



INSTITUT  
BARCELONA  
ESTUDIS  
INTERNACIONALS

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# PROTOCOL FOR THE PREVENTION, IDENTIFICATION & RESOLUTION

OF SITUATIONS OF SEXUAL HARASSMENT  
AND HARASSMENT BASED ON SEX, SEXUAL  
ORIENTATION, AND GENDER IDENTITY &  
EXPRESSION

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## 1. Fundamentals

This document presents the Institut Barcelona d'Estudis Internacionals protocol for the prevention, identification and resolution of situations of sexual harassment and harassment based on sex, sexual orientation and gender identity and expression.

IBEI is an institution firmly committed to non-discrimination and inclusion, as reflected in its bylaws, internal regulations and strategic plan. According to its [Code of Ethics](#), IBEI shall strive for equal opportunities in hiring, training, activity, remuneration and retirement, actively avoiding discrimination based on sex, sexual orientation, and gender identity and expression, and applying positive action measures when necessary. The relationship among IBEI's members, academic staff, non-academic staff, and students, both from a personal and from an academic perspective, is based on the principles of equality and non-discrimination, fostering an institutional environment of trust and collaboration. According to its strategic plan, IBEI has made a bold commitment to gender equality as one of the strategic principles of its institutional and human resources policy, emphasizing the commitment to work for non-discrimination and to promote and encourage the necessary measures to achieve equal opportunities between women and men in the organization.

The present protocol has been drafted in compliance with current legislation, as indicated by [Article 48.1 of the Spanish Organic Law 3/2007, of 22 March, on Effective Equality between Women and Men](#), on specific measures to prevent sexual and gender-based harassment in the workplace: "Companies must promote working conditions that prevent sexual harassment and gender-based harassment and to set up specific procedures for its prevention and to deal with complaints or claims that may be formulated by those who have been the object of the above-mentioned harassment." Also, the Parliament of Catalonia states, in [Law 17/2020, of December 22 \(amending Law 5/2008, of 24 April\)](#) on the right of women to eradicate gender violence, establishes new forms of violence and new areas where the behaviours addressed in this Protocol occur. Along the same lines, the Spanish Parliament passed [Law 3/2022, of 24 February, on University Coexistence](#), which, among other issues, regulates prevention activities in the area of bullying and specific procedures for dealing with complaints and allegations, and establishes measures for victim support.

Following the approval by the Negotiating Commission on 20 June 2022 of the [Equality Plan 2022-2026](#), which in its action 6.2.a commits to "draw up a protocol for preventing, detecting and dealing with sexual and gender-based harassment", this document articulates the procedures foreseen by IBEI on this matter.

## 2. Objectives

This protocol pursues three main objectives:

- a. To prevent the occurrence of situations of sexual harassment, harassment based on sex, sexual orientation, gender identity or gender expression among members of IBEI community.
- b. To establish clear guidelines for action in the event of a complaint or allegation related to situations of sexual harassment, harassment based on sex, sexual orientation, gender identity or gender expression that occurs within the scope of this protocol, as defined in [point 3.3](#); to investigate them and, if appropriate, to initiate the necessary administrative actions to address them, adopting precautionary measures and/or resolving possible disciplinary responsibilities.
- c. To establish measures of support, accompaniment and reparation for the person/s affected.

## 3. Definitions and scope of actions and behaviours regulated by this protocol

### 3.1 Sexual harassment

As stated by the aforementioned legislation (Spanish Organic Law 3/2007 and Catalan Law 5/2008), **sexual harassment** shall be defined as:

- Any verbal, non-verbal or physical behaviour, of a sexual nature, that is carried out with the purpose or effect of violating the dignity of a person, especially if it creates an intimidating, hostile, degrading, humiliating or offensive environment. Unlike psychological harassment at work, these behaviours are considered sexual harassment even if they have not occurred repeatedly or systematically.

Situations of sexual harassment may include, but are not limited to, the following forms:

- **Verbal** (spreading rumours, asking or telling about a person's sex life and sexual preferences; making obscene sexual remarks or jokes; making vulgar comments about someone's body or physical appearance; demanding sexual favours).
- **Non-verbal** (leering at another person's body, making obscene gestures, sending letters, notes or e-mail messages with offensive sexual images).
- **Physical** (making an offensive physical approach).

## 3.2 Harassment based on sex, sexual orientation, gender identity or gender expression

In accordance with the aforementioned legislation (Spanish Organic Law 3/2007 and Catalan Law 5/2008), the following definitions shall be used:

- **Harassment based on sex or gender:** any unwanted verbal or physical conduct, which violates the dignity of the person and creates an intimidating, hostile, degrading, offensive or annoying environment if this conduct is based on the sex or gender of the person affected.
- **Harassment based on sexual orientation:** any unwanted verbal or physical conduct that creates an intimidating, hostile, degrading, offensive or disturbing environment if this conduct is based on the actual or perceived sexual orientation of the person concerned.
- **Harassment based on sexual identity, gender identity or gender expression:** any unwanted verbal or physical conduct that creates an intimidating, hostile, degrading, offensive or disturbing environment if this conduct is based on the sexual identity, gender identity or gender expression of the affected person.

Situations of harassment based on sex, sexual orientation, gender identity or gender expression may include, but are not limited to, the following forms:

- **Verbal** (asking or telling about a person's sex life and sexual preferences; making obscene sexual comments or jokes; make vulgar comments about the body or physical appearance; making demands for sexual favours, mocking of a person's gender identity or gender expression).
- **Non-verbal** (leering at another person's body, making obscene gestures, sending letters, notes or e-mail messages with offensive sexual images).
- **Physical** (making an offensive physical approach).

## 3.3 Scope of this protocol

### 3.3.1 Persons to whom this protocol is applicable

This protocol applies to:

- a. All personnel who have a working or statutory relationship with IBEI and all IBEI students.
- b. The personnel of external companies contracted by IBEI and who provide their services in IBEI's premises, as long as one of the persons involved in the events belongs to the groups indicated in section a) above. All external companies contracted by IBEI should be informed of the existence of this protocol, according to [Spanish Law 31/1995, of 8 November, on Occupational Risk Prevention](#) and [Spanish Royal Decree 171/2004, of 30 January](#).

- c. Those persons who are not part of any of the above-mentioned groups but who are users of services provided by IBEI, as long as the person denounced is a member of the institute community and the denounced behaviour has occurred in the context of an activity offered by IBEI.

The persons mentioned in points a, b and c may have the status of alleged victims or alleged perpetrators of the situations described herein.

IBEI staff and students participating in mobility programs must abide by the laws on sexual harassment and gender identity and expression of the host country, as well as the rules and regulations in this area of the university or institution where they are staying.

In the event that a complaint involves IBEI staff or students on mobility hosted at IBEI, or IBEI students and staff hosted on mobility at another university or academic centre, the institutions must contact each other and establish a line of communication to follow up on the corresponding processes and open a line of investigation to execute sanctioning measures in the event that they are considered appropriate.

### **3.3.2 Scope of application**

The denounced conduct, physically or digitally (via e-mail, social media, instant messaging, etc.), must have taken place within the organizational or service provision area of IBEI, i.e., within any area of the campus or institute facilities, or outside those premises when the conduct takes place in an activity or service organized by IBEI.

With regard to the time frame of application, the actions or conduct denounced through this protocol must have occurred during the period in which the persons involved have been part of IBEI. The protocol also applies in the 12 months after the person affected has ceased to belong to the IBEI community, provided that the person denounced continues to be a member of IBEI and that the events denounced took place before the denouncer ceased to be a member of IBEI.

## **4. Bodies responsible for implementing and enforcing this protocol**

**IBEI Director:** As the authority of the institution, he/she is the competent body to initiate and resolve the corresponding administrative procedures, to proceed with the investigation of the reported facts, and to determine the corresponding administrative and disciplinary sanctions, if applicable.

**IBEI General Manager:** As the person responsible for the management of IBEI's human resources, he/she shall be responsible, together with the Head of the Academic Office and Teaching Quality Assurance and other coordination and management units that may be involved, and in agreement with the Director of IBEI, for carrying out the actions determined

by the conclusions of the investigations in progress, including the implementation of the administrative and/or disciplinary measures to be taken. Likewise, and in collaboration with the necessary IBEI bodies, he/she shall be responsible for ensuring the correct fulfilment of the objectives set forth in this protocol.

**IBEI Internal Equality Commission:** shall be informed of the follow-up and control actions of the complaints made in accordance with this protocol.

**IBEI Equality Officer:** is the person responsible for implementing the objectives of this protocol, mentioned in [point 2](#). In addition to fulfilling the tasks of prevention (objective a), is the person responsible for receiving complaints (objective b), informing and advising the complainant(s) and implementing the complaint management procedure, as set out in [point 5.2](#) of this protocol. He/she shall also ensure that the complainant(s) receive support, in accordance with objective c of this protocol.

**IBEI Communication Officer:** in collaboration with IBEI's Equality Officer, shall undertake all the internal and external communication actions on prevention (detailed in [point 5.1](#)).

**The rest of the governing bodies, and academic and non-academic staff** shall:

- Be aware of this protocol and ensure its effective compliance.
- Initiate the procedure mentioned in [point 5.2](#) whenever they become aware of a conduct typified in this protocol.
- Participate in the Commission of Inquiry, and other administrative, investigative or follow-up tasks, in the matters covered by this protocol, in the event that the IBEI Director so requires.

**Conflict of interest:** In the event that the complainer considers that there is a conflict of interest situation that does not guarantee the fairness of the process, the person/s involved will be excluded from the procedure, and replaced by a third person/s, designated by the Director or the General Manager and accepted by the complainer.

## 5. Actions

### 5.1. Measures to prevent and raise awareness of situations of sexual harassment and harassment based on sex, sexual orientation and gender identity and expression

IBEI must promote prevention, information, training and awareness-raising actions in relation to sexual harassment, harassment based on sex, sexual orientation, gender identity and expression, with the aim of completely eradicating this type of behaviour from the IBEI environment and contributing to raising awareness among the IBEI community. To do so, the following measures are proposed:

- To develop a **communication strategy**, with the aim of making this protocol widely known to all members of the IBEI community. Some of the tools that will be used to disseminate it are IBEI's website, IBEI's intranet, mailing lists, IBEI's social media, welcoming days, among others.
- To carry out **awareness-raising campaigns**, aimed at the entire IBEI community.
- To elaborate a **training programme** for the different groups of IBEI community (academic staff, non-academic staff, students) with topics related to gender equality, sexual diversity and non-discrimination.

## **5.2. Action procedure in the event of the detection and/or reporting of a situation of sexual harassment and harassment based on sex, sexual orientation and gender identity and expression**

Any member of the IBEI community can file a complaint of sexual harassment and harassment based on sex, sexual orientation and gender identity and expression, **whether they are the person affected or have detected a situation** that falls under the categories described in [point 3](#) of this protocol.

The procedure will consist of three phases:

- Phase 1: Communication and Advice
- Phase 2: Internal Reporting and Investigation
- Phase 3: Resolution

### **5.2.1. Communication and Advice**

Denunciations and communications of the alleged conduct can be made in two ways. In writing, by sending an email to [equality@ibei.org](mailto:equality@ibei.org), or verbally, to the IBEI Equality Officer. In the event that other members of the IBEI community, particularly senior officers, receive such a complaint by oral or written means, they shall promptly refer it to the IBEI Equality Officer or the General Manager.

Denunciations and communications cannot be anonymous, the person who submits it must include his/her name and basic contact information. However, the principle of confidentiality must be fully warranted to the complainer along all the procedures.

Within two working days of receiving the complaint, the IBEI Equality officer shall contact the submitter and arrange a meeting. Except in cases of force majeure, the meeting shall be held no later than 7 working days after receipt of the complaint, and should be held in an appropriate space to ensure confidentiality.

In the meeting, the submitter will expose her/his case to the Equality Officer, who will open a record to log the details and actions implemented. The Equality Officer must evaluate the



complaint and inform the submitter about options, actions, and tools at his/her disposition that can contribute to solving the issue, as well as accompanying, counselling and support measures available to the affected person. Within 2 working days of the end of the first interview and on the basis of the information compiled, the equality officer will prepare a technical report, which will be submitted to the Director of IBEI. The Director and the Coordinator of IBEI's Equality Commission will determine whether there is insufficient basis to proceed with the case and the closure of the file is appropriate or whether the next stage of the procedure should be continued. The decision should be communicated to the complainant within 7 working days of receiving the technical report. In the event that the denounce submitter does not agree with that conclusion, the Equality Officer should provide the person with information about the appeal process (see [point 5.2.4](#)).

### **5.2.2. Internal Reporting and Investigation**

In the case that, based on the initial technical report, endorsed by the IBEI Director and the Coordinator of IBEI's Equality Commission, it is decided that it is necessary to continue the procedure and initiate an investigation, the IBEI Equality Officer must contact the person(s) involved in the complaint. The necessary interview(s) must be conducted in a location that guarantees confidentiality and privacy. In the course of the interview, the IBEI Equality Officer must inform the person(s) involved of the existence of the claim, and obtain his/her account of the facts.

Based on these initial interviews, IBEI Equality Officer should update the technical report, informing both the Director and the Coordinator of IBEI's Equality Commission. If the technical report states that there is sufficient evidence of a situation of sexual harassment, or harassment based on sex, sexual orientation or gender identity and expression, the IBEI Director will proceed to convene a Commission of Inquiry, within 7 working days from the receiving of the report. All parties involved in the issue should be informed, as well as the Coordinator of the Equality Commission.

→ The **Commission of Inquiry** will be composed of the Director of IBEI or his/her designee, who will act as head of the commission, ensuring the proper compliance with this protocol, and guaranteeing impartiality, celerity and fairness, the General Manager of IBEI or his/her designee, a representative of IBEI Equality Commission, and a representative of the IBEI Board of Trustees. The Equality Officer will act as secretary of the commission, being responsible for the minutes of the meetings and their incorporation into the current file.

At the initial session, the Equality Officer will inform the commission about the case in issue. The members of the commission will establish a work schedule and proceed to summon the complainant(s), the person(s) denounced and other persons involved whose testimony is considered relevant to the action, to interview them separately. The objective of these

interviews is to determine the facts denounced and to clarify the participation of the denounced person/s.

In the exercise of its functions, the commission may request the necessary information and request, if necessary, the collaboration of any person who can contribute with whoever may correspond in order to carry out its actions. It may also request external technical advice, as well as put in place mechanisms of help and support for the accuser, regardless of the final outcome of the proceedings.

### **5.2.3 Resolution**

Once the corresponding proceedings have been completed, the commission must issue a final report of its intervention. The final report must summarize the case, in accordance with the initial allegation and other relevant circumstances, the procedures followed by the commission, the conclusions reached and the proposals for subsequent actions.

Subsequent actions may include:

- Terminating the proceedings because of one of the following reasons: the complainant's decision to withdraw the complaint; devoid of subject matter or lack of substantial evidence.
- Initiating disciplinary proceedings and corrective measures: If the report clearly indicates that harassment has occurred, the body that prepares the report shall propose the initiation of a disciplinary proceeding and corrective disciplinary proceedings.
- Proposing the adoption of appropriate alternative non-disciplinary measures, as the case may be, aimed at correcting the attitudes detected.

The final document of the Commission of Inquiry, together with the recommendations for action to be taken, must be submitted to the President of IBEI to validate the report and instruct the Director and the General Manager to proceed to comply with the recommendations.

### **5.2.4 Appeals**

An internal appeal is the final step in the formal procedure. In the event that any of the persons involved in the procedure do not agree with the result reached, they have the right to file an appeal, i.e., a written communication, addressed to the President of IBEI, communicating their disagreement and requesting a review.

The President of IBEI can convene an extraordinary commission, composed of two members of the Board of Trustees and a member of a partner university Human Resources Service. This extraordinary commission should review the procedure, proceeding to interview the parties if it deems it necessary. Once it has completed its investigation and review of the case, it will issue its resolution. The decision of the Extraordinary Commission is final; no other instances of appeal or review of the procedure within IBEI are foreseen.

### 5.3. Action procedure to establish measures of support, accompaniment and reparation for the person/s affected

IBEI will promote access to psychological care for those affected or for complainants who require it, considering the circumstances of each case.

The complainants will receive counselling and advice from the Equality Officer and the Equality Commission both for the processing of the denunciation and for the assessment of the actions to be taken.

IBEI can call on external personnel and services in order to provide support and care to those who require it, throughout the process and in the following 6 months.

Special consideration shall be given to making special work or academic arrangements (changing schedules, terms and calendars) for both academic and non-academic staff and students who file a complaint of harassment and who so require.

## 6. Rights and Responsibilities

The following rights and responsibilities attend to those involved in the proceedings:

**Confidentiality:** All persons involved in the proceeding should not discuss the case with other staff or students or with people outside IBEI, unless they are persons who have a legitimate reason to know, such as an advisor, a counsellor/medical practitioner or their family/partner. However, these people must also maintain confidentiality.

**Work arrangements:** If possible, academic and non-academic staff are expected to work as normal during a complaint process. In some circumstances, IBEI may also make alternative work arrangements. Special class arrangements should be implemented upon students' request.

**Representation:** At any stage of the process, academic and non-academic staff members, and students can be supported or represented by a support person, union representative or legal representative.

**No retaliation:** Individuals should not be retaliated against because of their involvement in a complaint. If any staff member or students believe they are being retaliated against, they should immediately contact their supervisor, IBEI's General Manager or IBEI's Director.

**Good faith:** This complaint procedure is not to be used for revenge, retribution or mischief. If a person makes a complaint which is frivolous, vexatious or in bad faith, disciplinary action may be taken against them.

**Impartiality:** All persons involved in the resolution of the denunciations should be impartial and free from any conflict of interest. This means that the complaint handler does not decide a

case in which they have direct interest or a significant indirect interest. If the person handling the complaint does not think they can be impartial, IBEI's Director should refer the matter to another person at an appropriate level.

**Recordkeeping:** The first responder should keep records of the complaint process. Detailed records should also be kept and stored on a secure and confidential central administration file. It is the responsibility of the General Manager to ensure that the central file is created and contains all the related information.