

NCG293/1: Approval of the Protocol for Preventing and Addressing Sexual and Gender-Based Harassment and other Behaviours Undermining Sexual Freedom, and for Eliminating Sexual and Gender-Based Violence at the UGR.

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UNIVERSIDAD
DE GRANADA

Vice-Rectorate for Equality, Inclusion
and Social Commitment

PROTOCOL
FOR PREVENTING AND ADDRESSING
SEXUAL AND GENDER-BASED
HARASSMENT AND OTHER
BEHAVIOURS UNDERMINING
SEXUAL FREEDOM, AND FOR
ELIMINATING SEXUAL AND GENDER-
BASED VIOLENCE AT THE UGR

PROTOCOL

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THE UGR**

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■ Protocol for Preventing and Addressing Sexual and Gender-Based Harassment and other Behaviours Undermining Sexual Freedom, and for Eliminating Sexual and Gender-Based Violence at the UGR

I

In an ordinary session of the Governing Council on 26 October 2016, the University of Granada (hereinafter, 'the University') approved the UGR Protocol for the Prevention of and Response to Harassment as an expression of its institutional commitment to combatting discrimination, harassment and gender-based violence. That Protocol was approved taking into account the extensive regulatory framework in place at the time to promote effective equality between women and men. In the context of Spanish law, this framework was rooted in Article 14 of the Spanish Constitution and the subsequent Organic Laws implementing it, including Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender-based Violence, and Organic Law 3/2007, of 22 March, on Effective Equality between Women and Men, among others.

Since then, the legislative framework protecting fundamental rights to equality and non-discrimination, physical and moral integrity, and human dignity has been significantly expanded with the approval of Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, and Law 4/2023, of 28 February, for the Real and Effective Equality of Trans People and for the Guarantee of LGTBI Rights.

Furthermore, universities are now obliged to protect these rights not only under the legislation that applies to them as public institutions, but also under specific legislation, particularly Law 3/2022, of 24 February, on Coexistence at Universities, and Organic Law 2/2023, of 22 March, on the University System.

The University and its Vice-Rectorate for Equality, Inclusion and Social Commitment have a particular concern for the prevention and eradication of all forms of sexual and gender-based violence. This, together with the new regulatory framework, has prompted the University to draw up a new Protocol based on the experience and lessons learned from the previous one, and developed from a feminist and gender-based perspective.

Within the scope of its competence, this Protocol focuses on prevention, protection and action relating to sexual harassment, gender-based harassment and other behaviours that undermine sexual freedom, as well as the elimination of sexual and gender-based violence. It will complement the University's existing mechanisms and instruments aimed at preventing and eradicating other forms of harassment unrelated to gender and sexual freedom and integrity.

II

Sexual harassment, gender-based harassment and other behaviours that undermine sexual freedom, as well as sexual and gender-based violence (hereinafter referred to as harassment and violence), involve multiple offences that violate most, if not all, of the fundamental rights mentioned

above. Furthermore, any instances of harassment or violence that occur within the context of a professional relationship — whether among contracted employees or civil servants — additionally violate the right to work enshrined in Article 35 of the Spanish Constitution.

In addition, the UGR Regulations on Coexistence at University and the Disciplinary Framework for the Student Body provide a comprehensive system for protecting and safeguarding coexistence. Based on a model that promotes a culture of peace and conflict prevention, this system establishes a framework for implementing specific procedures to prevent and address cases of harassment, discrimination and violence, as defined in Article 3.2.c) of Law 3/2022, on Coexistence at Universities.

In line with this regulatory framework, this Protocol outlines the steps to be taken in addressing harassment and violence, in accordance with the definition of ‘violence against women’ established in Article 3.a of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Council of Europe, 2011), also known as the Istanbul Convention, as well as violence against LGBTQIA+ people.

III

In accordance with the considerations above, this new Protocol has been drawn up in line with the latest versions of the aforementioned regulations. Where necessary, it has also been adapted to align with the UGR Regulations on Coexistence at the University and Disciplinary Framework for the Student Body. Furthermore, it includes improvements and modifications that address certain limitations that have been identified when applying the previous Protocol, especially in cases in which the harassment has either directly or indirectly undermined the sexual integrity or gender identity of the affected person. Specifically, this new Protocol: a) avoids the need for proceedings to be initiated in multiple services, thereby providing a centralised response that prevents re-victimisation and fragmented monitoring of cases; b) strengthens confidentiality; c) revises deadlines in order to streamline the management of proceedings; d) reinforces protection and support for complainants; e) improves actions and monitoring in response to acts of harassment and violence; and f) bolsters prevention strategies based on raising awareness and providing training on equality. All of these measures are intended to maximise the effectiveness of this Protocol.

IV

Structural inequality in today’s society, coupled with the promotion of gender stereotypes and new forms of gender-based violence and violence against women in the digital sphere, create circumstances and frameworks that directly impact the dynamics of personal and professional relationships. Some of these dynamics are exploited by people who engage in acts of harassment and/or violence. The University of Granada is part of this social context and is not immune to these issues.

The University encompasses a vast and diverse community. Its organisational structure is complex, both in terms of the different groups that make up the University, and within those groups

themselves (teaching and research staff; technical, management, administrative and support staff; and students). The diverse activities of these groups (teaching, research, administrative, academic, etc.) take place in workspaces (faculties, administrative services, research centres, study spaces, etc.). Sometimes, hierarchical relationships (structural or functional) in these spaces that can lead to situations of vulnerability or risk of abuse in the workplace or academic environment, as well as dependence in terms of professional or academic development.

Structural gender inequality, when paired with these circumstances, can give rise to harassment and/or violence, as shown by various studies carried out by UNISAFE, a European project focusing on this issue in which the UGR participated (UNISAFE: Gender-based violence and institutional responses: Building a knowledge base and operational tools to make universities and research organizations safe). UNISAFE reveals a high prevalence of harassment and violence, particularly when more hierarchical and dependent relationships are present within a higher education setting.

The University's responsibility to address acts of harassment and violence within its community is based on three principles: 1) its commitment to people; 2) its obligation to offer safe spaces for all people; and 3) its commitment to the values of equality, respect, responsibility, and consent.

In accordance with the UGR's gender policies and action plans for equality, this Protocol seeks to promote a university culture focused on awareness, prevention and eradication of harassment and violence. The approach is designed to ensure that all of the institution's activities take place in an egalitarian, respectful and violence-free environment.

Following its approval by the Governing Council and negotiations with the relevant representative bodies, the UGR has therefore adopted this protocol on preventing and addressing sexual and gender-based harassment and violence.

1. PRINCIPLES AND OBJECTIVES OF THE PROTOCOL

The **overarching aim** of this Protocol is to ensure a safe, egalitarian university environment that is actively committed to eradicating harassment and violence.

To this end, the University is adopting a **ZERO TOLERANCE** policy towards any form of harassment or violence, undertaking to investigate reported cases and implement appropriate measures to protect those affected and any third parties who report such incidents.

We condemn the misuse of personal data that violates the right to privacy, as well as any form of online sexual harassment involving the dissemination of information, images, or videos relating to people's private or sexual lives.

In order to cultivate a culture free of harassment and violence, this Protocol focuses on three pillars: **prevention, protection** and **action**. By adopting a transformational approach that is founded on prevention and gender-equality education, **it seeks to foster a culture of zero tolerance regarding acts of harassment and violence at the University.**

To prevent behaviour constituting harassment or violence, the University will duly disseminate and publicise this Protocol through its website and other channels to ensure that the entire University community is aware of it.

To this end, we are also collaborating with the equality officers designated by the UGR's faculties and schools, who are in charge of implementing the "Punto Violeta" Initiative for Gender-Based Violence Prevention at their respective centres.

In order to meet these objectives, the University plans to implement the following measures:

- Regular **campaigns** to raise awareness of the Protocol and the University's **ZERO TOLERANCE** policy among the entire University community, as well as third parties working at its facilities. These campaigns will focus on disseminating documents setting out codes of conduct, rights, duties and responsibilities in the areas covered by this Protocol, among other matters.
- Creation and distribution of **posters** outlining the principles and objectives of the Protocol.
- Dissemination of a **guide to best practices** on prevention, detection and action relating to situations of harassment and violence, aimed at the entire university community. This guide will be made available via all of the University's media and communication channels, particularly those of the Vice-Rectorate responsible for equality policies.
- **Specific training** for the entire University community on gender equality, as well as on prevention, protection and action relating to situations of harassment and violence, as part of the strategic training measures set out in the UGR's Action Plan for Gender Equality. Particular attention will be paid to training the members of the Evaluation and Monitoring

Committee, the equality officers responsible for the "Punto Violeta" Initiative for Gender-Based Violence Prevention at faculties and schools, and those holding management and representative positions among the student body, academic and research staff (PDI), and technical, management, administrative and support staff (PTGAS).

- Promotion and dissemination of **research** funded on a competitive basis through the UGR Research and Knowledge Transfer Fund (PPIT) and related to the issue of harassment and violence at the UGR.
- Implementation of a **scientific study of psychosocial risk** to identify the groups that are most vulnerable to harassment and violence at the UGR.
- An **annual, anonymised statistical evaluation and monitoring process** based on systematic data collection in the Equality and Diversity Unit database under this Protocol. This will provide insight into the characteristics of harassment and violence at the UGR and will inform any review and improvement of the Protocol. To this end, an Evaluation and Monitoring Committee will be established. The Committee will be governed by internal regulations and will be composed in accordance with the representation criteria of the Technical Committee for Equality, Inclusion and Conciliation.

2. SCOPE OF APPLICATION

2.1. Objective scope of application

This Protocol will apply to all the UGR's faculties, schools, centres and facilities in the province of Granada and in the autonomous cities of Ceuta and Melilla, as well as any other facilities created in the future. This includes affiliated university faculties and schools, university residences (*colegios mayores y residencias universitarias*), spaces, and virtual services that form part of the UGR's organisational and functional structure. It will also apply to travel, trips, field trips, work placements, mobility periods and activities, conferences, events, and any other institutional, research, management or training activities. In short, it extends to any interactions between members of the University community that take place on UGR premises or in the context of activities managed or organised by the UGR, i.e. in connection with university activities or operations.

To combat digital violence, the Protocol will apply to information and communication technologies, provided that the communications take place between members of the University community and in the context of University activities.

2.2. Subjective scope of application

This Protocol will apply to the situations that have been listed for guidance purposes in Annex I, occurring between individuals that belong to any of the following groups:

- UGR teaching and research staff (PDI).
- UGR technical, management, administrative and support staff (PTGAS).
- UGR students, including those undertaking a mobility period.

- Individuals outside the UGR who provide services at or for the University, even if they are legally dependent on third parties, insofar as this is applicable by law or convention.

2.3. Companies awarded contracts

The UGR's list of specific administrative conditions for contracting services will include the obligation of successful bidders to comply with the regulations on the development and implementation of action plans and/or measures for equality, as well as the implementation of a protocol on harassment and violence. The document will also require the company to commit to reporting any activation of the protocol in response to harassment or violence involving members of the University, either directly or indirectly, and to keeping the University informed of the outcome. Failure to comply with these obligations may result in the termination of the contract.

These companies must ensure that their staff are aware of these obligations, as well as the principles and commitments underpinning this Protocol.

3. COMPETENT BODIES

3.1. Equality and Diversity Unit

In accordance with the provisions of Article 43 of Organic Law 2/2023, of 22 March, on the University System, as well as the UGR Statutes, the Equality and Diversity Unit (hereinafter referred to as 'the Unit') is responsible for implementing, monitoring and updating this Protocol.

The Unit, which will be part of the Vice-Rectorate responsible for equality policies and sexual, physical and gender diversity at the University, must have sufficient human and material resources to carry out its work.

3.1.1. Framework for action

The Equality and Diversity Unit's main responsibilities within the framework of this Protocol are as follows:

- To provide information and advice on the rights granted by current legislation to all affected parties.
- To promote training activities that help prevent, identify, respond to and eradicate harassment and violence at the University of Granada.
- To implement preventive measures through the University's **"Punto Violeta" Initiative for Gender-Based Violence Prevention**.
- To receive complaints and inform complainants about the protection procedure set out in this Protocol, as well as to provide any other relevant support or advisory services.
- To inform affected parties, where necessary, on the appropriateness of filing a complaint with the courts, to provide them support within the University, and to refer and accompany them to public support services and specialist associations.
- To liaise with other university bodies, units and services, when necessary.
- To activate this Protocol, at its own initiative or at the request of one of the parties, where

necessary — i.e. when there is evidence of harassment or violence — once the persons affected have been notified.

- To monitor the proper and timely development of the procedures set out in this Protocol until they are completed, within the scope of its powers.
- To draw up a **report** on each case.
- To issue a **final report**, notifying the parties concerned, where appropriate.
- To prepare an annual monitoring report on the implementation of this Protocol for submission to the Governing Council. If deemed necessary, the Unit will submit any suitable proposals for improving this Protocol and its implementation to the Vice-Rectorate responsible for equality policies.

3.2. Duty of UGR bodies, units and services to collaborate with the Equality and Diversity Unit

Any cases of harassment or violence covered by this Protocol that are reported to or received by any other UGR vice-rectorate, faculty, school, unit or service must be immediately referred to the Equality and Diversity Unit, in view of its responsibility for activating and monitoring the Protocol at the UGR.

4. PROCEEDINGS

4.1. Procedural guarantees

In proceedings conducted under this Protocol, the following safeguards will apply to the affected parties.

Expediiousness

Proceedings will be carried out with the utmost professionalism, diligence and promptness to ensure that they are completed as quickly as possible, while avoiding unnecessary delays and always respecting the appropriate safeguards.

Confidentiality

The parties involved in the proceedings are obliged to maintain strict confidentiality and discretion. The communication or disclosure of any information regarding the content of any complaints of which they are aware, whether filed, resolved or under investigation, is forbidden.

Legal certainty and legality

All proceedings will be carried out in accordance with the principles of legal certainty, impartiality, the right of defence of the affected parties, and the right to the presumption of innocence for those alleged to have engaged in acts of harassment or violence.

Impartiality and the right to be heard

All proceedings must ensure an impartial hearing and fair treatment for all of the affected parties. All of those involved in the proceedings will act in good faith in the pursuit of the truth and the clarification of the alleged facts.

Prohibition of retaliation

Retaliation against individuals who report incidents of harassment or violence, or against third parties who appear as witnesses or participate in investigations into such incidents, is expressly prohibited under the terms of this Protocol.

Rights of abstention and recusal

With regard to recusals or abstentions of individuals assigned to take part in proceedings, the provisions of Articles 23 and 24 of Law 40/2015, of 1 October, on the Legal System governing the Public Sector, will apply.

Personal data protection

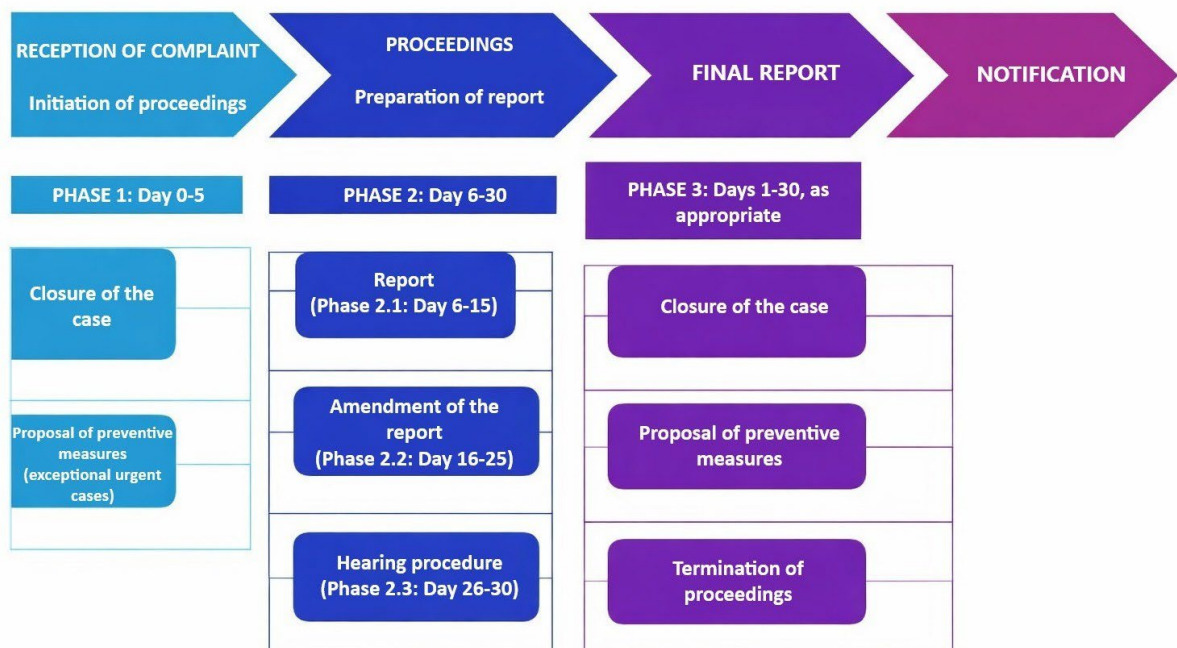
Any personal data generated through the application of this Protocol will be governed by Organic Law 3/2018, of 5 December, on the Protection of Personal Data and Guarantee of Digital Rights, as well as by the General Data Protection Regulation (EU Regulation 2016/679).

Principle of preventing revictimisation

This principle entails limiting the victim's accounts to what is strictly necessary, in accordance with the terms of this Protocol.

4.2. Timeline for applying this Protocol

To facilitate a better understanding of the phases involved when this Protocol is activated, a visual representation of the entire process is presented below. Each phase is explained in detail.



4.3. Initiation of proceedings

Proceedings will be initiated, either automatically or at the request of one of the parties involved, following a complaint or report regarding the acts allegedly constituting harassment or violence. This can be done by:

- the affected person;
- a third party with knowledge of the events;
- other UGR bodies or services.

Proceedings may be initiated in two ways:

- in person, at the Equality and Diversity Unit;
- via the online procedure established for this purpose by the University.

The reporting of an alleged case of harassment, when there is potential evidence of harassment or violence, will trigger the activation of this Protocol. Once activated, an investigation will be carried out in order to determine the scope of the case and the appropriate course of action in accordance with the Protocol.

In line with Article 55 of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations, the Equality and Diversity Unit may conduct preliminary enquiries or gather information before initiating any proceedings. This will allow them to ascertain the specific circumstances of the case and determine whether or not to open proceedings. This period constitutes **Phase 1** and will last **a maximum of 5 working days**.

In accordance with this Protocol, the preliminary enquiries will be carried out by the Equality and Diversity Unit in its capacity as the competent body for initiating and conducting proceedings related to harassment. The preliminary enquiries will aim to determine, as accurately as possible, any incidents that could lead to the initiation of proceedings, the identification of the person or persons who may be responsible, and any relevant circumstances.

In exceptional cases involving urgent matters, Phase 1 may include the adoption of preventive measures at the start of the proceedings, before the parties have been heard. However, the adoption of these measures will not prevent these parties from being heard.

In cases in which there is evidence that a crime may have been committed, the complaint will be immediately referred to the judicial authority or Public Prosecutor's Office.

4.4. Preparation of reports

Once the Protocol has been activated at the initiative of the Equality and Diversity Unit or at the request of one of the parties, the Unit will proceed to prepare a report, adhering to the following steps:

- A file number will be assigned to each case. Multiple cases involving different individuals may be combined into a single case file, provided there is a justified connection between them.

- To protect their identities, identification codes will be assigned to the person who was allegedly harassed and to the alleged harasser. From this point onwards, these individuals will be considered the parties concerned in the proceedings.
- In accordance with the provisions of this Protocol, the date on which the proceedings begin will determine the calculation of the timeframe for each phase (see timeline in section 4.2.).
- In all cases, the Equality and Diversity Unit will appoint a member of its technical staff to act as the contact person throughout the proceedings.
- Within **10 working days**, the Unit will prepare a report in a single **anonymised and confidential** document. The initiation of the proceedings, together with the preparation of this report, will constitute **Phase 2** of the application of this Protocol.
- While the report is being drawn up (within the aforementioned 10 working days), the alleged harasser will be granted a hearing at which they can state their case, either in person or in writing, and provide any documentation or evidence they deem relevant. The case may also be dismissed in the event there is insufficient evidence that harassment or violence has taken place.
- In accordance with the provisions of Article 76 on Allegations, of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations, the persons concerned may, at any time during the proceedings prior to the hearing, submit allegations and provide documents or other evidence. The Equality and Diversity Unit will take the submissions of both parties into account when drafting its final report.
- If deemed necessary, the Unit may request further information to clarify the reported incidents within 10 working days. During this period, the Unit may also request the involvement of a gender expert from the University to study the case and offer guidance.
- Once the proceedings have been initiated, and immediately before the final report is drafted, the parties will be informed of the phase of the proceedings. The parties will have **5 working days** to submit any documents or supporting evidence they deem appropriate to add to those already submitted. If the parties express their decision not to provide new documents or evidence before this deadline expires, the **hearing procedure** will be deemed complete.
- If any new information about a case is received during the proceedings, the Equality and Diversity Unit will make a record of it in the report. This must be done before the final report is issued.
- In proceedings initiated at the request of one of the parties, if the complainant or affected party does not provide sufficient evidence or does not cooperate in the preparation of the report, the Unit may conclude its report with a proposal to terminate the proceedings.

4.5. Final report

Once the report has been completed, the head of the Equality and Diversity Unit will submit it to the vice-rectorate to which the unit belongs, together with a final report containing one of the pronouncements indicated below.

The deadline for issuing an administrative decision on a case will be **10 working days**, as indicated above. This period constitutes **Phase 3**.

4.5.1. Closing the case

If the reported incidents do not fall within any of the scenarios covered by this Protocol, the case will be closed.

However, measures may still be taken to protect the parties, or they may be referred to other relevant bodies.

4.5.2. Determination of preventive measures

If the Equality and Diversity Unit deems that the report provides sufficient evidence to proceed, it will propose the appropriate preventive measures, which will be included in the final report.

These preventive measures may be upheld, modified or lifted as part of any decision to initiate disciplinary or criminal proceedings, as appropriate.

Once these measures have been approved, they will be communicated to the competent body, which will be responsible for implementing them under the guidance of the Equality and Diversity Unit.

4.5.3. Termination of proceedings

The proceedings will conclude when the final report is issued by the vice-rector responsible for equality policies.

If the reported behaviour potentially constitutes a disciplinary offence, the Equality and Diversity Unit will refer the matter to the relevant body.

If the reported acts potentially constitute offences under the Spanish Penal Code, the Equality and Diversity Unit will send the final report to the Rector, who may refer the case to the Public Prosecutor's Office. Any such decision will be communicated to the complainant and to all other parties.

Whether or not disciplinary or legal proceedings are initiated, and without prejudice to the presumption of innocence of the person alleged to have committed the harassment or violence, the person allegedly harassed will continue to receive support and appropriate preventive measures will be taken to protect them, provided they consent.



5. NOTIFICATION OF THE PARTIES

The Equality and Diversity Unit will be responsible for issuing the final report.

This report will be sent to the parties concerned via the official channels established for this purpose, in accordance with Articles 4 and 62.5 of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations.

The Unit will also forward the final report to the competent body so that it may implement the measures included therein.

ANNEXE I. DEFINITIONS AND TYPES OF HARASSMENT AND VIOLENCE INCLUDED IN THIS PROTOCOL

To provide guidance and facilitate the implementation of this Protocol, the following annexe defines the main types of harassment covered in the Protocol and also provides a list of behaviours that potentially constitute grounds for a complaint. These behaviours are intended as examples only, and the list should not be considered exhaustive or determinative with regard to the actions to be taken in line with this Protocol.

Definition of sexual harassment

Without prejudice to the provisions of the Spanish Penal Code, for the purposes of this Protocol, and in accordance with the definition established in Organic Law 3/2007, of 22 March, on Effective Equality between Women and Men, sexual harassment is defined as any unwanted behaviour of a sexual nature — whether verbal or physical — that violates or is intended to violate a person's dignity, particularly when this creates an intimidating, degrading or offensive situation.

The crime of sexual harassment

Article 184 of Organic Law 10/1995, of 23 November, on the Spanish Penal Code, defines the crime of sexual harassment as follows:

“1. Any person who solicits favours of a sexual nature, for themselves or for a third party, in the context of an ongoing or habitual working, teacher-student or service provision relationship, and whose behaviour causes the harassed individual to experience an objective and serious situation of intimidation, hostility or humiliation, shall be punished as a perpetrator of sexual harassment, with a prison sentence of 3 to 5 months or a fine of 6 to 10 months.

2. If the perpetrator of sexual harassment has committed the act by exploiting a position of superiority in the workplace, a teacher-student relationship or a hierarchy, or if they have explicitly or implicitly threatened to harm the harassed person in relation to their legitimate expectations in the context of such a relationship, the penalty shall be a prison sentence of 5 to 7 months or a fine of 10 to 14 months.

3. If the person who has been harassed is particularly vulnerable due to their age, illness or circumstances, the penalty shall be a prison sentence of 5 to 7 months or a fine of 10 to 14 months in the cases provided for in paragraph 1, and a prison sentence of 6 to 12 months in the cases provided for in paragraph 2 of this article.”

Behaviours considered sexual harassment

- Verbal behaviours: sexual nicknames, epithets, social media messages, comments, words or jokes; comments about people's bodies or appearance; and sounds related to sexual activities.
- Non-verbal behaviours: persistent or sexually suggestive staring, obscene gestures, and spying on people in private places.
- Physical contact: deliberate and unsolicited physical contact that is inappropriate.
- Deliberate verbal, non-verbal or physical abuse that violates a person's dignity or privacy,

including unwanted kissing, touching, pinching, cornering, constant messaging, stalking, and exposing or touching one's genitals.

- Questions and insinuations about a person's private life that affect their sexual integrity.
- The use of graphic images, cartoons, drawings, photographs or online images depicting sexually explicit content.
- Indecent or compromising invitations or requests for sexual favours, using either physical or psychological pressure to engage in sexual relations.
- Use of coercion and/or extortion to engage in sexual relations.
- Repeated and offensive pursuit that infringes upon a person's sexual integrity.
- Dissemination of rumours, images or videos of a sexual nature without consent.
- Registering someone on a website where they could be shamed or ridiculed, or creating a fake profile in their name with the intention of humiliating them (e.g. by offering sexual services).
- Using a fake profile to introduce oneself to a person with the intention of arranging a meeting, deceiving them or obtaining information to be used illegally for sexual purposes.
- Continuing to contact someone after they have made it clear that they want it to stop or have tried to avoid it.

Definition of environmental sexual harassment

In this type of sexual harassment, the harasser creates a hostile, degrading, humiliating or offensive environment for the victim following the rejection of undesired sexual behaviour. This behaviour can occur between classmates, colleagues or third parties.

Definition of gender-based harassment

In general, gender-based harassment refers to any behaviour demonstrating structural gender inequality that is carried out with the intention or effect of violating a person's dignity and creating an intimidating, degrading or offensive environment for them.

Behaviours considered gender-based harassment

- Derogatory comments about women or men, or about values considered feminine or masculine and, in general, sexist comments that are based on gender bias.
- Undervaluing, disparaging or isolating people whose behaviour does not align with the roles socially assigned to their gender expression.
- Engaging in discriminatory conduct on the basis of gender.
- Assigning nonsensical or unachievable tasks (e.g. due to unreasonable deadlines) to a person based on their gender.
- Assigning a person to a job with responsibilities that are inferior to their ability or professional category, due to their gender.
- Evaluating people's work in a disparaging, unfair or biased manner, due to their gender.
- Discrediting a person's professional worth because they are a mother or a father.
- Hostile behaviour toward those who exercise their rights to achieve a balance between their personal, work and family life.
- Unfavourable treatment of women in relation to pregnancy or maternity — whether

actual or potential — that involves direct discrimination and violates their fundamental rights to health, physical and moral integrity, and work.

Definition of harassment based on sexual orientation

This concept refers to any conduct or action against a person on the basis of their sexual orientation which may be considered offensive, humiliating, violent or intimidating, and which is carried out with the intention or effect of violating their dignity and creating a discriminatory environment.

Behaviours considered harassment based on sexual orientation

- Engaging in discriminatory behaviour on the basis of sexual orientation.
- Addressing a person in an offensive manner because of their sexual orientation.
- Ridiculing a person because of their sexual orientation.
- Using humour in a derogatory manner to disparage someone's sexual orientation.
- Undervaluing someone's work because of their sexual orientation.
- Ignoring someone's contributions, comments or actions (i.e. excluding or trivialising them) on the basis of the person's sexual orientation.
- Treating someone unequally because of their sexual orientation.
- Evaluating people's work in a disparaging, unfair or biased manner because of their sexual orientation.
- Assigning tasks or jobs that are inferior to a person's abilities or competencies, due to their sexual orientation.

Definition of harassment based on gender identity, gender expression, or physical characteristics

This refers to any behaviour or conduct carried out with the intention or effect of violating a person's dignity and creating an intimidating, hostile, degrading, offensive or segregated environment on the basis of their gender identity, gender expression, or physical characteristics.

Behaviours considered harassment based on gender identity, gender expression, or physical characteristics

- Treating someone unequally based on their gender identity, gender expression or physical characteristics.
- Ignoring or excluding someone's contributions, comments or actions because of their gender identity, gender expression or physical characteristics.
- Undervaluing a person's abilities, skills or intellectual potential because of their gender identity, gender expression or physical characteristics.
- Refusing to use the name requested by a transsexual or intersex person, or deliberately using articles or pronouns that do not reflect the gender with which they identify, after being asked to do so.
- Asking about or commenting on the body and/or genitals of a transsexual or intersex person.
- Speaking about someone in the workplace in a derogatory manner because they are a

transsexual or intersex person.

- Focusing a conversation with a transsexual or intersex person on their physical or gender expression, unless they have brought it up themselves.
- Making jokes about transsexual or intersex people, simply because they are transsexual or intersex, whether or not they are present in the conversation.

Behaviours considered inappropriate

- This concept refers to any overly friendly or affectionate behaviours occurring at the University that are not welcomed or reciprocated by both parties, in accordance with the provisions of section 4.1 of this Protocol.

Definition of gender-based violence

According to the Istanbul Convention, gender-based violence or violence against women is defined as “a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

The intersection of gender-based violence with other forms of discrimination, such as those based on origin, skin colour, ethnicity, religion, functional diversity or neurodiversity, or sexual, physical or gender diversity, constitutes a distinct and serious form of violence that must be taken into account in the prevention, response, support and remedial measures set out in this Protocol.

Definition of second-order or isolating violence

This refers to physical or psychological violence, reprisals, humiliation or persecution against individuals supporting someone who is experiencing harassment or violence. It includes actions that hinder prevention, detection, and support measures or recovery processes for women who are at risk of harassment or violence.

Definition of sexual violence

According to Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, sexual violence is defined as: “any act of a sexual nature that is non-consensual or that conditions the free development of a person's sexual life in any public or private setting. This includes sexual assault and harassment, the exploitation of others for prostitution, and all other offences set out in Title 8 of Book 2 of Organic Law 10/1995, of 23 November, on the Spanish Penal Code, specifically aimed at protecting minors. This Organic Law is specifically designed to address sexual violence committed in the digital sphere, including the dissemination of acts of sexual violence through the use of technology, non-consensual pornography, and sexual extortion. Likewise, among actions that impact a person's sexual life, sexual violence includes female genital mutilation, forced marriage, sexual harassment, and trafficking for sexual exploitation. Lastly, in line with the recommendations of the UN Special Rapporteur on violence against women, femicide — the intentional killing of women based on a gender-related motivation

— is recognised as the most serious human rights violation in the context of sexual violence. Attention must be drawn to this issue, and a specific solution must be provided.

Sexual violence undermines a person's fundamental right to freedom, physical and moral integrity, equality, dignity, and in the case of femicide, the right to life.”

Continuing with this Law,

- Sexual assault: “sexual assault is defined as any sexual act carried out using violence, intimidation, or the abuse of a position of superiority or vulnerability. It also includes acts carried out on persons who are unconscious or whose mental state is exploited, as well as acts carried out when the victim's will is rendered ineffective for any reason.”
- Sexual abuse: “The fourth final provision amends Organic Law 10/1995, of 23 November, on the Spanish Penal Code. The most significant change is the removal of the distinction between sexual assault and sexual abuse, with sexual assault now defined as any conduct that violates a person's sexual freedom without their consent, thereby bringing Spain into line with its obligations under the Istanbul Convention, which it ratified in 2014. Adopting this change in perspective helps to prevent the risk of re-victimisation and secondary victimisation. It also explicitly recognises ‘chemical submission’, whereby substances and psychotropic drugs are used to nullify the victim's will, as a form of sexual assault. Similarly, and in line with the provisions of the Istanbul Convention, it recognises gender as a specific aggravating circumstance in these crimes.”

In addition to the laws and codes mentioned above, this Annexe is based on the Protocol for Prevention and Action Relating to Sexual Harassment, Gender-Based Harassment, and Other Behaviours that Undermine Sexual Freedom and Moral Integrity in the Workplace (*Protocolos para la prevención y actuación frente al acoso sexual, el acoso por razón de sexo y otras conductas contrarias a la libertad sexual y la integridad moral en el ámbito laboral*), a reference manual published by the Spanish Institute of Women (IMs) in September 2023.



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