

PROTOCOL FOR ADDRESSING SEXUAL VIOLENCE AND HARASSMENT ON GROUNDS OF SEX, SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION AT USC

I

In 2016, the Governing Council of USC (University of Santiago de Compostela) approved a protocol for the prevention of and action against sexual harassment, as well as harassment on grounds of sex, sexual orientation and gender identity. Since then, alongside the experience gained in its implementation, both societal and legislative developments have led to significant changes, making it advisable to review and update the protocol.

Within the university context, Organic Law 2/2023, of 22 March, on the university system, promotes the creation of an equitable university environment that reflects the principles outlined in the law. This framework establishes requirements in the field of equality, including the obligation to develop equality plans, eliminate the gender pay gap and implement “measures for the prevention and response to violence, discrimination or harassment, as set out in Law 3/2022, of 24 February, on university coexistence” (Article 4.3).

The law also defines the competences of university governing councils, including “drafting protocols and implementing measures for the prevention and response to violence, workplace harassment or discrimination” (Article 46). Additionally, it mandates the creation of a basic equality unit, responsible for “advising, coordinating and assessing the mainstreaming of equality between men and women across all university policies, as well including a gender perspective in all university functions and activities” (Article 43).

Furthermore, the reform introduced by Law 17/2022, of 5 September, on the Law on science, technology and innovation aims to achieve, according to its explanatory memorandum, “an institutional transformation to ensure equal, diverse and inclusive environments wherever science and innovation take place, ensuring they are free from discrimination, gender bias, sexist microaggressions and sexual or gender-based harassment; or the need to integrate a gender perspective in R+D+i projects and sex/gender analysis within them”. Thus, one of the key objectives of the law is to “promote and ensure workplaces that are equal, diverse, inclusive and safe, wherever science and research are carried out, preventing and eradicating any form of direct or indirect discrimination”.

Also, at both national and regional levels, significant developments have taken place since the publication of the original USC protocol. Among these is Law 15/2022, of 12 July, which comprehensively addresses equality and non-discrimination. This law defines discriminatory conduct as “any action carried out on the grounds of any of the causes of discrimination provided for therein, with the aim or effect of undermining the dignity of an individual or group to which they belong and of creating an intimidating, hostile, degrading, humiliating or offensive environment”. Such behaviour is classified as a very serious offence (Article 47.4).

Similarly, it is important to adhere to the mandate outlined in Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom. Article 19 of this law states that “Educational administrations, within their respective areas of competence and in the framework of the corresponding sectoral conference, shall promote the implementation, ongoing updating and dissemination of protocols containing guidelines for the prevention, detection and eradication of sexual violence in educational environments, both public and private, and across all educational levels, including university education, within the framework of the applicable legislation on universities. These protocols shall foster ongoing activities for prevention and early detection and intervention systems for cases of sexual violence, in accordance with the guiding principles of this organic law”. This mandate requires the inclusion in this protocol of not only guidelines to address sexual harassment but also specific measures for addressing cases of sexual assault, paying special attention to those involving chemical submission, which affect young people in particular.

With regard to the LGBTI community, it is essential to consider Article 20 of Law 4/2023, of 28 February, on promoting the real and effective equality for trans individuals and guaranteeing the rights of LGBTI people. According to this article, “competent educational administrations and universities shall foster training, teaching and research in sexual, gender and family diversity and will promote research groups specialising in the realities of the LGBTI community (...)”. Additionally, Article 24 of the same law urges educational authorities to encourage “the implementation of information programmes aimed at students, their families and school staff with the objective of disseminating the different sexual-affective and family realities and combating discrimination against LGBTI individuals and their families, as outlined in the law, with a particular focus on the realities of trans and intersex people”.

At a regional level, it is important to highlight Law 7/2023, of 30 November, which promotes effective equality between men and women. This law partially applies to this University and establishes measures to address harassment within the different administrative and management spheres.

Recent court rulings defining the parameters of what constitutes sexual harassment and its impact on the administrative sanctioning system must also be taken into account. An example of this is the Supreme Court ruling of 27 November 2023.

The impact of the regulation governing coexistence at USC should also be highlighted, particularly the Regulation establishing USC coexistence norms, which was approved in March 2023 in accordance with Law 3/2022, of 24 February, on university coexistence. This regulation seeks to establish the foundations of relationships within the university environment, encouraging the use of alternative methods in order to resolve conflicts that may affect coexistence or impede the normal development of the essential functions of teaching, research and knowledge transfer. This regulation stipulates a deadline of one year for adapting the current protocol to the coexistence regulations.

Finally, the drafting of this Protocol took into account the findings of the qualitative report “*Contra o Acoso*” (“Against Harassment”), which provided a comprehensive analysis of the issue, alongside a series of recommendations to improve the operation of the existing

Protocol and enhance its effectiveness. The contents proposed for the protocols outlined in Royal Decree 1026/2024, of 8 October, which guide the set of measures for ensuring equality and non-discrimination for LGBTI individuals in companies, were also considered.

II

This Protocol builds on the foundation of its predecessor, continuing the commitment to zero tolerance towards sexual violence (sexual harassment and sexual assault) and harassment on grounds of sex, sexual orientation and gender identity or expression. It emphasises the importance of educating and raising awareness among the entire university community and establishing an agile and effective procedure to address any behaviour that could constitute harassment.

At the same time, this new Protocol introduces significant updates, such as the definition of sexual assault and sexual harassment, the expansion of its subjective scope and the recognition of the need to approve an Institutional Policy on sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression.

It also establishes the governance system of the Protocol, clearly defining the roles of the various bodies involved and enhancing the capacity and authority of the Commission responsible for addressing sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression at USC. This aims to streamline the procedures managed by the Commission. It also defines the advisory bodies that support the Commission, which must provide assistance in a prioritised and urgent manner.

Likewise, a voluntary support system for alleged victims is introduced, acting as a bridge between the individual and USC to facilitate these interactions.

Particular emphasis is placed on mechanisms for information, dissemination, awareness-raising and training, with the introduction of new targeted measures in this area to improve the workplace environment. Specific training measures for individuals who perpetrate such behaviours are also included.

In addressing sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression, new measures have been introduced regarding the obligations of individuals who handle or have access to the content of such case files. These measures aim to ensure confidentiality and prevent the disclosure of personal data, as well as to maintain the reserved nature of proceedings so that no information can be disclosed under the law of transparency.

Additionally, a preliminary consultation phase is permitted for potential situations described in this Protocol, ensuring full guarantees of anonymity.

With regard to reporting, a notable addition is the possibility of initiating proceedings either ex officio or at the request of representative entities, such as trade unions or student associations.

Regarding the procedure for processing cases, the new Protocol streamlines the process by granting more authority to the Commission and allowing for the appointment of

designated individuals to manage cases. In line with coexistence regulations, the possibility of initiating a mediation process is introduced in cases where a relational conflict is identified, provided it does not constitute sexual harassment or harassment on grounds of sex, sexual orientation and gender identity or expression. The Commission may also propose specific measures to prevent harassment or to improve the workplace environment. In this context, actions will be coordinated with the Conflict Evaluation Commission.

The new Protocol also introduces updates regarding the obligations related to the development of equality plans outlined in the Organic Law on the University System (LOSU), the drafting and monitoring of strategic plans and the role of the Gender Equality Office (OIX) in preparing USC Budget and Regulations with a gender perspective, as well as overseeing the implementation of the Protocol itself.

The document includes an annex with examples of behaviours that may constitute harassment.

III

This Protocol consists of six titles, twenty-nine articles, one additional provision, one repealing provision, one final provision and an annex.

Consequently, the Governing Council, at its meeting on 25 October 2024, agreed to approve the present **Protocol for addressing sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression at the University of Santiago de Compostela.**

TITLE I

Purpose and Scope of the Protocol

Article 1. *Purpose*

The purpose of this Protocol is to provide information, training and awareness to the entire university community on matters of sexual violence, sexual harassment and harassment on grounds of sex, sexual orientation and gender identity or expression. It also aims to establish an agile and effective procedure that ensures action can be taken, with full guarantees, in the event of a situation involving sexual harassment or harassment on grounds of sex, sexual orientation and gender identity or expression, in the terms defined in this Protocol and in the general legislation.

Article 2. *Situations of sexual assault, sexual harassment and harassment on grounds of sex, sexual orientation and gender identity or expression*

1. Sexual assault is understood as any act that violates the sexual freedom of another person without their consent.

Consent is understood to exist only when it has been made clear through actions that, given the circumstances of the case, clearly express the individual's will.

Sexual assault is considered to include all acts of a sexual nature that are carried out using violence, intimidation or abuse of a position of superiority or vulnerability of the victim(s). It also includes acts committed against individuals who are deprived of their senses or whose mental condition has been exploited, as well as acts carried out when the victim's will has been cancelled for any reason.

2. Sexual harassment is understood as any verbal, non-verbal or physical behaviour of a sexual nature that is intended to or has the effect of undermining the dignity of a person, particularly when it creates an intimidating, hostile, degrading, humiliating or offensive environment.

3. Harassment on grounds of sex, sexual orientation and gender identity or expression is understood as any behaviour carried out on grounds of a person's sex, sexual orientation and gender identity or expression, with the intention or effect of undermining that person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

4. In accordance with the provisions of Article 7.3 of Organic Law 3/2007, of 22 March, and Article 6.4 of Law 15/2022, of 12 July, sexual harassment and harassment on grounds of sex shall always be considered discriminatory.

5. In accordance with Article 7.4 of Organic Law 3/2007, of 22 March, conditioning a right or the expectation of a right on the acceptance of a situation constituting sexual harassment or harassment on grounds of sex shall also be considered an act of discrimination.

Article 3. *Subjective Scope of Application*

1. The following groups fall within the subjective scope of application of this Protocol:

- a) Teaching and research staff (PDI) in active service at USC.
- b) Technical, management and administration and services staff (PTXAS) in active service.
- c) **Research staff (PEI).**
- d) Students enrolled in official or university-specific degree programmes at USC, including programmes offered by its own or affiliated centres.

The members comprising each of these groups shall be defined in USC Statutes or in general regulations.

2. This Protocol shall apply when the behaviours described in Article 2 occur at any USC centre or in any physical or virtual space within its organisational and functional scope.

TITLE II

USC General Principles of Action Against Sexual and Gender-Based Violence

Article 4. *USC Policy Against Sexual Violence and Harassment on Grounds of Sex, Sexual Orientation and Gender Identity or Expression*

USC will approve a policy against sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression which will be binding on all governing and administrative bodies as well as members of the university community.

Article 5. *Principles of Action*

For the prevention and response to situations of sexual violence, harassment on grounds of sex, sexual orientation and gender identity or expression, the following general principles of action are established:

- a) USC is committed to respecting and upholding the dignity, privacy, physical and moral integrity and equality of all individuals. It proclaims its commitment to a “zero tolerance” policy towards acts of sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression.
- b) USC undertakes the responsibility to implement preventive actions and, where applicable, immediate measures to resolve and eradicate any behaviour constituting sexual violence or harassment on grounds of sex, sexual orientation and gender identity or expression, within the scope of its competence.

- c) USC will carry out information and education initiatives aimed at the entire university community on these matters, clearly emphasising the duty to respect individuals' dignity and their right to privacy.
- d) USC will act with the utmost diligence upon becoming aware of any cases described in the previous points, ensuring the confidentiality of all actions taken under the corresponding Action Protocol.
- e) USC will protect victims by establishing precautionary measures and guaranteeing indemnity against reprisals.
- f) All governing structures will collaborate in eradicating harassment and in investigating reports of such incidents.

TITLE III

Governance of the Protocol

Article 6. Commission for Addressing Cases of Sexual Violence and Harassment on Grounds of Sex, Sexual Orientation and Gender Identity or Expression

1. The responsibility for handling and managing cases involving possible sexual harassment will lie with the Commission for addressing cases of sexual violence, and harassment on grounds of sex, sexual orientation and gender identity or expression (CAVISA). This Commission will be made up of five members, appointed by the Governing Council upon the recommendation of the chancellor. The appointed members must have expertise in matters related to sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression, and will preferably come from the fields of risk prevention, education, psychology, medicine and law.
2. The composition of CAVISA will ensure the inclusion of representatives from the PDI, PEI and PTXAS sectors. When one or more parties involved in a case (complainant or respondent) are students, two additional members representing the student sector will be added to the Commission, appointed by the Governing Council on the chancellor's recommendation.
3. The members of CAVISA will be appointed for a period of four years and will be partially renewed every two years. To this end, two of the members will be replaced when two years have elapsed since the establishment of the Commission.
4. CAVISA will elect a chairperson and a secretary of the body from among its members. Its decisions will be adopted by majority vote of its members. The Commission will operate in accordance with the rules governing collective bodies established in the

legislation on common administrative procedure of the Public Administrations, including its abstention and recusal rules.

5. CAVISA may include up to two advisors, who will participate with voice but without voting rights.
6. CAVISA may appoint one or more delegates from the commission to study each case. These delegates will act as case instructors and will submit their proposals to the Commission for discussion and decision making.
7. It is the responsibility of CAVISA to determine the existence or absence of sexual violence, harassment on grounds of sex, sexual orientation and gender identity or expression, as defined in this Protocol. CAVISA may also propose initiating mediation in cases of interpersonal conflict and recommend the adoption of any other measures that could mitigate or eliminate risks in such situations.

Article 7. Advisory Bodies of CAVISA

Notwithstanding the fact that CAVISA may have a maximum of two people to advise at its meetings, the advisory bodies for decision making will consist of the Coexistence Commission, the Psychological Support Unit and the Legal Advisory Office. The issuance of reports requested by the Commission will be considered a priority and handled with urgency.

Article 8. USC Gender Equality Office (OIX)

The Gender Equality Office will serve as the advisory body for supporting potential victims and for coordinating, managing and monitoring the instructional procedures undertaken in response to cases of sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression.

Article 9. Support During the Process

1. Alleged victims may request the appointment of a member of the university community to act as an intermediary between them and the various bodies within USC. The appointed person may seek information about the different procedures and propose measures to prevent public exposure and the re-victimisation of the complainant.
2. Affected individuals may request support from the Psychological Support Unit. The evaluation conducted by this unit may be incorporated into the process.

TITLE IV

Prevention and Awareness

Article 10. Information and Dissemination

1. The university community must be informed of the existence of this Protocol and its content. USC will develop a specific communication plan to ensure its dissemination, including its publication on the University and OIX websites. Internal and external communication channels will also be informed about measures against harassment.
2. This Protocol must be communicated to partner companies, subcontractors and those working on university premises. They shall also be informed of any other action carried out in application of the duty of business coordination in the prevention of occupational hazards.

Article 11. Measures for Training and Raising Awareness

1. To educate, raise awareness and sensitise members of the university community, USC will implement awareness campaigns and training programmes focusing on equality, gender, affective-sexual diversity, non-discrimination and the prevention and response to sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression.
2. These programmes will include the launch of specific courses as part of the Training and Teaching Innovation Programme for PDI and PEI, the Training Actions Programme for PTXAS and Training Courses for Students, which may be eligible for academic recognition in the form of ECTS credits.
3. The training actions will be specifically aimed at staff with managerial and organisational responsibilities in teams and centres, workers' representatives and students, as well as at all individuals with direct or indirect responsibilities in the implementation of this Protocol.

Article 12. Other Prevention Measures

1. As an additional measure, USC will adopt actions aimed at assessing and analysing the existence of possible cases of sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression, as well as identifying factors that may contribute to such situations.
2. Preventive measures will include the consideration of situations and behaviours covered by this Protocol in workplace climate assessments and surveys on issues, conflicts or psychosocial risks. These may be complemented by specific evaluations of physical and psychological health, personal interviews and any other measures aimed at the preventive identification of such situations or behaviours. The Health Surveillance

Service and the USC Risk Prevention Service will collaborate in the development of these measures.

3. Except where this is not possible in accordance with the regulations on public sector contracts and is duly justified in the procurement file, USC will establish the following as special conditions for executing the contract:

a) The commitment of the contracting company to present, at the time of formalising the contract, a Protocol of prevention and action against sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression, applicable within the scope of the contract's execution.

b) The commitment of the contracting party to include a gender perspective in actions related to occupational risk prevention and workplace health.

Article 13. *Specific Training Measures*

1. USC may develop and implement pedagogical measures to improve the workplace environment in certain services and units where a particular risk is identified.

2. Regardless of the applicable disciplinary regime, USC may establish additional and specific training measures for individuals who engage in aggressive behaviour, with the aim of enhancing their education in values and equality.

TITLE V

Action in Response to the Behaviours Described in This Protocol

Article 14. The procedure outlined in this title will generally be governed by the provisions of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations.

Article 15. Preliminary Actions Prior to Reporting Sexual Violence or Harassment on Grounds of Sex, Sexual Orientation and Gender Identity or Expression

Alleged victims and individuals aware of possible situations covered by this Protocol may seek advice or request information through a secure channel in which their anonymity will be guaranteed, both in the content sent and in the telematics transmission systems. Communication between the individual and USC will be conducted via an information system with an individualised code. The management of these queries will fall under the responsibility of the Gender Equality Office (OIX).

Article 16. Principles Governing Actions in Response to Sexual Violence or Harassment on Grounds of Sex, Sexual Orientation and Gender Identity or Expression

The actions covered by this Protocol shall be governed by the following principles:

- a) Confidentiality. Every individual involved in the various stages of the procedures outlined in this Protocol, as well as those participating in or having access to them, is obliged to maintain confidentiality and, where applicable, to safeguard and protect the processed case files. Failure to comply with this obligation will constitute an administrative infraction or a criminal offence
- b) Respect for the dignity, privacy, honour and other fundamental rights of the parties. Every individual involved in the various stages of this Protocol, as well as those participating in or having access to it, is obligated to respect the rights of the parties.
- c) Impartiality and contradiction. It must be guaranteed that the procedure is processed by impartial individuals and adhering to the principle of contradiction, ensuring fair treatment for all affected individuals and safeguarding the defence rights of the parties.
- d) Diligence, promptness and discretion. Without prejudice to the obligation to carry out a thorough and rigorous investigation, the individuals or bodies conducting the proceedings are obliged to act with the utmost diligence and promptness and in accordance with the principles of good faith, avoiding unnecessary delays. Administrative actions related to harassment will be treated as confidential. At the conclusion of the process, affected individuals will be informed of the outcome. The intentional dissemination of personal data of individuals involved in a case or of data on the processing of cases will be considered a violation and may be subject to sanctions depending on the severity of the dissemination.
- e) Voluntary nature. Recourse to this Protocol is voluntary. Any actions taken under its provisions will be terminated if the University becomes aware that the victim has chosen to pursue the matter through judicial channels.
- f) Legal certainty. The competent bodies responsible for handling, processing and resolving reports of sexual harassment, as well as the various stages comprising the action procedure, will operate exclusively in accordance with the provisions explicitly established in this Protocol.
- g) Guarantee of indemnity and prohibition of reprisals. The University of Santiago de Compostela will ensure respect for the rights of all individuals involved in the implementation of this Protocol. It will guarantee the protection of alleged victims, prohibiting any adverse treatment or negative consequences arising from the submission of a report, complaint or appeal, or from testifying or participating in the investigation of situations, aimed at preventing or mitigating sexual violence or harassment on grounds sex, sexual orientation and gender identity or expression.

Article 17. *Precautionary Measures*

1. Upon receipt of a report, the OIX and, where applicable, CAVISA or its designated representatives, may propose the adoption of precautionary measures during the processing of the procedure. These measures may be requested from the chancellor

in cases where there is an immediate and serious risk to the physical or psychological integrity of the victim. The issue of precautionary measures will be treated as a priority and urgent matter, and the entire university community will collaborate to ensure their effective implementation.

2. Precautionary measures for USC staff may include, among other actions, the temporary relocation of a workplace or the modification and adjustment of teaching responsibilities. For students, such measures may involve changes to class schedules, teaching groups or the granting of exemptions from attendance.

Article 18. Reporting and Admission for Processing

1. Proceedings addressing harassment behaviours may be initiated ex officio or at the request of the interested party or the entities established in this Protocol.

2. They may also be initiated ex officio when potential cases covered by this Protocol are detected as a result of ordinary activities carried out by the University of Santiago de Compostela, such as psychosocial risk analyses.

3. They may be initiated at the request of a party as a consequence of a report by the alleged victim (or victims, in the case of multiple individuals), a third party, a representative entity for workers (a trade union) or a student body (a duly constituted student association).

4. If the report is not submitted directly by the affected person, their explicit and informed consent must be obtained to initiate actions under the Protocol.

5. Once a report has been received, the chairperson of the Commission will convene its members to assess the reported facts and decide, within a maximum of seven days from receipt, whether or not to admit the report for processing. In cases where the report is submitted by a third party, a workers' representative entity (a trade union) or a student representative entity (a student association), the chairperson must communicate the content of the report to the alleged victim (or victims, in the case of multiple individuals) for its ratification in advance of the decision, maintaining full confidentiality of the identity of the person (or persons) who submitted the report. If ratification is not obtained, the report may be filed and the alleged victim(s) will be informed of this, along with clarification that filing the report does not prevent them from formulating their own complaint in the terms they consider appropriate. Additionally, the third party, trade union or student association that submitted the original report will also be informed of its filing.

6. CAVISA may, with due justification, decide not to admit a report for processing when it determines that the reported conduct or the individuals involved do not fall within the objective or subjective scope of this Protocol. The decision of non-admission will be communicated by the chairperson of CAVISA to the individual listed as the alleged victim in the report or to their representative, if designated, within two working days of its adoption.

7. In the event of admission, the chairperson of CAVISA will inform the alleged victim(s) as well as the individual(s) allegedly responsible for the reported conduct, providing details of the reported facts. The chairperson will also inform the delegate or delegates appointed for the investigation of the case.

Article 19. Actions by Delegates of CAVISA for Addressing Cases of Sexual Violence and Harassment on Grounds of Sex, Sexual Orientation and Gender Identity or Expression.

1. Once a report has been admitted for processing, the delegates of CAVISA will take charge of managing the report, keeping the Chancellor's Office informed.

2. The individual conducting the proceedings must gather all relevant information and carry out all necessary investigations, including testimonial, documentary, expert or of any other nature deemed pertinent in order to clarify the reported facts. Both the complainant and the respondent may request the inclusion of any legally admissible evidence during the process and up until the date of the final report. In all cases, the procedural instruction will include a separate hearing for each party involved, conducted in such a way as to preserve their right to privacy.

3. The delegates of CAVISA will determine the time and place for taking statements from the parties and witnesses. Statements may be conducted through telematics means, provided the identity of the individual is verified in advance, and will preferably be recorded to avoid the need for repeated appearances by the alleged victims at the different stages of the proceedings.

4. Actions aimed at clarifying the reported facts must be carried out with the appropriate discretion, prudence and respect for the rights of the parties involved.

5. Upon completing their task, the delegate(s) will present a detailed report to CAVISA outlining the actions undertaken, the facts they consider substantiated and a proposed resolution, which will not be binding for the Commission. The report must include, at a minimum, a description of the facts, the methodology employed, an evaluation of the case, the investigation results, and, where applicable, a proposal for precautionary measures.

Article 20. Resolution of the Proceedings

1. Within a maximum period of one month, starting from the admission of the report for processing, the Commission will issue a reasoned decision on the reported situation, notifying the Chancellor's Office. If the Commission considers it impossible to meet this deadline, it may agree to an extension, which will be recorded in the case file and communicated to the relevant parties.

2. The proposed resolution must include the Commission's position on whether or not a case of sexual harassment or harassment on grounds of sex, sexual orientation

and gender identity or expression exists. In the absence of any such figures, if applicable, it must confirm whether a relational conflict is identified. The proposal may also suggest measures aimed at mitigating risks related to sexual harassment or harassment on grounds of sex, sexual orientation and gender identity or expression.

Article 21. Resolution Declaring the Non-Existence of Harassment

1. A declaration of the non-existence of harassment will be issued in the following cases:

- a) When there is insufficient evidence to prove the existence of the reported conduct.
- b) When the facts, in the judgment of CAVISA, do not merit being classified as sexual harassment or harassment on grounds of sex, sexual orientation and gender identity or expression, in accordance with the terms established in this Protocol and in general legislation.

2. The declaration of the non-existence of harassment issued by CAVISA will be forwarded to the chancellor.

3. If CAVISA appreciates the existence of bad faith in the report or finds that false data, evidence or testimony has been provided, it will recommend that the chancellor initiate the corresponding disciplinary proceedings.

4. When deemed appropriate, CAVISA may provide guidance on measures to prevent the occurrence of harassing behaviour. These guidelines will be forwarded to the chancellor and, where applicable, to the Vice-Chancellor's Office for teaching and research staff (PDI), the Vice-Chancellor's Office for students or the Management Office, depending on the status of the individuals involved in the proceedings.

Article 22. Resolution Declaring the Existence of Harassment

1. If CAVISA concludes that there are proven facts or behaviours constituting sexual violence or harassment on the grounds of sex, sexual orientation and gender identity or expression, it will draft a proposed resolution declaring the existence of harassment, which will be forwarded to the chancellor and the parties involved.

2. As promptly as possible, the chancellor will decide on the potential initiation of disciplinary proceedings or the referral of the matter to the Public Prosecutor's Office.

3. In the event of the initiation of disciplinary proceedings, these will be processed in accordance with the applicable regulations based on the status of the accused person, as a student, PTXAS, PDI or PEI. If the infraction is confirmed, the process will conclude with the imposition of a sanction by the Chancellor's Office, in accordance with those regulations. The person in charge of these proceedings may access the detailed report drawn up during CAVISA's actions to serve as the basis for their determinations.

4. If the matter is referred to the Public Prosecutor's Office, its decisions will take precedence and no decisions on the initiation of disciplinary proceedings may be made until the judicial process has concluded.

5. If the accused person is external to USC, CAVISA will recommend to the chancellor that the case be referred to the company, entity or institution on which the accused person depends, so that appropriate measures can be taken.

Article 23. Resolution Declaring the Existence of a Relational Conflict

1. CAVISA may propose to the Coexistence Commission that the proceedings continue through a mediation mechanism if, following the investigation of the case, it is determined that no acts of sexual violence or harassment on grounds of sex, sexual orientation and gender identity or expression have occurred, but there is evidence of a coexistence-related conflict.

2. If the Coexistence Commission agrees to handle the case through a mediation mechanism, it will notify the parties involved and the mediation process established in the Regulations governing coexistence at the University of Santiago de Compostela will be followed, provided the affected parties express their willingness to participate in the process. Should it be deemed inappropriate to proceed with this mechanism, or if the parties do not accept mediation, it will be inhibited and the file will be returned to CAVISA for the appropriate measures to be taken.

Article 24. Resolution Proposing Specific Measures to Prevent Sexual Harassment or Improve the Workplace Environment

CAVISA may propose to the chancellor, once the proceedings are concluded, the implementation of specific measures aimed at preventing situations of sexual harassment or harassment on grounds of sex, sexual orientation and gender identity or expression, or at improving the workplace environment. These measures may include recommending a change of job position.

TITLE VI

Strategic Plans, Equality Impact and Monitoring of the Protocol

Article 25. Plan for Equality and for Gender-Based Violence Eradication

The Governing Council, in accordance with Article 46 of Organic Law 2/2023, of 22 March, on the University System (LOSU), will define and promote, in coordination with the Office for Gender Equality (OIX), a gender equality plan for the entire university community. This plan will be negotiated with University's representatives, the legal representatives of employees and student representatives, and will include at least the matters outlined in Article 46.2 of Organic Law 3/2007, of 22 March.

Article 26. Strategic Plans

The Governing Council will approve a strategic plan for equal opportunities, which will include the necessary measures to achieve the objective of effective equality between men and women and the eradication of gender-based violence at USC. Annually, the Office for Gender Equality (OIX) will prepare an evaluation report on the degree of compliance with this plan, which will be submitted to the Governing Council.

Article 27. Budgets and Regulations with an Impact on Equality

During the preparation of USC budget, as well as regulations that may have an impact on equality, the OIX will prepare a report to identify the differential situation of women and men in the different areas and analyse the gender impact of the regulation.

Article 28. Monitoring of the Protocol

The Office for Gender Equality (OIX) will oversee the implementation of this Protocol to analyse its effectiveness in preventing and addressing the situations it covers. Additionally, it may propose amendments to the regulations in cases where deficiencies are identified in addressing the situations that arise and will suggest specific actions in areas where there is a greater psychosocial risk of experiencing any of the behaviours referenced in this Protocol.

Article 29. Dissemination on USC Media

The OIX will maintain updated information on its website regarding the resources available at USC to address sexual violence, sexual harassment and harassment on grounds of sex, sexual orientation and gender identity or expression.

Additional provision. USC Foundation, Dependent or Affiliated Entities and Companies

The University of Santiago de Compostela (USC) will ensure that the USC Foundation, its dependent or affiliated entities, as well as companies providing services to USC, both concessionaires and those maintaining an administrative or commercial legal relationship, implement measures to prevent sexual violence and harassment on grounds of sex, sexual orientation and gender identity or expression, and act in compliance with these measures in situations occurring within University premises.

Furthermore, USC will verify that the companies it contracts with have equality plans in place as required by law in applicable circumstances.

The USC Foundation and its dependent or affiliated entities may adhere to this protocol. In such cases, when any of the parties involved in a proceeding (complainant or respondent) belong to the personnel of these entities, two representatives from those entities will join the Commission.

In cases where the complainant is part of the university community and the respondent is not, CAVISA may act to determine the facts allegedly constituting sexual assault, sexual harassment or harassment on grounds of sex, sexual orientation and gender identity or expression.

Transitional provision. Proceedings Initiated Prior to the Approval of the Protocol

Proceedings initiated prior to the approval of this Protocol will be governed by the previous regulations.

Single Repealing Provision. Repeal of Regulations

The USC Protocol for the prevention and action against sexual harassment and harassment on grounds of sex, sexual orientation and gender identity approved by the Governing Council at its ordinary session of 29 July 2016 and amended by the same body at its ordinary session of 27 October 2016 is hereby repealed.

Final Provision. Entry into Force

This Protocol shall enter into force on the day following its publication on the USC electronic notice board (or the USC Official Gazette).

ANNEX

ILLUSTRATIVE LIST OF BEHAVIOURS CONSTITUTING SEXUAL HARASSMENT AND HARASSMENT ON GROUNDS OF SEX, SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION

The behaviours outlined below serve to illustrate actions of individuals responsible within the scope of this Protocol, without intending to strictly classify such behaviours:

- Persistent and insistent invitations, either direct or indirect, from the perpetrator to the victim regarding the possibility of engaging in sexual relations.
- Conditioning the granting or threatening the loss of a right or a legitimate expectation of academic or employment-related rights on the acceptance of a situation constituting sexual harassment.
- Obscene or vulgar comments related to sex in general or directed at the victim in particular, especially when they are persistent, inappropriate or previously

- questioned by the individuals they are addressed to or by those who the comments are shared with.
- Suggestive or explicitly sexual remarks, opinions or jokes made with the intention or effect of annoying or harassing the victim.
 - Sending messages with offensive sexual content through any means of remote communication or via social media.
 - Displaying sexually explicit, offensive or discriminatory drawings, writings or photographs in university spaces.
 - Physical acts with a clear sexual intent or harassment of the victim, especially when the victim has unequivocally expressed rejection of such contact.
 - Continuous and unjustified surveillance or observation of the victim, particularly when it extends to private spaces.
 - Direct or simulated pursuit of the victim with the intention of convincing them to engage in a sexual act, forcing them to comply or assaulting them for refusing such a proposal.
 - Unfavourable or degrading treatment of women concerning pregnancy or maternity leave.
 - Repeated disqualification or offensive treatment of women simply for being women.
 - Ridiculing individuals who perform tasks traditionally associated with a different gender.
 - Unfavourable or degrading treatment motivated by the use of family or work-life balance rights.
 - Reprisals following the submission of claims or appeals aimed at exercising the right to non-discrimination on grounds of sex, sexual orientation and gender identity or expression.
 - Behaviours that, based on the sexual orientation or gender identity or expression of an individual, have the purpose or effect of creating a hostile environment.
 - Behaviours that contribute to creating or perpetuating a derogatory perception of any sexual orientation other than heterosexuality.
 - Undervaluing the abilities, skills or intellectual, emotional or physical potential of a person due to their sexual orientation.
 - Ridiculing someone's way of speaking, behaviours or any other forms of gender expression.