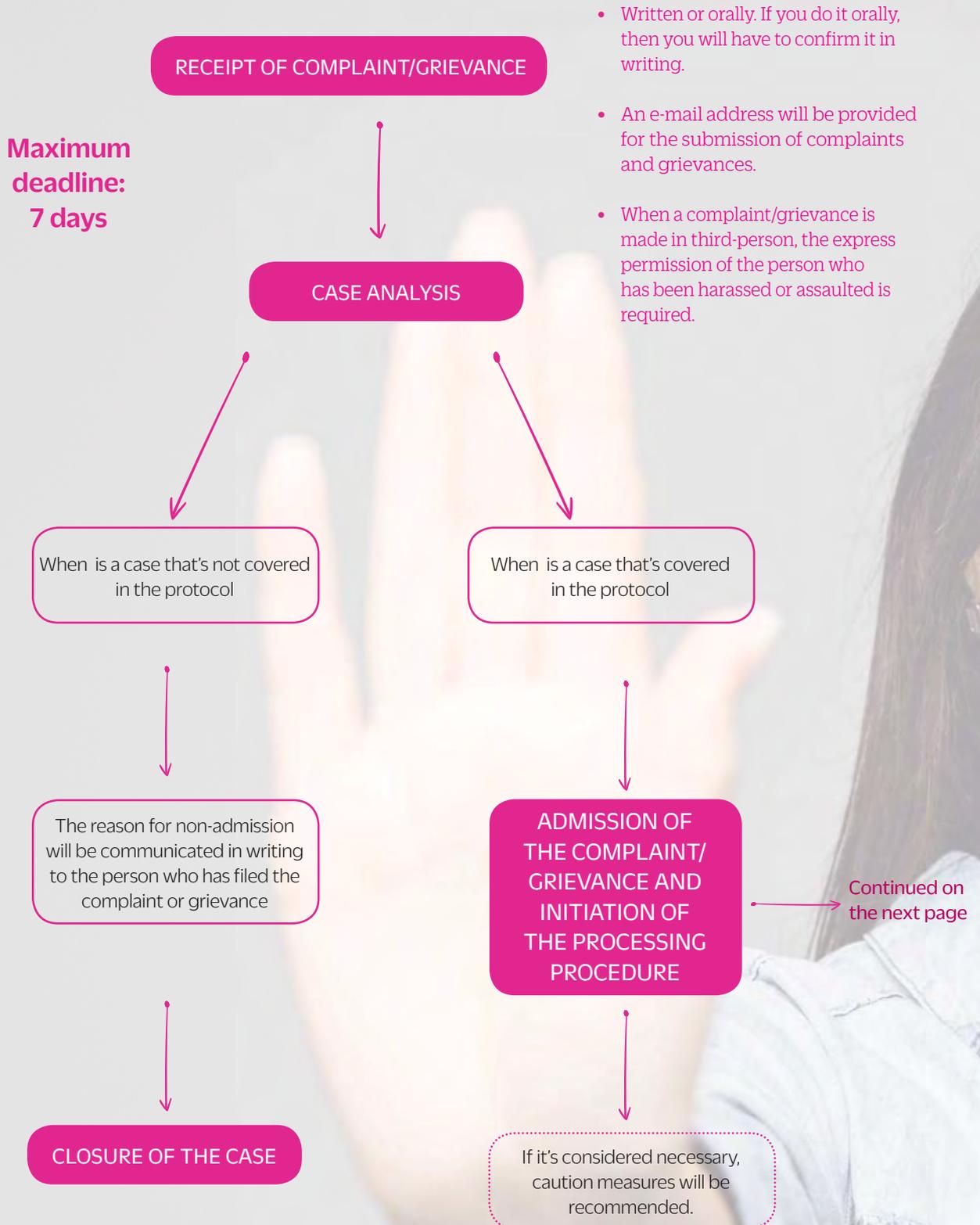
In cases in which there are parallel judicial proceedings, no sanctions will be imposed until after the judicial sentence is pronounced.

## CLOSE OF THE PROCEEDINGS

Once the deciding body has brought the case to a close, both the accuser and the accused will be informed of the decision in writing.

Once the proceedings have been closed, the management of communications both in the community and in the media will be assessed.

The case will be included in the annual report on identified and resolved cases.



**Maximum  
deadline:  
7 days**

**ADMISSION OF THE COMPLAINT/GRIEVANCE  
AND INITIATION OF THE PROCESSING**

**COMPLAINT**

Check:

- Who filed the complaint
- Against whom the complaint was made
- With the people considered appropriate

When it is considered that there are signs of truthfulness

Contact the person who made the complaint, report the complaint and, if is true, report the consequences of repeating that way of acting

- The person who has filed the complaint, if he or she wants, may be present.
- The person to whom the complaint has been made can offer any explanations that he or she considers necessary.

**CONSIDER THE CASE CLOSED OR, IF ANY OF THE PARTS NOT AGREE WITH THE DECISION, OPEN A COMPLAINT PROCEDURE**

**GRIEVANCE**

Check:

- Who filed the complaint
- Against whom the complaint was made
- With the people considered appropriate

**PREPARATION OF THE REPORT AND PROPOSAL OF MEASURES TO TAKE**

- Closure of the case
- Penalty measures
- Corrective measures

**SEND TO THE DECIDING AUTHORITY**

Students or centres's staff

Partners

**DIRECTIVE COMMITTEE**

**GOVERNING COUNCIL**





## APPENDICES

### 9.1 PROTOCOL CREATION PROCESS

At the request of the Faculty of Humanities and Education Sciences (HUHEZI), work was begun in September of 2018 on the protocol on sexual harassment, sex/gender-based harassment and other sexual violence.

In September and October of 2018, an analysis was made of documents on updated university protocols in order to inspire ideas that would serve as points of departure for the next phase. During this analysis of the relevant documents, information was gathered on the types of violence taking place in the university setting, prevention strategies for sexual and sexist harassment, intervention strategies, best practices to date, and possible improvements that might inspire innovative ideas.

Next, an online questionnaire was prepared and was made available to the students and staff of the Faculty of Humanities and Education Sciences (HUHEZI) for two weeks in October and November of 2018.

Based on the results of this online questionnaire, two listening groups were designed. These groups provided the opportunity to share information and examine the topic in depth, as well as to gather suggestions from students and staff. These groups were operational from January to March of 2019.

Using the information gathered from the online questionnaire and the listening groups, a diagnosis was made of the current situation of the Faculty and used as a point of departure for the present protocol.

### 9.2 DEFINITIONS

SEXUAL VIOLENCE is violence that is perpetrated in order to reinforce the traditional roles that women and men have played in society, while LGBTI-PHOBIA is violence perpe-

trated against freedom of gender identity and freedom of sexual orientation and that denies those freedoms; that is, people with LGBTI-phobia do not accept, and act against, individuals who do not identify with their birth gender or those who feel an emotional, romantic or sexual attraction to people of the same gender and/or sex.

When we speak of LGBTI-phobia, we refer to discrimination and oppression against other people in general, but this type of phobia has specific categories, among which the following are the best known:

> **Transphobia:** people with transphobia do not accept, or act in a violent or aggressive manner against, individuals who do not identify with their birth gender as determined by their external genitalia, people who do not demonstrate a normative gender expression, or people whose sex differs from their biological sex (transgender, intergender, or transsexual).

> **Homophobia:** people with homophobia do not accept, or act in a violent or aggressive manner against, individuals who feel an emotional, romantic or sexual attraction to people of the same gender and/or sex. Although this term includes phobias against a number of different sexual orientations (lesbian, gay, bisexual, pansexual, etc.), it is often used to mean a phobia against gay people exclusively. We therefore include below the terms lesbophobia and biphobia.

> **Lesbophobia:** people with lesbophobia act in a violent or aggressive manner against lesbians, both because of their sexual orientation and because they are women. This is therefore a type of violence that is both homophobic and sexist and that both makes women invisible and victimizes them.

> **Biphobia:** people with biphobia do not accept individuals who feel an emotional, romantic or sexual attraction to people of more than one sex/gender. Biphobic people

believe that people can feel attraction to only one sex/gender.

### 9.3 EXAMPLES OF HARASSMENT

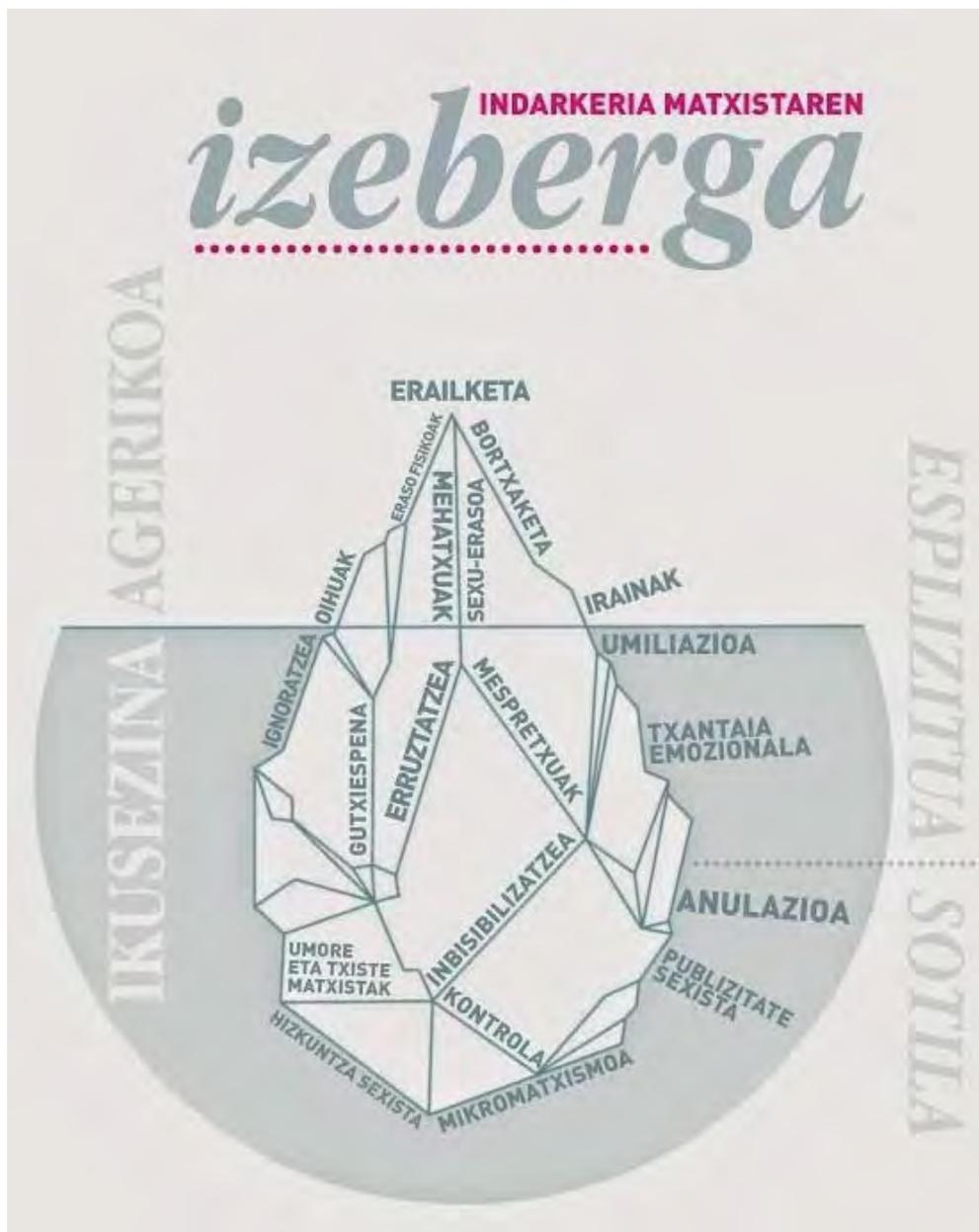
Sexual violence is a serious violation of human rights that is perpetrated primarily against women and LGBTQI people, that is, sexual violence against people who go against the norms. The objectives of this type of violence are to control behavior, maintain power relationships, and limit people's freedom.

In most cases, this type of violence is not carried out through obvious and/or explicit behaviors, but rather through more subtle and/or hidden behaviors, which makes it difficult to recognize its victims. Often, these behaviors are considered normal in our environment, with the result that we often un-

derestimate the serious impact they have on the lives of the people affected.

Sexual harassment, sex-based harassment and harassment due to LGBTI-phobia are only a few examples of this type of violence. In order to understand them and intervene effectively and responsibly, it is essential to understand their roots. Various types of sexual violence are shown in the image below.<sup>3</sup>

The 2016 report by Emakunde entitled "Protocol against sexual harassment and sex-based harassment in the workplace" lists a number of situations that are considered sexual harassment or sex-based harassment; however, there are many other situations that are not included in the list but that should be taken into account as the Committee sees fit, depending on the level of severity in each specific situation or case.



3 Idea for the image: Amnesty International. Adaptation of the image and translation into Basque: Zumaia Feminist Assembly.

## SEXUAL HARASSMENT

- It is sexual harassment when the victim must perform a sexual favor in order to obtain employment or a particular condition of employment, or to maintain employment, even if no explicit or implicit threat of that stipulation is carried out (sexual blackmail).
- Unwanted physical contact (touching, rubbing, hugging, caressing, pinching, etc.).
- Making unwanted telephone calls, or sending unwanted letters, messages, photographs or other materials of a sexual nature.
- Pressure or coercion to have sexual relations.
- Threats of retaliation for refusing sexual proposals or requests.
- Any type of sexual assault included in the Penal Code.
- Retaliating against people who report harassment or who participate, assist or testify in investigations into harassment claims, whether those claims are made against the person retaliating or against a third party, or retaliating against people who oppose any type of harassment behavior.
- Making obscene gestures, sounds or movements.
- Asking questions about another person's sex life.
- Repeatedly asking for a date or appointment when that request has already been turned down.
- Repeatedly approaching too near another person.
- Impeding or preventing another person from moving in order to make physical contact.
- Unnecessarily cornering or seeking to be alone with another person.
- Making sexual proposals.
- Commenting on or judging another person's physical appearance or image, or their sexual nature or inclinations.
- Spreading rumors with sexual connotations about another person's sex life.
- Voyeurism or other clandestine observation of people in private places, such as rest rooms or changing rooms.
- Using images at work and/or on or with work equipment (showing sexually degrading, suggestive or pornographic content).

- Repeatedly making jokes or remarks of a sexual nature.
- Speaking repeatedly about one's sexual skills or abilities.
- Looking at another person's body in a lewd or lascivious manner.

## SEX/GENDER-BASED HARASSMENT

- Publicly or privately belittling another person repeatedly because of their sex/gender, disparaging the person or their work, ability, technical competencies, skills, etc.
- Using sexist or insulting expressions to belittle another person's abilities, competencies or skills (for example: "must have been a woman," "a woman's place is in the home," "to your work, woman," etc.).
- Disregarding someone's contributions, comments or actions because of their sex/gender (discarding them, refusing to take them into consideration).
- Refusing to follow orders or instructions from someone higher in the hierarchy when that person is a woman.
- Giving a person a lesser job or less responsibility because of their sex/gender.
- Hindering another person in their job or withholding the means (information, documentation, equipment, etc.) to do that job properly.
- Treating people through word or deed as if they were minors, dependants or intellectually inferior because of their sex/gender.
- Giving offensive orders because of a person's sex/gender.
- Attitudes that imply extreme and constant vigilance.
- Ridiculing people who take on tasks traditionally carried out by people of the other sex/gender.
- Arbitrarily denying someone permits, permissions, or authorizations because of their sex/gender.
- Using sexist humor.
- Discrimination because of a person's sex/gender.
- Using physical force to show the superiority of one sex over another.

According to the criteria established by Emakunde, the following circumstances are classified as AGGRAVATING:

- Abuse of authority by superiors or abuse of power by the perpetrator in making decisions on the work conditions or work relations of the victim.
- Repeating offensive behaviors after the victim has initiated resolution proceedings.
- Malice aforethought, that is, the use of specific means or behaviors to ensure that the perpetrator suffers no damages.
- The perpetrator is a repeat offender of sexual harassment or sex/gender-based harassment.
- The existence of two or more victims.
- The victim has a physical, mental or sensory disability.
- The victim has a previously verified medical problem.
- It is shown that the perpetrator intended to intimidate the victim, witnesses or confidential advisors, or took retaliatory action against any or all of them.
- The harassment occurs during the process of selecting or promoting employees.
- Bringing pressure or force to bear on victims or witnesses, or their colleagues or family members to prevent the investigation from being carried out properly.
- The victim is a temporary employee, holds a temporary contract, is on probation, holds a grant, or is an intern.

## 9.4 REGULATORY FRAMEWORK

### INTERNATIONAL REGULATORY FRAMEWORK

- Universal Declaration of Human Rights (1948), Article 2: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." This declaration clearly states the right to non-discrimination on the basis of sex, sexual orientation or gender identity.
- Convention 111 of the International Labor Organization (1958), Article 1: "Any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation."
- Declaration on the Elimination of Violence against Women (1967), Article 2(b): "Physical, sexual and psychological violence occurring within the gen-

al community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution." And Article 4(j): "Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women."

- Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11(f): "The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction."
- World Conference on Human Rights (1993). Article 2 states that "sexual harassment or intimidation in the workplace, in educational institutions or in other arenas" constitutes violence against women.
- Fourth World Conference on Women (1995), Measure 180(c): "Enact and enforce laws against sexual and other forms of harassment in all workplaces."
- United Nations Declaration on Sexual Orientation and Gender Identity (2008), Article 3: "We reaffirm the principle of non-discrimination which requires that human rights apply equally to every human being regardless of sexual orientation or gender identity."
- Human Rights Council Resolution 17/19 (2011), on laws, discriminatory practices, and acts of violence against people due to their sexual orientation or gender identity. See items 51 to 53 on discrimination in the workplace, and 58 to 61 on discrimination in education.

### EUROPEAN REGULATIONS

- Charter of Fundamental Rights of the European Union (2000), Article 21.1: "Any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited."
- Directive 2006/54/EE of the European Parliament and of the Council (2006), on the application of the principle of equal treatment between men and women in matters relating to employment and occupation. Article 2 defines sexual harassment, and Article 26 states the following: "Member States shall encourage, in accordance with national law, collective agreements or practice, employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment in the

workplace, in access to employment, vocational training and promotion.”

- European Framework Agreement on Harassment and Violence at Work (2007). “The aim of the present agreement is to (...) provide employers, workers and their representatives at all levels with an action-oriented framework to identify, prevent and manage problems of harassment and violence at work.”
- Convention of the Council of Europe on preventing and combating violence against women and domestic violence (2011).

## REGULATIONS OF THE SPANISH STATE

- Spanish Constitution (1978), Section 14: “Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.” And Section 35.1: “All Spaniards have the duty to work and the right to work, to the free choice of profession or trade, to advancement through work, and to a sufficient remuneration for the satisfaction of their needs and those of their families. Under no circumstances may they be discriminated against on account of their sex.”
- Organic Law 10/1995 of November 23 on the Penal Code (1995), Article 184.1: “Whoever solicits favors of a sexual nature, for himself or for a third party, within the setting of a continuous or usual work relation, teaching or service provision relation, and by such conduct causes the victim a situation that is objectively and seriously intimidating, hostile or humiliating, shall be convicted of sexual harassment and punished with a sentence of imprisonment of three to five months or a fine from six to ten months.” And Article 184.2: “Should the party guilty of sexual harassment have committed the act availing himself of a situation of labor, teaching or hierarchical superiority, or specifically or tacitly warning of harm to the victim in relation to the lawful expectations that person may have within the setting of that relation, the punishment shall be five to seven months imprisonment or a fine of ten to fourteen months.”
- Organic Law 31/1995 of 8 November on the Prevention of Occupational Risks (1995), Article 14. 2: “Pursuant to the duty to protect, employers shall guarantee the health and safety of their workers in all work-related matters. To this end, employers shall, within the framework of their own responsibilities, prevent occupational risks by integrating preventive actions into the company and by adopting all necessary measures to protect the health and safety of workers, in accordance with the specialities listed in the following Articles related to occupational risk prevention plans, risk assessment, information, consultation and participation and training of workers, actions in the face of an emergency and in case of a serious and imminent risk, health surveillance, and by setting up an organization and the necessary resources under the terms of Chapter IV of this Act.”
- Royal Legislative Decree 5/2000 of 4 August, approving the revised text of the Law on Offences and Sanctions in the Social Order (2000), Article 8.13 bis: “Harassment on grounds of racial or ethnic origin, religion or belief, disability, age, and sexual orientation and harassment on grounds of sex, when they occur within the area reaching the faculties of business management, regardless of the active subject of same, provided, known by the employer, he/she had not taken the necessary measures to prevent it.”
- Organic Law 3/2007 of 22 March for Effective Equality between Women and Men (2007), Article 7.3: “Sexual harassment and harassment on the grounds of sex will be considered to constitute discrimination under any and all circumstances.” Article 48.1: “Employers must foster working conditions that prevent sexual harassment and harassment on the grounds of sex and institute specific procedures to prevent such conduct and for handling accusations or claims formulated by the persons affected. The measures that may be established for this purpose, which should be negotiated with workers’ representatives, include the formulation and circulation of codes of good practice, information campaigns and specific training.” And Article 48.2: “Workers’ representatives must contribute to preventing sexual harassment and harassment on the grounds of sex at the workplace by sensitizing workers to this issue and reporting to company management any conduct or behavior coming to their attention that might favor harassment.”
- Organic Law 4/2007 of 12 April, amending Organic Law 6/2001 of 21 December on Universities (2007), Article 46: Item (j) of Paragraph 2 is amended as follows: “j) be treated in a non-sexist manner.”
- Technical Criterion 69/2009 of the Labor and Social Security Inspectorate on harassment and violence in the workplace (2009): “[This criterion] addresses all types of workplace harassment and abuse.”
- Royal Decree 1791/2010, ratifying the University Student Statute (2010), Article 4: “All university students, regardless of their origin, have the right to non-discrimination for reasons of birth, racial or ethnic origin, sex, religion, conviction or opinion, age, disability, nationality, disease, sexual orientation or gender identity, socio-economic, language or linguistic status, or political or union affiliation, or for reasons of appearance, overweight or obesity, or for any other personal or social condition or circumstance, with the only re-

quirement being the acceptance of democratic norms and respect for citizens, which form the constitutional basis of Spanish society.”

- Royal Legislative Decree 2/2015 of 23 October, approving the recast text of the Workers’ Statute Law (2015), Article 4.2(c): “Workers have the right to not be discriminated against directly or indirectly for their employment or, once employed, for reasons of sex, marital status, age within the limits established by this law, racial or ethnic origin, social condition, religion or beliefs, political ideas, sexual orientation, union affiliation or lack thereof, nor for reasons of language, within the Spanish State.”

### REGULATIONS OF THE BASQUE AUTONOMOUS COMMUNITY

- Organic Law 3/1979 on the Statute of Autonomy of the Basque Country (1979), Article 9.1: “The fundamental rights and duties of the citizens of the Basque Country are those established in the Constitution.”
- Regional Basque Law 4/2005 of 18 February on Equality between Women and Men (2005), Article 43: “Without prejudice to its classification as a crime, for the purposes of this law, all unwanted verbal, non-verbal or physical behavior of a sexual nature against a person for reasons of that person’s sex and with the intention or effect of violating the dignity of that person or of creating an intimidating, hostile, degrading, humiliating or offensive environment in the workplace shall be considered sexual harassment.”
- Regional Basque Law 14/2012 of 28 June on non-discrimination on the grounds of gender identity and the recognition of rights of transsexual persons (2012), Article 18: “The Basque Educational Administration will adopt all necessary measures to guarantee adequate protection for transsexual students, staff and teachers against all forms of discrimination, social exclusion and violence based on gender identity, including harassment, within the school setting.”
- Agreement approving the 7th Plan for the Equality of Women and Men in the Basque Autonomous Community (Document 2018/00445) (a/20180130) (2018).



## REGULATIONS OF THE FACULTY OF HUMANITIES AND EDUCATION SCIENCES (HUHEZI)

Offenses and sanctions in the context of sexual or gender-based harassment:

### OFFENSES

#### MINOR OFFENSES:

- Suggestive or unpleasant remarks, jokes or comments about looks or appearance, lewd or lascivious verbal abuse.
- Use of sexist images in the workplace or using work equipment.
- Any other offense of the same level.

#### SERIOUS OFFENSES:

- Improper or compromising suggestions.
- Obscene gestures.
- Unnecessary physical contact, light touching.
- Publicly discrediting a person or his or her work for reasons of sex/gender.
- Disparaging or degrading remarks about a person's physical appearance, ideology or sexual choice.
- Issuing orders that are contradictory and therefore impossible to carry out simultaneously.
- Issuing degrading orders.
- Attitudes that imply or involve extreme caution.
- Any order to isolate or segregate a person.
- Any other offense of the same level.
- Repeated or accumulated minor offenses will constitute a serious offense.

#### VERY SERIOUS OFFENSES:

- Sexual blackmail, that is, making requests of a sexual nature in exchange for influencing a person's academic record, or granting or continuing their employment.
- Physical assault.
- Sexual harassment, that is, creating an intimidating, hostile or humiliating environment in the workplace.
- Retaliation against people who report sexual or gender-based harassment, or against those who take part, assist or testify in investigations into sexual or gender-based harassment. Retaliation against people who are opposed to harassment behaviors.
- Voyeurism or other clandestine observation of people in private places, such as rest rooms or changing rooms.
- Any other offense of the same level.
- Repeated or accumulated serious offenses will constitute a very serious offense.

#### Aggravating circumstances:

- The use of hierarchical superiority in sexual or gender-based harassment.
- Continued offensive behavior when the protocol is activated.
- Malice aforethought, that is, the use of specific means or behaviors to ensure that the perpetrator suffers no damages.
- A history of sexual or gender-based harassment.

#### Attenuating circumstances:

- Expressing a commitment to taking part in awareness-raising, training or other activities to prevent further harassment.

## SANCTIONS

SANCTIONS will be the following, graded according to the severity of the offense:

### MINOR OFFENSES:

- Verbal warning.
- Written warning.
- In the case of workers, suspension from work without pay (maximum of two days). If dismissed, all Faculty services will be terminated.
- In the case of students, temporary expulsion (maximum of one week). If expelled, all Faculty services will be terminated.

### SERIOUS OFFENSES:

- Temporary relocation:
  - A) If as a precautionary measure, the relocation will last for the duration of the proceedings.
  - B) If as a sanction, the relocation will have a minimum duration of one month and a maximum duration of three months.
- Suspension from work without pay, for a minimum of three days and a maximum of sixteen days.
- In the case of workers, suspension from work without pay (for a minimum of three days and a maximum of sixteen days). If dismissed, all Faculty services will be terminated.
- In the case of students, temporary expulsion (for a minimum of one week and a maximum of an evaluation period). If expelled, all Faculty services will be terminated.

### VERY SERIOUS OFFENSES:

- Loss of office for a minimum of six months and one day and a maximum penalty of permanent loss of office, with pay to be adjusted accordingly.
- In the case of workers, suspension from work without pay (for a minimum of sixteen days and a maximum of sixty days). If dismissed, all Faculty services will be terminated.
- In the case of students, temporary expulsion (for a minimum of an evaluation period and a maximum of one academic year). If expelled, all Faculty services will be terminated.
- Temporary relocation:
  - A) If as a precautionary measure, the relocation will last for the duration of the proceedings.
  - B) If as a sanction, the relocation will have a minimum duration of three months and a maximum duration of one year.
- Permanent relocation.
- Dismissal or expulsion.

### Notes:

- If the matter goes before a court of law, the sentence will be taken into consideration and the decision of the Faculty will be reviewed.
- Ignorance or misinterpretation of the protocol will not affect its application.
- The pertinent body may decide to assign training outside of work hours, in addition to applying sanctions.
- The use of this protocol does not exclude the exercise or application of other judicial protections.



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Faculty of Humanities  
and Education Sciences