



**UNIVERSITAT POLITÈCNICA
DE CATALUNYA**
BARCELONATECH

UPC Protocol for Prevention and Response to Situations of Violence, Discrimination and Harassment (excluding workplace harassment)

Universitat Politècnica de Catalunya

Barcelona, 11 July 2024

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1. EXPLANATORY STATEMENT

All forms and manifestations of violence, discrimination and harassment constitute blatant violations of fundamental universal human rights. The UPC is committed to taking all necessary measures to eradicate such conduct.

The UPC has protocols for preventing and responding to sexual harassment and/or harassment by reason of sex, sexual orientation, gender identity or gender expression (applicable to the student body, Decision CG/2020/02/14, and to contractual and statutory staff, Governing Council Decision 30/2016), as well as a protocol for supporting victims of assaults that may constitute a crime against physical integrity and/or of a sexual nature (Decision CG/2019/07/40). These protocols are regularly reviewed and improved as necessary.

In addition, new laws and regulations adopted in recent years encourage the redefinition of the content of existing harassment protocols and the restructuring of the various protocols into a single document. The most relevant recent laws and regulations are Law 19/2020, of 30 December, on Equal Treatment and Non-Discrimination; Law 17/2020, of 22 December, amending Law 5/2008 on the Right of Women to Eradicate Violence against Women; Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom; Law 4/2023, of 28 February, for the Real and Effective Equality of Trans People and for the Guarantee of the Rights of LGBTI+ people; and the Guiding Protocol for Catalan Universities to Prevent and Repair with Due Diligence Situations of Violence against Women, Sexual Harassment and Harassment by Reason of Sex, Sexual Orientation, Gender Identity or Gender Expression, published in 2023.

In addition, the UPC Rules for Coexistence (Decision CG/2023/05/05), in application of Law 3/2022, of 24 February, on University Coexistence, provide for measures to

prevent and respond to violence, discrimination, sexual harassment, and harassment by reason of sex, race, disability, religion or any other personal or social condition or circumstance. It is therefore necessary to broaden the scope of existing protocols in order to address multiple forms of violence and discrimination. Workplace harassment will be dealt with in a specific protocol, in accordance with the legal provisions and regulations in force in this area.

In accordance with Organic Law 2/2023, of 22 March 2023, on the University System (LOSU), the University is required to create an equality and diversity unit. This unit must play a key role in promoting a safe and respectful university environment, as well as in implementing policies and measures to prevent and respond to any form of discrimination, harassment or violence in the university community.

In light of the University's commitment to adopt the new regulatory framework, establish a more efficient procedure, update and improve existing protocols and broaden their scope of application, it has become necessary to develop the Protocol for Prevention and Response to Situations of Violence, Discrimination and Harassment.

2. INSTITUTIONAL COMMITMENT

The implementation of this protocol marks a firm commitment by the UPC to combat violence, discrimination and harassment within its community. It clearly reflects an institutional determination to create a safe and respectful environment for all, recognising the importance of prevention, detection, support and reparation in dealing with the issues it addresses.

To ensure the effectiveness of this protocol, it is essential not only that it is applied correctly, but also that all members of the university community adopt a proactive attitude towards it. Training and awareness-raising play a crucial role in this regard. It is essential that academic staff, non-academic staff and students participate in training sessions that provide them with the tools to recognise and respond appropriately to violent, discriminatory or harassing conduct. This training should also aim to create a climate of trust and support in which victims feel safe to share their experiences.

It is considered essential to establish a clear and effective framework for action to address these issues in a way that focuses on prevention, proactivity and reparation. The main reasons for this initiative are:

1. Commitment to human rights and equality: As an academic institution and an integral part of society, the UPC has a duty to take a strong stance in defence of human rights, gender equality and non-discrimination, in line with the universal principles of respect and dignity for all people.
2. Ensuring a safe and violence-free environment: Everyone has the right to study, work and develop in an environment that is safe and free from any form of violence, discrimination or harassment. This principle is fundamental to ensuring the physical and psychological well-being of members of the university community and to fostering an atmosphere of mutual respect and positive coexistence.
3. Preventing and responding effectively to situations of harassment: Early identification and appropriate handling of any form of harassment, discrimination or violence helps to prevent such conduct and repair the harm caused to victims.

It is essential that the Protocol is regularly reviewed and updated. Society changes and so do forms of violence, discrimination and harassment. The Protocol must therefore be kept up to date to reflect new social and legal realities in order to ensure its effectiveness and relevance. Revisions should take into account the views and experiences of the university community.

Finally, the success of this protocol depends on the involvement of the university community in applying it and the institutional commitment to continue advancing towards a UPC free from any form of violence, discrimination or harassment. Only by working together can we ensure an academic and work environment that fosters respect, equality and safety for all.

3. PURPOSE AND OBJECTIVES

The **purpose** of this protocol is to establish the UPC's framework for action in response to any type of conduct or situation involving violence, harassment or discrimination by reason of sex, sexual orientation or sexual identity, gender identity or expression, birth, racial or ethnic origin, religion, conviction or opinion, age, disability, disease or health condition, serological status and/or genetic predisposition to suffer pathologies and disorders, language, socioeconomic or academic status, or any other personal or social condition or circumstance detailed in Appendix 1 to this protocol.

The Protocol is based on the pillars of prevention and reparation and on the implementation of the UPC Rules for Coexistence.

Workplace harassment falls outside the scope of this protocol.

The general **objectives** of the Protocol are:

- To define the UPC's position on situations of this kind.
- To establish prevention mechanisms aimed at ensuring respectful coexistence between all members of the university community.

- To establish an action protocol to investigate, adopt interim measures and propose resolution pathways, and to address and resolve detected and reported situations with the utmost speed and rigour, in order to safeguard the dignity of affected persons.
- To establish a specific and agile procedure for intervention, assistance, support and reparation for victims.

4. SCOPE OF APPLICATION

This protocol applies to the situations and conduct set out in Appendix 1 to this protocol and occurring within the four scopes described below.

4.1. Objective scope of application

This protocol applies to any conduct or situation specified in Appendix 1 to this protocol and occurring through verbal, non-verbal, face-to-face or digital means.

4.2. Subjective scope of application

This protocol applies provided that the victim or alleged perpetrator is a member of one of the following groups:

- a) Members of the university community (academic and non-academic staff and students), including students on mobility or completing a placement at the UPC.
- b) Users of university facilities and services and/or participants in activities organised by the UPC.
- c) Individuals who are not contractual or statutory staff of the UPC, but who have a connection with the University as staff of a supplier, contractor or collaborator for academic, research, work-related or professional reasons.
- d) Former students and staff of the UPC.

The support and reparation measures set out in Section 8 of this protocol will only be applied if the affected person is a member of the university community.

The investigation stage provided for in Section 9 of this protocol will only be activated if the alleged perpetrator is a member of the university community, without prejudice to the reporting of any incidents that may constitute a criminal offence to the Public Prosecutor's Office.

Even if an investigation and/or disciplinary procedure is not initiated, the victim has the right to be informed and advised, and to have measures of support and comprehensive reparation adopted, provided they are a member of the university community.

4.3. Locational scope of application

This protocol applies to incidents that have occurred in one of the following places:

- a) UPC premises, systems and facilities.
- b) Outside university premises, only in the case of incidents that occur in the context of an activity or service organised, coordinated or authorised by the UPC.

4.4. Temporal scope of application

This protocol applies provided that no more than three years have elapsed since an incident occurred or, in the case of continuous conduct, from the date on which the offending conduct ceased.

5. GENERAL PRINCIPLES

The following principles should guide the individuals and bodies involved in applying this protocol.

- **The principle of diligence and celerity:** The entire procedure, including the adoption of interim measures, must be conducted as expeditiously as possible, without undue delay, and shall be adapted to the circumstances of each case, respecting the rights of all parties involved and ensuring non-repetition and non-revictimisation.
- **Principle of gender perspective:** This entails understanding stereotypes and gender relations, their roots and consequences when applying and evaluating the impact of the provisions of the existing legal framework and the Protocol itself. The gender perspective also includes an intersectional perspective to ensure the rights of people who suffer from other forms of discrimination or structural inequality (racialised people, people with disabilities, etc.).
- **Principle of non-discrimination** by reason of sex, sexual orientation, gender identity, race, skin colour or ethnicity, religion, language, opinion, place of birth or residence, or any other personal or social condition or circumstance listed in Appendix 1 to this protocol.
- **Principle of protecting the privacy and dignity of affected persons** and reported persons, ensuring support throughout the various stages of the procedure. These individuals may choose a person to represent them or another person to provide them with support and assistance throughout the procedure. Discretion should be exercised to protect the privacy and dignity of all individuals involved in the procedure, particularly the affected persons.
- **Principle of prevention and prohibition of reprisals:** No one who reports or communicates any of the situations described in this protocol (whether as an affected person or as a witness) or who participates in the investigation procedure should suffer reprisals or second-order violence, nor should those who support the victims. Information about this principle should be provided when incidents are reported so

that potential victims can recognise this type of violence. The Equality and Diversity Unit shall follow up with any person who reports or communicates a situation, as well as with witnesses and individuals who provide support to victims, in order to detect any instances of second-order violence that may occur.

- **Principle of voluntariness** in choosing the process for activating this protocol.
- **Principles of effectiveness, coordination and participation.**
- **Principle of integrity and confidentiality**, which extends to the information obtained in the course of the procedure and the documentation that forms part of it. The duty of confidentiality applies to all parties involved at all stages of the procedure. The duty of confidentiality complements the duty of professional secrecy and continues even after a procedure has ended. Any person participating in an investigation, including witnesses, must sign a confidentiality undertaking.

In addition, disciplinary powers will be exercised in accordance with the following principles:

- **Principle of legality and classification of offences and penalties:** In accordance with Article 11 of Organic Law 3/2022, of 24 February, on university coexistence, harassment, sexual harassment, sex-based harassment and discrimination by reason of sex, sexual orientation, gender identity, national origin, ethnicity, age, social class, disability, health status, religion or belief or any other personal or social condition or circumstance are considered very serious offences in the student disciplinary system. Article 95(2) of Royal Legislative Decree 5/2015, of 30 October, which approves the consolidated text of the Law on the Basic Statute of Public Employees, establishes as a very serious offence any act that involves discrimination by reason of racial or ethnic origin, religion or beliefs, disability, age or sexual orientation, language, opinion, place of birth or residence, sex or any other personal or social condition or circumstance. Harassment by reason of racial or ethnic origin, religion or beliefs, disability, age or sexual orientation and moral harassment, sexual harassment and sex-based harassment are also classified as very serious offences.

- **Principle of non-retroactivity** of unfavourable disciplinary provisions and retroactivity of those favourable to the alleged perpetrator.
- **Principle of responsibility:** The person responsible is the person who has engaged in conduct that constitutes a criminal offence under the applicable legal system, or who has collaborated in the commission of an offence.
- **Principle of procedural guarantees:** The procedure must establish an appropriate separation between the investigation stage and the disciplinary stage, and entrust each of these stages to a different body.

6. BODIES INVOLVED IN THE APPLICATION, IMPLEMENTATION AND DISSEMINATION OF THE PROTOCOL

The bodies involved in the application, implementation and dissemination of the Protocol are:

- **Rector:** The rector exercises the functions of direction, governance and management of the University and represents the institution. They therefore have all powers not expressly attributed to other UPC bodies. The rector is the competent authority to initiate a period of information gathering or preliminary enquiries and to initiate and decide on any disciplinary procedure, unless this competence has been delegated to another body or unit. The rector may delegate their powers in this area to the vice-rector's office responsible for the matter.
- **Equality and Diversity Unit:** This unit is responsible for designing, implementing and evaluating equality policies and for promoting measures to prevent harassment. It manages communications regarding incidents that are the subject of a complaint or report, conducts a preliminary technical assessment of the facts, and monitors the

application of the Protocol, the measures taken and the case to ensure that the conduct involving violence, discrimination or harassment has ceased. The Unit also offers support and advice to affected persons, identifies their needs in order to propose support and/or interim measures, and coordinates with other UPC units and services.

- **Equality coordinators in schools and departments:** Equality coordinators disseminate the Protocol, can provide information prior to the filing of a complaint received through the designated mailbox, advise the Equality and Diversity Unit in the preparation of preliminary reports and participate in the preparation and implementation of follow-up plans.

- **Schools:** The offices of school directors participate in risk reduction, collaborate in the application of the Protocol and carry out any measures that need to be implemented in coordination with the Equality and Diversity Unit.

- **Committee for Investigation against Harassment and Discrimination (CICAD):** The Committee is composed of persons with specific training in the field, which may include members of the university community and external experts. It investigates cases where it is deemed necessary to convene the Committee to extend an investigation, which ends with the drafting of a final report that the Committee must submit to the rector or Service Inspection and Internal Control, as appropriate.

- **Investigating officers for disciplinary proceedings:** Investigating officers are appointed by the rector or by Service Inspection and Internal Control, as appropriate, and are responsible for conducting investigations related to disciplinary proceedings.

- **Directors' offices of management areas:** Their role is to ensure the reduction of risks and collaborate in the application of the Protocol and the implementation of corrective measures.

- **Legal Services:** The role of Legal Services is to advise the Office of the Vice-Rector for Social Responsibility and Equality of the UPC on any questions relating to the scope of application of this protocol. This service plays a crucial role in ensuring compliance with the procedural principles during the investigation stage referred to in this protocol.

- **Service Inspection and Internal Control:** This unit is responsible for initiating and conducting investigations, in accordance with the regulatory framework, in relation to disciplinary proceedings involving members of the university community.
- **Staff and Organisation Area:** This unit informs UPC staff about their rights, rules and disciplinary responsibilities as outlined in the Protocol. It also promotes workplace improvements with a focus on gender and mutual respect. The Staff and Organisation Area, in collaboration with the Equality and Diversity Unit, also manages measures to protect affected persons and prevent harassment.
- **Communication Service:** This service is responsible for disseminating the Protocol in collaboration with the Equality and Diversity Unit.
- **University community:** The entire university community is urged to actively participate in the implementation of the Protocol, particularly as regards the reporting to the Equality and Diversity Unit of any conduct that may constitute discrimination, harassment or violence, in order to ensure a safe and respectful environment for all.

7. PREVENTION STRATEGIES AND ACTIONS

Prevention is the main intervention tool to ensure that the University is a safe space free from all forms of violence, discrimination and harassment. The Protocol must therefore be understood in a comprehensive way. It is much more than a reporting mechanism, with a corresponding investigation and disciplinary procedure to be applied when a situation of violence occurs; it is above all a tool for prevention and transformation.

Preventive actions that must be carried out in terms of information and awareness-raising:

- The University must enable information channels that are visible and easily accessible. The channel for sending requests for information or submitting proposals

for improvement is via e-mail. Persons wishing to make a complaint or report should do so through the mailbox, which must be incorporated into the University's internal information channel (Section 9.2 of this protocol).

- Lilac points. During university festivals and other events promoted by the UPC, lilac points will be set up in a visible manner to provide information, raise awareness and offer advice in relation to the type of conduct covered by this protocol. These points must follow the action protocol for lilac points in recreational activities and festivals in outdoor and indoor spaces of the UPC (Decision CG/2024/1/20, 21 February 2024) or the Protocol in force when they are held. Student delegations may act as a permanent lilac point through their members and channels of communication.

- Information (leaflets, information sheets, statements of compliance, etc.) must be provided during the induction of students and members of any UPC staff group.

- Information material must be produced and distributed.

- Awareness-raising campaigns and regular proactive actions aimed at the entire university community must be promoted.

Preventive actions that must be carried out as part of training:

- Include training on gender equality, sexual diversity and non-discrimination as part of the UPC training programme for all academic and non-academic staff.

- Include specific training activities on prevention and skill-building for individuals performing management and team leadership roles, prevention specialists, human resources staff, legal advisers, employee representatives and staff involved in applying this protocol, especially individuals participating in the investigation process and the initiation of proceedings.

- Include specific training for members of the Student Council and student associations on prevention, detection and response to violence, harassment and discrimination.

Preventive actions that must be carried out in other areas:

- The University has a name change procedure in place for members of the UPC trans and non-binary community. The procedure is considered a preventive action against discrimination or harassment by reason of gender identity.
- Periodically collect information on the prevalence in the university community of the situations of violence, discrimination and harassment described in this protocol.

8. SUPPORT AND REPARATION MEASURES

Support actions

Reparation refers to the set of measures adopted by the various bodies responsible for intervention that contribute to the restoration of the areas damaged by the situation that has occurred, ensuring that the necessary support and guidance are provided to affected persons.

Specific and personalised support measures for each victim must be detailed in a follow-up plan, which must be included in the case file.

These measures are aimed at victims who are members of the university community and can be implemented even if the University does not initiate an investigation and disciplinary procedure. The Equality and Diversity Unit is responsible for drawing up and monitoring the plan, in collaboration with the various actors involved in its implementation. The approval and validation of these measures must be in accordance with Section 6 of this protocol.

In order to ensure coordinated application of the plan, the Staff Area collaborates with the Equality and Diversity Unit if the victim is a member of the University's academic or non-academic staff. If the victim is a student, coordination is the responsibility of the

equality coordinator of the school concerned, with the collaboration of the Academic Area where appropriate.

By way of illustration, the following list is presented, which can be extended with other measures adapted to the specific needs of the affected person.

Measures aimed at the entire university community

- **Personalised information and advice** on the application of the Protocol and on resources available from other entities or institutions.
- **Psychological assistance:** Personalised support services are provided for victims of harassment, including emotional and psychological support.
- **Legal assistance:** The possibility of providing free and specialised legal assistance services to victims is considered.
- **Work or academic reintegration:** Work or academic reintegration plans are developed for victims whose careers or studies have been interrupted due to harassment.

Measures aimed at students

- **Class support adaptations:** For example, students may have access to material covered in class during absences due to medical, psychological or legal circumstances; they may be given flexibility with respect to the class attendance requirements set out in the course plan; or they may be allowed to change their academic or work placement tutor, or the company or organisation where they complete a work placement.

Adaptations related to assessment: For example, students may be given extra time to submit work, be allowed to change examination dates due to medical, psychological or legal circumstances, etc.

- **Repetition of subjects:** If a situation of violence has prevented the victim from following the academic year normally and they have to repeat subjects, it is considered

a measure of support and reparation for the University to facilitate the repetition of the subjects in question.

- **Free enrolment grants** for victims of violence against women.
- **Administrative adaptations:** These include facilitating a change of group, seminar or tutorial; transferring a student's academic record to another university under an interuniversity agreement; and changes to enrolment.
- **Free transfer of a student's academic record to another university**, as provided for in interuniversity agreements in force.

Measures aimed at academic and non-academic staff

- Employees who are considered victims of gender-based or sexual violence have the right to, among other things, a reduction or reorganisation of their working hours, geographical mobility, a change of workplace and adaptation of their position (Article 21.1 of Organic Law 1/2004 and Article 38.1 of Organic Law 10/2022).

In accordance with specific regulations, absences from work or lack of punctuality resulting from the physical or psychological state caused by gender-based or sexual violence are considered justified and remunerated when so determined by the relevant social care or health services. This is without prejudice to the requirement that the affected employee report such absences to the company or public administrative body as soon as practicable (articles 21.4 and 25 of Organic Law 1/2004 and 38.4 and 40.2 of Organic Law 10/2022).

9. INVESTIGATION AND DISCIPLINARY PROCEDURE

The activation of the Protocol and the corresponding investigation is carried out in accordance with the principles detailed in Section 4 of this protocol, in such a way as to safeguard the rights of the individuals involved as set out below. Disciplinary measures form part of the reparation process for the victim's recovery.

9.1. Rights of the individuals involved

Within the framework of the Protocol's application, the following rights are established:

Rights of complainants

- To be summoned and heard in a manner that avoids revictimisation.
- To be supported by a person of trust and/or receive legal counsel and/or assistance from social agents and interpreters if necessary.
- To have assurance that the procedure will be conducted expeditiously.
- To receive psychological support and other support measures.
- To exercise the right of challenge, i.e. the right to object to the participation of members of the investigation committee on any of the grounds provided for in Law 40/2015, of 1 October, on the Public Sector Legal System.
- To receive information on the procedure carried out under the Protocol and its outcome.

Rights of reported persons

- To receive courteous, respectful and dignified treatment.
- To have their presumption of innocence respected.
- To be supported by a person of trust and/or receive legal counsel and/or assistance from social agents and interpreters if necessary.
- To exercise the right of challenge, i.e. the right to object to the participation of members of the investigation committee on any of the grounds provided for in Law 40/2015, of 1 October, on the Public Sector Legal System.
- To receive information on the procedure carried out under the Protocol and its outcome.

9.2. Notification of incidents (complaint or report)

This protocol is activated when an incident is reported to the UPC Equality and Diversity Unit via the mailbox that is part of the University's internal information channel (see Appendix 4). Incidents may not be reported anonymously. The Equality

and Diversity Unit can provide advice and support on how to make a report if such assistance is required.

Incidents may be reported by the affected person or by any individual or group in their academic or personal environment. If an incident is not reported by the victim, the victim must subsequently confirm the relevant facts and give written consent for the investigation procedure to move forward. The reporting of incidents is confidential and must be handled with the utmost discretion. All persons involved in the process must guarantee the confidentiality of the information and data they provide and of those that come to their knowledge in the course of the procedure.

In the event that an individual reports an incident to the Equality and Diversity Unit but does not wish to proceed with the activation of the disciplinary procedure, the investigation stage provided for in Section 9.4 will not be activated. However, provided that an incident falls within the scopes of application stipulated above, the support and reparation measures defined in Section 7 of this protocol may be adopted as deemed appropriate in each specific case. Likewise, if the affected person does not give consent to activate the investigation stage set out in Section 9.4, in serious cases or those involving several persons, the Equality and Diversity Unit must inform the rector or Service Inspection and Internal Control via the relevant vice-rector's office, so that they may take the actions they deem appropriate.

In the event of conduct likely to lead to the activation of this protocol involving persons included in paragraphs (b) and (c) of the subjective scope of application, and with the prior consent of the victim, the organisation, company or institution to which the affected person belongs must be informed of the incident, and reciprocal communication must be established so that they may activate their own protocols if appropriate.

9.3. Interview with the alleged victim and issue of a preliminary report

Once the reported incident has been analysed, the Equality and Diversity Unit has 14 working days to:

- Interview the victim to obtain further information and collect the necessary evidence and, where appropriate, obtain the victim's consent to move forward with the procedure set out in this protocol. A record of the interview must be drawn up and signed by all parties.
- Obtain, where appropriate, the victim's consent to the collection and transfer of personal data.
- Provide the victim with information and advice.
- Identify the needs of the victim(s) in order to propose support and/or interim measures, as appropriate.
- Prepare a preliminary report along the following lines:
 - Closure or referral to another body: The incident does not fall within the scope of application of the Protocol and, consequently, it is proposed that it be filed or possibly referred to another competent body or unit.
 - Closure or activation of the investigation committee: There is insufficient evidence to warrant the initiation of disciplinary proceedings and it is therefore proposed to close the case or, where appropriate, to open a period of information gathering or preliminary enquiries with the convening of the competent investigation committee to conduct a more extensive investigation.
 - Disciplinary proceedings: There is sufficient prima facie evidence, with a sound factual and legal basis, to warrant the initiation of disciplinary proceedings without the need for further investigation by the competent investigation committee.
 - Reporting to the Public Prosecutor's Office: There is prima facie evidence that the incident may constitute a crime, necessitating the notification of the Public Prosecutor's Office, or, if the nature of the crime is such that only the victim can

report the incident, that the victim be informed that this is the case. In this case, the advisability of initiating disciplinary proceedings, even if they are subsequently suspended, should be considered.

The report must make a recommendation on the proposal to adopt support measures and/or interim/urgent interim measures, as appropriate.

The preliminary report must be submitted to the rector, the office of the vice-rector to whom the rector has delegated the responsibility, or Service Inspection and Internal Control, as appropriate, for a decision to be taken along the following lines:

- Close the case.
- Initiate a period of information gathering or preliminary enquiries and convene the competent investigation committee, the confidential nature of which must be determined, where appropriate.
- Report the incident to the Public Prosecutor's Office or to the victim, if the incident can only be reported by the victim.
- Initiate disciplinary proceedings and, if necessary, adopt the appropriate interim/urgent interim measures. In this case, depending on the group affected, the decision will be taken by the rector or Service Inspection and Internal Control, as appropriate.

In the decision, which must be issued within a maximum of one month, the rector may also decide on the adoption of support measures.

This decision must be forwarded to the Equality and Diversity Unit, which must inform the complainant of the outcome.

9.4. Investigation stage

In the investigation stage, the period of information gathering or preliminary enquiries (preliminary information file) is opened and the Committee for Investigation against Harassment and Discrimination (CICAD) is convened.

9.4.1. The CICAD

The CICAD is the body responsible for investigating incidents falling within the scope of application of this protocol and is made up of the following members:

- The head of the Equality and Diversity Unit, who acts as secretary of the body.
- A specialist from the Equality and Diversity Unit.
- A specialist from UPC Legal Services.
- A member of the management team of the school, service or unit where the alleged victim studies or works, or their delegate, who will act as chairperson. When the victim is external to the university community, the Committee is chaired by a person who is a member of the management team of the school, service or unit where the alleged perpetrator studies or works. The CICAD may request that external or internal third parties who are specialists in the specific subject matter of each case attend its meetings to provide advice, with the right to speak but not to vote.

CICAD members must receive the necessary training in gender perspective and non-discrimination, in accordance with the provisions of applicable legislation.

9.4.2. Investigation

Once it has been convened, the CICAD carries out all necessary investigative actions to determine, as precisely as possible, the facts that may warrant the initiation of a disciplinary procedure and to identify the persons who may be responsible. Every member of the university community is required to cooperate with the Committee by providing it with any necessary information and documentation. Actions that may be taken as part of the investigation include the following:

- Requests for reports or the results of assessments or surveys, issued by the heads of units, departments or schools, that may provide information relevant to the investigation of the case.
- Summoning and taking statements from the victim(s) and witnesses.
- Summoning and taking a statement from the alleged perpetrator. The summons must be accompanied by a duly anonymised copy of the complaint or report lodged.
- Specialised consultations with other units or requests for expert reports.

At the start of each interview, the individuals involved and witnesses must be informed of the purpose of their statement, that it will be recorded in writing and form part of the case file, and that it will be incorporated into any disciplinary file that may be opened if appropriate.

Once the investigation stage is complete, and in any case within a period not exceeding one month from the constitution of the investigation committee, which may be extended by up to 15 working days, the CICAD must issue a final report addressed to the rector or rector's delegate, or to Service Inspection and Internal Control. This report must detail the actions taken, provide a proposed classification and suggest a course of action, along the following lines:

- Closure: There is insufficient evidence of violence, discrimination or harassment, or it is considered that the incident does not fall within the scopes of application of the Protocol, and it is proposed that the case be closed or referred to another competent body or unit.
- Disciplinary proceedings: There is sufficient evidence of violence, discrimination or harassment to warrant the initiation of disciplinary proceedings.
- Crime: There is evidence that the reported facts may constitute a crime, so they must be reported to the Public Prosecutor's Office or the victim must be informed if only they may file such a report.

The report may also propose, where appropriate, the adoption of any support measures or interim/urgent interim measures deemed appropriate by the Equality and Diversity Unit or by the rector or rector's delegate, as the case may be.

The outcome of the report must be communicated to the victim and, where appropriate, to the alleged perpetrator.

9.4.3. Decision of the rector or Service Inspection and Internal Control

Upon reviewing the report, the rector or rector's delegate, or Service Inspection and Internal Control, as appropriate, must issue a decision within a maximum period of one month. This decision must be notified to the interested parties in the procedure and communicated to the Equality and Diversity Unit for registration purposes.

With regard to any disciplinary procedure that may be initiated as a result of the activation of this protocol, the limitations set out in the applicable regulations will also apply, depending on the group.

In cases in which disciplinary proceedings are initiated, the enquiries conducted by the CICAD and its final report will be considered preliminary information, as stipulated in the relevant regulations, and will be incorporated into the disciplinary file, thereby avoiding potential revictimisation and unnecessary duplication.

The investigating officer responsible for the disciplinary procedure must have appropriate specific training or professional experience in gender perspective and the prevention of revictimisation.

In cases in which it is established that the information provided or the testimony of witnesses is false, the rector or Service Inspection and Internal Control, as appropriate, may decide to initiate disciplinary proceedings against the persons responsible, as well

as taking any other action deemed appropriate. It is important to bear in mind that unsubstantiated facts are not the same as false allegations.

9.4.4. Interim or urgent interim measures

The rector or Service Inspection and Internal Control, as the case may be, may, ex officio or at the request of one of the parties, adopt interim or urgent interim measures to ensure the effectiveness of any decision they issue or any measures deemed necessary for reasons of urgency for the provisional protection of the interests involved. Interim or urgent interim measures should not be confused with the support measures described in Section 8, which can be ordered independently of whether or not the investigation stage is activated.

The measures may be adopted after the disciplinary procedure is initiated or before this step is taken. In the latter case, they must be confirmed, modified or revoked within 15 days of their adoption upon initiation of the disciplinary procedure. Otherwise, they will lapse.

Provisional measures must not cause harm or contravene rights protected by legislation, and must be adopted in accordance with the principles of proportionality, effectiveness and minimum burden. No measures may be taken that may cause irreparable or difficult to repair damage or infringe the rights of affected persons.

Urgent provisional measures must be ordered, modified or confirmed in the decision to initiate disciplinary proceedings. For this reason, the complainant must be informed of the limitations associated with not activating the disciplinary stage. It should be stressed, however, that the decision not to initiate the disciplinary procedure does not prevent the adoption of support measures.

The following are some examples of interim and urgent interim measures that may be adopted.

- **Work setting:** change of shift, unit, service or department, restriction of access to data, files or spaces, etc.
- **Academic context:** change of class group or curriculum pathway, reassignment of a tutor or thesis supervisor, etc.

9.5. Case follow-up, registry of reports and complaints, and document retention

The Equality and Diversity Unit must maintain a register of all reports and complaints filed and follow up on cases to ensure that the harassment has ceased and that there has been no retaliation against the complainant or anyone involved in the procedure.

10. MECHANISMS FOR INTERINSTITUTIONAL COORDINATION

Violent, aggressive and/or discriminatory conduct and/or harassment may occur in the context of academic activities involving people who are not members of the university community; in shared workspaces (e.g. laboratories and libraries); at sporting competitions and various interuniversity activities; during external placements, seminars and conferences; or at popular venues and events organised by the UPC, among other university-related environments.

It is therefore essential to establish a range of mechanisms for interinstitutional coordination, as set out below.

Between Catalan universities

The UPC undertakes to set up a coordination procedure with other Catalan universities, based on interuniversity mechanisms, in order to detect, investigate and, where appropriate, take disciplinary measures in response to cases of violence, harassment, violence against women, LGBT-phobic violence and any other forms of discriminatory conduct covered by this protocol involving members of two or more universities.

With affiliated schools and UPC Group entities

In the event of inappropriate conduct involving a member of the UPC community and a member of an affiliated school or the UPC Foundation, there must be communication between the entities concerned so that the necessary protocols and measures are applied in their respective areas of activity and to ensure the intervention of the appropriate units of both entities.

With external suppliers, collaborators or contractors

External companies contracted by the UPC must have a protocol in accordance with the legal framework in force and must be informed of the existence of this protocol. Similarly, the UPC must include a specific clause on the conduct covered by this protocol in the technical specifications for administrative contracts or in relevant agreements or contracts. If any of the forms of conduct described in this protocol occur between a member of the UPC community and the staff of a contracted external company, they must communicate with each other so that each party can apply its protocol and take appropriate corrective measures within its sphere of action.

Mobility and exchange agreements with other universities

The UPC must include a clause in exchange agreements informing of the existence of this protocol. If a member of the UPC community engages in a form of conduct covered by this protocol in relation to a member of another university, both institutions must communicate regarding the matter in order to apply their respective protocols and corrective measures, subject to the victim's consent.

11. FOLLOW-UP AND EVALUATION

This protocol must be regularly reviewed and, if necessary, improved. The Equality and Diversity Unit must produce an annual report that follows the guidelines of the Interuniversity Council of Catalonia. The report must be made public and submitted to the University's governing bodies. This document should serve to generate knowledge and propose improvements to the University's interventions and regulations. It should also identify the needs of victims and relevant professionals, who should also be covered by the report. The report must contain quantitative and qualitative indicators that, in an anonymised manner and in strict compliance with personal data protection regulations, capture all requests for information, complaints, actions taken and decisions issued. It must also identify the groups to which affected persons and perpetrators belong and the type of conduct that led to intervention.

12. ADDITIONAL, TRANSITIONAL, REPEALING AND FINAL PROVISIONS

ADDITIONAL PROVISIONS

Additional provision 1. Interuniversity cooperation

In order to support students on joint programmes or joint degrees, the UPC may sign agreements with other universities to establish actions in this area.

Additional provision 2. Educational cooperation agreements

In order to make the content of this protocol known, the UPC's educational cooperation agreements must include a clause that makes reference to the Protocol and the obligation to comply with it.

Additional provision 3. Agreements with entities in the UPC Group

In order to provide maximum protection for UPC Group students, the possibility of signing collaboration agreements with these entities to establish a protocol for addressing potential cases of harassment is envisaged.

Additional provision 4. Support measures outside the scope of the Protocol

Subject to the prior approval of the competent vice-rector's office, the University may establish support measures for members of the university community who, outside the UPC, have experienced situations covered by this protocol that are not related to academic activities.

Additional provision 5. Approval of the regulations governing the organisation and operation of the CICAD

The Governing Council shall approve the regulations for the organisation and operation of the CICAD within six months of the approval of these regulations.

TRANSITIONAL PROVISIONS

Transitional provision 1. Procedures initiated before the entry into force of this protocol

Procedures and actions initiated before the entry into force of this protocol continue to be governed by the previous regulations.

Transitional provision 2. Assumption of functions by the Culture and Community Area

Pending the establishment of the Equality and Diversity Unit, the functions assigned to that unit in this protocol will be assumed and carried out by the staff of the Culture and Community Area.

REPEALING PROVISIONS

Sole repealing provision. Repeals

With the entry into force of this protocol, the following protocols are repealed:

- Protocol for prevention and action against sexual harassment and/or harassment by reason of sex, sexual orientation, gender identity or gender expression that affects students in the university environment of the UPC (Decision CG/2020/02/14).
- Protocol for prevention and action against sexual harassment and/or harassment by reason of sex, sexual orientation, gender identity or gender expression at the UPC.
- Protocol for supporting members of the university community who are victims of aggressions against their physical integrity and/or of a sexual nature, committed on UPC premises, which could constitute an offence (Decision CG/2019/07/40).
- Any other provision of equal or lower rank that conflicts with the provisions of this protocol.

FINAL PROVISIONS

Sole final provision. Entry into force

This protocol enters into force when it is approved by the Governing Council and has been published in the UPC e-services portal.

APPENDICES

Appendix 1. Definition of the situations of violence, discrimination and harassment covered by this protocol

I. FORMS OF VIOLENCE

- **Violence against women:** A violation of human rights through violence perpetrated against women, reflecting discrimination and inequality within a system in which men hold power over women. This violence, whether carried out through physical, financial or psychological means, including threats, intimidation and coercion, results in physical, sexual or psychological harm or suffering, regardless of whether it occurs in the public or private sphere (Catalan Law 5/2008).

Forms of violence against women:

- **Physical violence:** Includes any act of violence against a woman's body that causes or entails the risk of physical injury or harm (Catalan Law 5/2008).

- **Psychological violence:** Includes any conduct or omission that results in the devaluation or suffering of a woman as a result of threats, humiliation, degrading treatment, belittlement, disparagement, demands for obedience or submission, verbal coercion, insults, isolation or any other constraint placed on her freedom. Violence against women can also be perpetrated by threatening or inflicting physical or psychological violence on a woman's emotional circle. It also includes environmental violence, which is carried out through acts of violence against a woman's property with economic or sentimental value, or against animals with which she has an emotional bond, with the aim of causing her distress or creating an intimidating environment (Catalan Law 5/2008).

- **Sexual violence:** Any act of a sexual nature that is not consensual or that conditions the free development of sexual life in any public or private sphere, including the digital sphere. In any event, as provided for in Title VIII of Book II of Organic Law 10/1995, of 23 November 1995, on the Criminal Code, the following crimes are considered forms of sexual violence: female genital mutilation, forced marriage, harassment with sexual connotations and

trafficking in persons for the purpose of sexual exploitation. Special attention should be paid to sexual violence committed in the digital environment, which includes the dissemination of acts of sexual violence, non-consensual pornography and child pornography in any form, as well as sexual extortion through technological means (Article 3 of Organic Law 10/2022, on the Comprehensive Guarantee of Sexual Freedom).

- **Digital violence:** Acts of violence against women and online misogyny that are committed, instigated, amplified or aggravated, in whole or in part, through the use of information and communication technologies, social networking platforms, websites or forums, e-mail and instant messaging systems, and other similar means and that affect women's dignity and rights. Such acts cause psychological and even physical harm, reinforce stereotypes, damage dignity and reputation, violate women's privacy and freedom of action, cause them financial losses and constitute obstacles to their political participation and freedom of expression (Catalan Law 5/2008).

- **Second-order violence:** Consists of physical or psychological violence, reprisals, humiliation and persecution directed against people who support victims of violence against women. It includes acts that impede the prevention and detection of incidents and the care and recovery of women experiencing violence of this kind (Catalan Law 5/2008).

Violence against women can take the form of **violence in the educational environment**, understood as any kind of violence that takes place in an educational setting between members of the educational community. It can occur between peers or between older and younger people (in either direction). It includes harassment, sexual abuse and physical, sexual, psychological and emotional abuse. Some of these forms of violence are based on gender or sexual identity. There is also **violence in the digital environment**, understood as violence against women that occurs in digital communication networks, which can be seen as the new agora of interaction, participation and governance based on information and communication technologies. This form of violence includes, but is not limited to, cyberstalking, surveillance and tracking, slander, insults and discriminatory or denigrating expressions, threats, unauthorised access to devices and social media accounts, breach of privacy, manipulation of private data, spoofing, non-consensual disclosure of personal information or intimate content, damage to the devices or channels of expression used by women and women's groups, discourse inciting

discrimination against women, sexual blackmail through digital channels, and doxing with the intention of causing others to assault, locate or harass a woman (Catalan Law 5/2008).

- **Physical, verbal or psychological violence resulting from any conduct** based on birth, racial or ethnic origin, sex, religion, conviction or opinion, age, disability, sexual orientation or identity, gender expression, disease or health condition, serological status and/or genetic predisposition to suffer pathologies and disorders, language, socioeconomic status, **or any other personal or social condition or circumstance** (including all those stipulated in Article 1 of Law 19/2020, of 30 December, on Equal Treatment and Non-Discrimination, or any subsequent amendment or implementation thereof).

II. HARASSMENT AND DISCRIMINATION

- **Sexual harassment:** Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, hostile, degrading, humiliating or offensive environment, without prejudice to the provisions of the Criminal Code.

- **Sex-based harassment:** Any unwanted conduct directed towards a person because of their sex, with the purpose of violating their dignity or physical or psychological integrity, or of creating an intimidating, hostile, degrading, humiliating, offensive or uncomfortable environment, or which produces these same effects.

Discrimination by reason of sex is also considered to be any adverse treatment or negative effect suffered by a person as a result of having filed a complaint, claim, report, lawsuit or appeal of any kind aimed at preventing discrimination and demanding effective compliance with the principle of equal treatment between women and men (Article 9 of Organic Law 3/2007).

- **Harassment by reason of sexual orientation, gender identity or gender expression:** Any conduct based on a person's sexual orientation, gender identity or gender expression that has the purpose or effect of violating their dignity or physical or psychological integrity, or of creating an intimidating, hostile, degrading, humiliating, offensive or uncomfortable environment (Article 4 of Catalan Law 11/2014 and Law 4/2023).

Discriminatory harassment: Any conduct based on birth, racial or ethnic origin, sex, religion, belief or opinion, age, disability, sexual orientation or identity, gender expression, disease or health condition, serological status and/or genetic predisposition to suffer pathologies and disorders, language, socioeconomic situation, **or any other personal or social condition or circumstance** (including all those stipulated in Article 1 of Law 19/2020, of 30 December, on Equal Treatment and Non-Discrimination, or any subsequent amendment or implementation thereof), with the aim or consequence of violating the dignity of a person or a group to which they belong and of creating an intimidating, hostile, degrading, humiliating or offensive environment (Article 1 of Catalan Law 19/2020, Article 1 of Law 15/2022 and Article 3 of Law 4/2023 LGBTI).

- **Discrimination:** Any distinction, exclusion, restriction or preference on any of the grounds referred to in the previous paragraph, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of the human rights and fundamental freedoms of all persons, unless the measure is objectively justified by a legitimate aim and the means of achieving it are appropriate and necessary. Discrimination may occur in a direct or indirect manner, by association or by error, and multiple forms of discrimination may also occur (Article 4 of Law 19/2020).

- **Academic harassment:** Psychological violence directed at one or more persons by one or more other persons with the purpose or effect of creating a hostile or humiliating environment that disrupts the academic activities of the victim. It is considered an aggravating circumstance if the violence is perpetrated from a position of power or is repeated and persistent over time.

Appendix 2. Non-exhaustive list of behaviours and attitudes encompassed by the situations outlined in Appendix 1

Conduct which may constitute sexual harassment

Making obscene sexual comments; telling offensive sexual jokes or quips of a sexual nature; leering or making obscene gestures, whether in person or through any means of communication.

Approaching someone physically in an excessive or unnecessary way, touching, hugging or kissing, as well as inflicting deliberate and unsolicited physical contact, cornering a person or intentionally seeking to be alone with someone when this is unjustified or unnecessary.

Covertly observing people in private spaces, such as toilets or changing rooms, among other areas, or intentionally touching sexual parts of the body.

Addressing someone in a demeaning or obscene manner.

Soliciting sexual favours or making indecent, compromising or persistent invitations to participate in social or leisure activities, even when the person being solicited has clearly expressed their unwillingness to participate.

Suggesting the possibility of professional or academic advancement in exchange for sexual favours, or threatening professional or academic reprisals to coerce acceptance of dates or sexual encounters.

Making unsolicited invitations to non-work or non-academic activities that could be interpreted as having sexual intent, when such invitations are repeated and unwanted.

Sending letters, notes or messages by e-mail, instant messaging or through social media with offensive sexual content, or spreading rumours about a person's sex life.

Threatening to post photos or videos showing a person engaging in sexual acts or showing naked body parts, as well as the degrading use of a person's images on social media or any other means of communication.

Using or displaying pornographic or sexually provocative images in work or academic settings.

Any conduct defined by law as sexual harassment.

Conduct that may constitute sex- or gender-based harassment:

Making derogatory comments about a person or group because of their gender, or making sexist comments based on gender prejudices.
Committing acts of discrimination on the basis of sex or gender, or on the basis of maternity or paternity.
Engaging in sexist humour or making derogatory remarks, taunts, jokes, gestures or offensive comments of a sexist nature, or publicly mocking or ridiculing recognised equality and diversity rights.
Assigning a person to a job or tasks with a lower level of responsibility than their ability or professional category warrants, or to inconsistent duties, solely on the basis of their gender, or assigning tasks based on sexist prejudices, or not assigning a person certain tasks solely because of their gender.
Ignoring, ridiculing or belittling the contributions, knowledge, skills, abilities or work of a particular person or group because they belong to a certain gender.
Ridiculing, belittling or isolating individuals who do not conform to the social roles assigned to their gender.

Conduct that may constitute harassment based on sexual orientation, gender identity or gender expression

Making derogatory comments about an individual or group due to their sexual orientation, gender identity or gender expression; making sexist remarks based on gender prejudices; or addressing someone in an offensive manner because of their sexual orientation, gender identity or gender expression.
Performing acts or using abusive language that incites violence against an individual or group based on their sexual orientation, gender identity or gender expression.
Inciting hatred, violence or discrimination against LGBTI+ communities.
Assigning a person to a job or tasks with a lower level of responsibility than their ability or professional category warrants, or to inconsistent duties, or not assigning certain tasks, based on LGBTI-phobic prejudices.
Ignoring, ridiculing or belittling the contributions, knowledge, skills, abilities or work of a particular person or group due to their non-normative sexual orientation, gender

identity or gender expression.
Ridiculing, belittling or isolating people because of their sexual orientation, gender identity or gender expression; making derogatory remarks, taunts, jokes, gestures or offensive comments of a homophobic, lesbophobic, biphobic or transphobic nature in the workplace or academic environment; or publicly mocking or ridiculing recognised equality and diversity rights.
Making comments about a person's physical appearance, behaviour or dress, sexual orientation or gender expression.
Refusing to refer to transgender people by their chosen names and the pronouns with which they identify.
Questioning people with non-normative gender expressions or identities about their use of a particular toilet.
Making comments with LGBTI-phobic connotations.

Forms of digital violence against women

<p>The dissemination of images and/or videos of an intimate or sexual nature without the consent of the person depicted (non-consensual sharing), obtained through various strategies or practices, such as theft, blackmail or non-consensual recording.</p>
<p>Extortion. There are other forms of digital sexual violence, such as sextortion, where the perpetrator possesses intimate images of a person and extorts that person by threatening to publish them.</p>
<p>Sexual exhibitionism, or cyberflashing, where the perpetrator sends sexual images online without the recipient's consent, often via WhatsApp, Bluetooth or AirDrop, or through social networks.</p>
<p>Sexual deepfakes. A type of synthetic pornography in which the perpetrator uses artificial intelligence to create and distribute fake nude images without the subject's consent. Although the photos are not real, the consequences are.</p>
<p>Unlawful access to accounts for social media, Google or iCloud, e-mail, streaming platforms, online shopping, WhatsApp Web, etc.</p>
<p>Tracking and monitoring a person's movements through accounts and/or using tracking tools such as Google, iCloud, AirTag or AirPods.</p>
<p>Creating fake profiles to track a person's information and movements.</p>

Installing parental control software.
Installing spyware.
Sexist insults and discriminatory expressions. Speech against women or non-binary people that reflects sexist cultural patterns based on traditional roles.
Threats. Violent, lewd or aggressive content that expresses an intention to cause harm.
Discrediting and defamation. Disparaging a person's career, credibility or public image by spreading false, manipulated or out-of-context information.
Censorship and silencing. Targeted attacks resulting in content removal or the closure of profiles of those affected.
Doxing. Disclosure of personal information without consent.

Conduct that may constitute academic harassment

Persistently humiliating, belittling or intimidating a person and abusing them psychologically.
Excluding a person from the community, limiting their social relationships; threatening a person's health.
Restricting a person's right to express their opinions, violating their rights or abusing power.
Discriminating against a person, denying them opportunities to participate.

The following do not constitute academic harassment:

- Conflicts arising from decisions related to studies or the way they are interpreted.
- Addressing problematic situations related to studies by taking disciplinary measures.

Appendix 3. Preventive measures

Examples of preventive measures:

- Tutorials and exam reviews should preferably be conducted with the door open.
- When communicating with students and among members of the university community, priority should be given to using UPC e-mail accounts, avoiding personal messaging services and non-institutional social networks.
- Face-to-face meetings with students and among members of the community should be held primarily on campus.
- The integrity of the relationship between academic staff and students (undergraduate, postgraduate or doctoral) is the foundation of any university's educational mission. Due to the inherent power imbalance in this relationship, if a member of the University's academic staff has a clear enmity or a consensual affective-sexual relationship with a student, they must refrain from teaching that student, supervising their research or tutoring them in order to avoid potential abuses of power and conflicts of interest. In any case, affective-sexual relationships between academic staff and students are considered professional misconduct because they are clearly asymmetrical, with a clear power imbalance in favour of the former.

Appendix 4. Outline of the procedure

