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UPV/EHU PROTOCOL TO PREVENT GENDER-BASED VIOLENCE

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INTRODUCTION

I. Statement of principles

This purpose of this protocol is to maintain and promote a safe environment, free from gender-based violence, for all people comprising the university community of the University of the Basque Country (UPV/EHU). The UPV/EHU shall not tolerate any form of gender-based violence and will take the necessary measures to tackle and eradicate such attitudes and behaviours once and for all.

The feminist perspective on gender inequality explains the origin of this form of violence. It stresses the role that gender binarism, male dominance and heteropatriarchal socialisation have in everyday interpersonal relationships. Gender-based violence affects women and people of all ages, cultures, social classes and levels of education, in various different settings, who do not fit into the gender-normative model. The university is one such setting. Gender-based violence is not a mere personal problem for those who experience it. It is a structural and political problem and we are all therefore responsible for addressing it.

It is the opinion of this university that attitudes that foster gender-based violence violate the right to equality, physical and psychological integrity and dignity of all people. Said attitudes will not be tolerated or allowed to flourish. This protocol will apply to all manifestations of gender-based violence experienced by students, administration and service personnel, researchers and teachers, irrespective of whether they have a permanent or temporary contract with the

UPV/EHU. It will also apply to members of UPV/EHU groups, to the staff of companies hired to provide services in the university, and to people who are not part of the aforementioned groups but who use the services provided by the UPV/EHU or conduct activities on its campuses.

The UPV/EHU is committed to preventing and to taking swift and decisive action against any instance of gender-based violence. All people at the UPV/EHU are responsible for ensuring this commitment is upheld, particularly those in intermediate or high-level posts. The latter must ensure that no form of violence is allowed to flourish. Should these attitudes and behaviours arise, the UPV/EHU will provide help and support to the victims, take the necessary measures in cases of harassment, seek solutions to the problems that arise as a result of the violence and raise awareness of these among those affected. All steps will be taken to ensure that the situation is never repeated and punitive measures will be taken in accordance with the specific circumstances.

With this protocol, the UPV/EHU is committed to addressing any problems that arise as a result of gender-based violence. The protocol has been prepared and will be interpreted and implemented in accordance with international, national and European laws and those of the autonomous community and of the university, in relation to the rights of all people to enjoy a work and study environment free from gender-based violence.

II. Preparing the protocol

This protocol implements point 3.3 of the UPV/EHU's Plan for Equality between Women and Men (2014-2017). In May 2017, on the initiative of the Department for Equality, a group was set up comprising around thirty people from the various university collectives (students, ASS, TRS and unions) as well as two experts hired for their knowledge and professional experience.

The group participants include UPV/EHU teaching staff who research sexual violence on the university campus as part of a European project (UVSreact). The group charged with preparing this protocol underwent eight hours of training with the aforementioned experts in June 2017. In September 2017, the group was visited by an equality expert from the Public University of Navarre who imparted first-hand knowledge around the process for preparing and evaluating the protocol used in said institution.

A listening and participation phase was conducted in October and November 2017 at the UPV/EHU to gather the opinions of the university community (students, ASS, TRS and research staff) on gender-based violence and on how to address and tackle it in our setting in a way that supports the victims. Around three hundred people engaged with the group activities organised by the Department for Equality in various venues across all UPV/EHU campuses. The analysis of these sessions and the opinions gathered are available in an open report¹

that was disseminated to the participants and to all those interested via three in-person sessions (one per campus) in March 2018.

As work on the protocol approached completion, we examined routes for disseminating the protocol within the UPV/EHU and the optimal procedure for gathering the contributions of all those in the university community about the proposed text and about how to ensure it reaches all corners of the university. We wanted to ensure that as many people as possible view the protocol as a tailored and effective tool for addressing the various forms of gender-based violence and for supporting the victims.

¹ www.ehu.eus/es/web/berdintasuna-direccionparalaigualdad/genero-indarkeriaren-aurkako-protokolo-berria

CHAPTER I

PURPOSE, SCOPE AND DEFINITIONS

Article 1. Purpose

1. This protocol sets out mechanisms for identifying and addressing any instances of gender-based violence that take place on any UPV/EHU premises and/or which are experienced by the members of the university community, both in and outside of the physical university setting. It also applies to instances of said violence that take place via online or symbolic means of communication linked to the UPV/EHU. The protocol will apply solely to instances of violence experienced in the five years prior to the submission of a complaint or report.
2. To that effect, this protocol establishes the specific attitudes and behaviours that the UPV/EHU considers as falling under the umbrella of gender-based violence, as well as what the victims can do, the procedure to follow in such cases and the measures that the university must take to support the victims and address the various situations that foster the violence.
3. The victims of gender-based violence need not officially report an instance of gender-based violence to the police or legal system for this protocol to be valid.

Article 2. Scope

1. The protocol will apply to the entire UPV/EHU space, as per Appendix II of this text.
2. This protocol will therefore apply to any instances of gender-based violence, as per the next article, which are experienced by the members of the university community, both in and outside of the physical university setting. It also applies to instances of said violence that take place via online or symbolic means of communication linked to the UPV/EHU.
3. Members of the university community are as follows: all staff with a contractual or statutory link to the UPV/EHU; all UPV/EHU students; members of collectives pertaining to the UPV/EHU; people from external companies hired to provide services in the university; and people who are not part of any of the aforementioned groups but who use the services provided by the UPV/EHU or conduct activities on its campuses.

Article 3. Definitions

For the purposes of this protocol, gender-based violence is defined as follows:

1. Gender-based violence.

Any act of physical or psychological violence, including sexual assault, threats, coercion or random deprivation of freedom, by men against women who are their spouse or who is or has been linked to them in a similar relationship involving cohabitation or otherwise (*articles 1.1 and 1.3 of Organic Law 1/2004 of 28 December on Measures for Comprehensive Protection Against Gender-Based Violence*).

2. Sexual violence.

Any unwanted sexual act (with or without physical contact). In accordance with current legal definitions, there are three different expressions of sexual violence (*articles 178, 181 and 184 of Organic Law 10/1995 of 23 November of the Penal Code*):

- a) Sexual assault: sexual violence that involves violence and intimidation.

- b) Sexual abuse: sexual violence that does not involve violence and intimidation. It includes abuse committed against individuals unable to provide valid consent due to having a learning disability or impaired ability to act on their own volition.

- c) Sexual harassment: unwanted verbal, non-verbal or physical behaviour of a sexual nature in the context of an employment, teaching or similar relationship with the intention or effect of violating the dignity of the victim and/or creating an intimidating, hostile, degrading, humiliating or offensive environment.

3. Harassment on the grounds of sex, gender expression and identity, or sexual orientation.

Any behaviour based on a person's sex, sexual orientation, gender identity and/or gender expression with the intention or effect of violating their dignity or physical or psychological integrity or creating an intimidating, hostile, degrading, humiliating, offensive or uncomfortable environment (*Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; art. 7 of Organic Law 3/2007 of 22 March on effective equality between men and women*).

CHAPTER II

PREVENTION MEASURES

Article 4. Purpose of the prevention measures

The purpose of the measures is to prevent gender-based violence from taking place by designing and implementing strategies which inform, raise awareness, empower and educate the members of the university community, with the overarching goal of sharing knowledge and preventing all forms of gender-based violence.

Prevention measures should foster a culture of respect for equality and for diversity of gender and of sexual orientation, as well as the creation of an inclusive, non-violent environment.

Article 5. Prevention measures to be adopted

The following actions will be taken to prevent gender-based violence:

1. Information and awareness-raising

- a) The existence and content of this protocol will be promoted among the members of the university community. The university will hold annual information sessions for that purpose. The text will also be promoted to corporate collaborators and to bodies where students conduct external practicals.

- b) The protocol will be included on the university website along with information on public and university resources for addressing this problem. The protocol will be available on the Department for Equality web page with links to relevant pages.
- c) It will be sent by email to all people in the university community.
- d) It will be integrated into all HR policies: induction, selection, collective bargaining, workplace climate, training and internal communication.
- e) Induction manuals will be created and distributed to all students, service staff, and teaching and research staff.

2. Awareness-raising and empowerment

- a) Talks, discussions, workshops, seminars and other activities will be organised for the various collectives comprising the university community to raise awareness and demystify patterns and stereotypes that lead to gender-based violence.
- b) A good practice code for preventing gender-based violence will be put together and disseminated.
- c) A guide to university and external resources for tackling gender-based violence will be put together and disseminated. It will include tools for the prevention and early detection of discrimination and gender-based violence.

- d) General and specific training programmes will be developed for all university collectives: students, ASS, TRS and research staff. Training will also be provided for the members of the various equality committees and for individuals in leadership positions. These training modules will have a credit value.
- f) Records will be kept of all actions that facilitate the following data: people who make an inquiry or file a complaint, description of instances of discrimination and/or gender-based violence, assessment of these, proposed intervention strategies and how cases are processed.

3. Organisational management tools

- a) The workplace climate survey will include questions for identifying potential situations or behaviours relative to gender-based violence.
- b) The teaching staff survey will include questions for identifying the situations or behaviours outlined in this protocol.
- c) An annual report will be released on the number of interventions and the outcome of these.
- d) An inbox will be set up where students and teaching staff alike can anonymously report instances of gender-based violence and suggested improvements to the protocol. In accordance with article 8, anonymous reports or complaints sent to this inbox will never be taken further.
- e) Provided teaching and workplace needs allow, the available mechanisms will be used to encourage ASS and TRS to take part in actions and activities related to this protocol.

CHAPTER III

PROCEDURE

Article 6. Procedural guarantees

The UPV/EHU procedure for addressing instances of gender-based violence reported to the university will abide by the following guarantees:

a) Respect and protection. Discretion must be used to protect the privacy and dignity of those affected. Actions and proceedings must be conducted with the utmost respect for those affected.

All those involved in the proceedings must be *informed* of the content of this protocol and give their consent to its application.

b) Confidentiality. All enquiries or complaints processed relative to potential instances of gender-based violence are protected by the principle of confidentiality for the people involved and for all staff involved in any way in the application of this protocol.

The anonymity of those affected will be protected. Those taking part in the procedure set out in this protocol, whether as investigating officials, advisers or witnesses, must uphold the duty of secrecy to protect the privacy of those affected.

Dissemination of documentation related to the complaint or the investigation is strictly prohibited except where necessary to start a legal or administrative procedure.

c) Diligence and speed. The procedure should be conducted with the utmost professionalism and diligence and without undue delay.

d) Impartiality and due process. Impartiality must be guaranteed throughout. All those involved must be treated respectfully, equally and without discrimination. All those involved in the proceedings must act in good faith in the search for the truth and to clarify the reported facts.

e) Preventing revictimisation. All efforts shall be made to avoid unnecessarily repeating details of the events or publicly discussing the person filing the complaint or any information that identifies them.

f) Restitution for the victims. The university shall take the necessary measures to provide restitution to enable victims to return to the conditions they enjoyed prior to experiencing the violence and to ensure they are able to restart their activities (studies or teaching, research or occupational activity) in as similar as possible a setting to before, and with no contact with their aggressor.

g) Prohibiting retaliation. Retaliation against individuals who report someone for gender-based violence to the university and against witnesses or those participating in an investigation is prohibited.

Article 7. Competent body for applying the protocol: Gender-Based Violence Committee

This committee will comprise an equality expert, a person from the UPV/EHU's Prevention Service, a person from the Psychological Support Service and the UPV/EHU's Safety Director. Where the person filing the complaint has an employment relationship with the UPV/EHU, a union representative will also join the committee.

The committee members will receive specific training on addressing gender-based violence.

The committee will be coordinated by the UPV/EHU's equality expert.

Article 8. People who can report instances of violence

- a) The victim.
- b) Those in academic and/or administrative posts in the university, including members of the university's representative bodies and trade union representatives.
- c) Student representatives or student groups.
- d) Any members of the UPV/EHU's teaching or administration and services staff.
- e) Anyone in the university community who has direct or indirect knowledge of any of the situations detailed in the protocol.

If someone files a complaint on behalf of the victim, the latter must give their express consent to application of the protocol to their case. Their consent shall not be required only in particularly serious cases or where more than one person is affected.

Anonymous reports or complaints will never be taken further.

Article 9. Initial support point

Anyone who has experienced any instance of gender-based violence covered by this protocol can seek support from the UPV/EHU's Department for Equality.

Where the violence is reported to another authority, professional or person in the university community, the complaint should be referred to the Department for Equality, subject to the victim's consent.

Should the victim not consent to their case being referred to the Department for Equality, said department will address all enquiries and requests for advice from the authorities, professionals and people who were first notified of the case but without any duty to initiate the protocol. Said authorities, professionals and people may not take any further measures without the involvement of the Department for Equality.

Article 10. Initial hearing of cases of violence

The proceedings will begin with a verbal or written presentation of the complaint or report by the victim(s) to the Department for Equality.

The Department for Equality will welcome and listen to the victim(s). Following this welcome and listening phase, an initial assessment of the case will be made.

Work will be undertaken simultaneously to gather supplementary information without undue delay and with the utmost confidentiality. If necessary, all witnesses and other persons of interest, if applicable, will be asked to participate. The accused will also be heard.

The welcome, listening and information gathering phases must be carried out sensitively and respectfully. The dignity and integrity of the person filing the report should be safeguarded and all efforts made to avoid repeating details of the events, except where absolutely necessary for legal reasons.

The information will be gathered in written format. It should be descriptive and free from personal opinions. It will be compared with the information provided by the victims. This is to help ascertain the needs of the people filing the complaint and to ensure that support provision and, if applicable, filing of an official report take place in the proper manner.

Those affected shall be informed and receive guidance as to their rights and options and any actions that they may take, in addition to internal and external services to help them address the

situation, depending on their specific needs and requests.

As soon as a report is filed, the Department for Equality will assign a numerical ID code to the complaint or report received to ensure the privacy and confidentiality of the process. The complaint or report along with all documentation generated during the proceedings will be referred to the UPV/EHU's Department for Equality, which will safeguard and store it (Appendix IV).

Article 11. Initial assessment of the report or complaint

After conducting an initial assessment of the known facts around a potential instance of gender-based violence, the Department for Equality may proceed as follows:

- a) It need not admit the case should it become evident that the case is not covered by this protocol. It must provide verbal or written notification to those affected of the reasons for not admitting their case.
- b) It may admit the case in accordance with this protocol.

Where deemed necessary under the circumstances, those affected shall be notified of any precautionary measures recommended by the university.

Where the accused is a staff member from a company that provides services in the UPV/EHU, the university must notify the company of the complaint or report.

Article 12. Precautionary measures

In cases of gender-based violence, the Department for Equality may, if necessary, request the precautionary separation of the victim and the presumed aggressor until the proceedings conclude, as well as other precautionary measures (reorganisation of work and study times, change of office or classroom, functional mobility, etc.) deemed necessary and which are proportionate to the case. Under no circumstances may these measures result in a hindrance or reduction in work or study conditions for the person making the complaint or a substantial modification of these.

Where the victim and the presumed aggressor are to be separated via a change of work or study station, the victim should be the one to decide which of them will move. The department or faculty in question should ensure that one or other of these people be moved as quickly as possible.

Article 13. Final report with recommendations

After gathering the information, and following hearings with the parties involved, the Department for Equality, following its decision to admit the case, will prepare a report accompanied with all information relative to the proceedings, including recommendations as to the required actions. The report should be submitted to the Gender-Based Violence Committee.

The recommended actions should cover the following areas and should be agreed in all cases with the victim(s):

- Providing support to ensure the safety of those affected by the violence.
- Facilitating access to the university's Psychological Support Service for those affected.
- Referring the case and victims to the relevant external support services.
- Supporting the victim in person to file a police or court report, if the victim so requests..
- Requesting the opening of an academic or disciplinary investigation and/or adoption of specific measures to rectify the situation. Disciplinary measures shall be suspended if proceedings are commenced in legal, employment or other tribunals.
- Other corrective and reparative measures which are proportionate to the case.

If the university considers that the case, the facts of which it has ascertained during any of the phases covered by the protocol, constitutes a crime under the Penal Code, it shall notify the public prosecutor's office.

If, at any time during the proceedings, it becomes evident that the case may constitute an offence subject to disciplinary action, the university shall notify the rector immediately.

Article 14. Ruling by the Gender-Based Violence Committee

After receiving the report from the Department for Equality, the Gender-Based Violence Committee will address the complaint made by those affected and issue a ruling concerning corrective and reparative measures which it deems suitable and appropriate to the case, as per the previous article. The ruling will be communicated to the people involved and to the rectorate.

Where deemed necessary, a request will be made to the rector to open an academic or disciplinary investigation into the presumed aggressor. The investigation will be conducted in accordance with the current legislation applicable to each university collective. At the end of the investigation, the rector will take the necessary punitive measures against the presumed aggressor in accordance with the recommendations of the investigating official.

Article 15. Conclusion of the procedure

The Department for Equality will monitor the case until all corrective and reparative measures recommended by the Gender-Based Violence Committee have been implemented or, where applicable, until the application of punitive measures by the rector at the request of the examining official as per the ruling of the corresponding academic or disciplinary investigation.

First additional provision

The protocol will be reviewed biannually. However, the protocol should be modified outside of this

biannual time scale where the text needs to be brought up to speed with relevant changes to the law.

Second additional provision

The actions contained in this protocol will be carried out without prejudice to the rights of all people to file a report to the Work Inspectorate or to pursue a legal, civil, employment or criminal case.

Third additional provision

The AGREEMENT of 10 July 2014 of the Governing Council of the UPV/EHU, which ratifies the agreement on addressing reports of workplace harassment, is hereby modified.

The new text of article 3 is as follows:

Workplace harassment is defined as any form of psychological violence aimed repeatedly and over a prolonged period at one or more people by another or others in a position of power, hierarchical or otherwise, in the context of the employment or public-service relationship, and which poses a health risk.

The criteria for a certain behaviour meeting the grounds for harassment are as follows: it is carried out repeatedly and over a prolonged period; it is carried out from a position of power of any nature; it takes place in the context of the workplace; it poses a health risk; objectively speaking it constitutes an attack against a person and creates a hostile, humiliating environment and hinders their professional life.

Discriminatory harassment is defined as any unwanted behaviour related to a person's racial or ethnic origin, religion or beliefs, disability or age with the intention or effect of violating their dignity and creating an intimidating, humiliating or offensive environment.

Appendices I and II set out various behaviours, some of which are harassment and other which are not, to try to help people recognise potential instances of workplace harassment and discrimination. The list is intended as a guide and is not exhaustive. Any potential instance of harassment and the various circumstances should be interpreted on a case by case basis.

The new text of Appendix II is as follows:

The following behaviours, among others, may constitute discriminatory harassment:

- a) Repeated public shaming of a person and their work or academic activity.*
- b) Continuous and degrading comments about a person's ideology or physical appearance, not including comments related to the person's sex.*
- c) Giving a person contradictory orders which are impossible to carry out together.*
- d) Giving a person degrading orders and/or acting in a degrading way towards them.*
- e) Extreme and continuous supervision.*
- f) Isolating a person and preventing them from communicating with others in order to control them.*
- g) Physical aggression.*

Derogation provision

This protocol repeals the UPV/EHU Protocol on Gender-Based Violence 2012.

APPENDIX 1

REGULATORY FRAMEWORK

International regulatory framework

The *Universal Declaration of Human Rights* establishes the fundamental rights of all human beings, including equality and freedom. It was proclaimed in resolution 217 A (III) of the UN General Assembly on 10 December 1948.

The *Discrimination (Employment and Occupation) Convention of 15 June 1958 of the International Labour Organisation* mentions sexual harassment as a form of discrimination against female workers.

The *Declaration on the Elimination of Discrimination against Women* is a human rights proclamation issued by the UN General Assembly of 7 November 1967.

The Convention on the Elimination of all Forms of Discrimination against Women was adopted by the UN General Assembly of 18 December 1979.

The *Declaration on the Elimination of Violence against Women* was approved by resolution 48/104 of the UN General Assembly of 20 December 1993. The declaration defines violence against women and covers actions that take place in the family setting and in the wider community, including rape, sexual abuse, harassment and sexual intimidation in the workplace and in educational institutions.

The *Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women* was approved in 1999.

Resolution 17/19 adopted by the Human Rights Council in 2011 established the right to equal treatment by the law and the right to protection against discrimination on various grounds including sexual orientation and gender identity.

Regulatory framework in Europe

The European Council and the European Union have approved various regulations.

European Council

The *Convention for the Protection of Human Rights and Fundamental Freedoms*, signed in 1950, specifically article 14, prohibits any form of discrimination that violates the rights and freedoms in the convention.

Article 20 of the *European Social Charter* of 1961 states that workers have the right to equal opportunities and treatment relative to employment, free from discrimination on the grounds of their sex. *The Additional Protocol to the European Social Charter*, signed in 1988, also applies.

Article 1 of *Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms*, signed in 2000, establishes the general prohibition of discrimination.

The *Council of Europe Convention on preventing and combating violence against women and domestic violence, or the Istanbul Convention* (11V.2001), protects women against all forms of violence and seeks to eliminate said violence.

The *Committee of Ministers Recommendation of 30 April 2002* on the protection of women against violence defines violence against women and sets out general measures in that regard.

Committee of Ministers Recommendation of 12 March 2003 on balanced participation of women and men in political and public decision making.

European Union

The *European Parliament resolution of 12 September 1989 on discrimination against transsexuals* acknowledges that each person determines their own identity as a human being.

The *Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work*.

Commission Recommendation 92/131 EEC of 27 November 1992 on the protection of the dignity of women and men at work. It sets out a code of conduct regarding measures to combat sexual harassment.

Article 20 of the *Charter of Fundamental Rights of the European Union*, signed in 2000, proclaims the equality of all citizens before the law, and article 21 prohibits discrimination. Article 23 establishes equality between women and men.

The decision of the European Parliament and of the Council of 21 April 2004 approves a programme of European-wide action to prevent and combat violence against children, young people and women and to protect the victims and at-risk groups.

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the

principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, which repealed directives 75/117/EEC, 76/207/EEC, 86/378/EEC and 97/80/EC.

The European framework agreement on harassment and violence at work, sent by the Commission to the European Council and Parliament, of 26 April 2007, 686 final.

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and the free movement of such data.

National regulatory framework

Articles 9, 10.1, 14, 15, 18.1 and 35.1 of the *Spanish Constitution* of 1978 recognise as fundamental rights a person's dignity, the inalienable rights which are inherent to them, free development of character, equality with no discrimination on the grounds of sex, the right to life and to physical and moral integrity without being subjected to any inhumane or degrading treatment, the right to honour, to personal and family privacy and to one's own image, and the right to work without being discriminated against on the grounds of sex.

Article 18.9 of the *General Health Law (Law 14/1986) of 25 April* establishes that public administrations must protect, promote and improve workplace health and tackle sexual harassment and harassment on the grounds of one's sex.

Article 14 of *Law 31/1995 of 8 November on the prevention of workplace risk* establishes that measures should be taken to protect health and safety in the workplace.

Article 184 of *Organic Law 10/1995 of 23 November on the Penal Code* criminalises those who inflict sexual harassment in the workplace, educational setting or in the provision of services and create an extremely intimidating, hostile or humiliating environment for the victim.

It also criminalises those who exploit a position of superiority in the workplace, teaching environment or organisational hierarchy to commit sexual harassment. Article 178 criminalises those who violate the sexual freedom of another person.

Organic Law 15/1999, of 13 December on the Protection of Personal Data.

Article 11 bis of *Law 1/2000 of 7 January on civil procedure* provides the legal basis for defending the right to equality of treatment between women and men.

Article 8 of *Legislative Royal Decree 5/2000 of 4 August, approving the consolidated text of the law on infringements and penalties relating to the social order*, establishes very serious offences, among them sexual harassment.

Organic Law 1/2004 of 28 December on Measures for Comprehensive Protection Against Gender-Based Violence proclaims the rights of women who are victims of gender-based violence, specifically the right to information (art. 18), to comprehensive social assistance (art. 19) and to free legal support (art. 20).

Article 7 of *Organic Law 3/2007 of 22 March on effective equality between women and men* defines sexual harassment and harassment on the grounds of sex and establishes discriminatory acts. Article 48 covers specific measures to prevent sexual harassment and harassment on the grounds of sex in the workplace.

Article 45.4 of *Organic Law 4/2007 of 12 April, amending Organic Law 6/2001 of 21 December on universities*, establishes that the victims of gender-based violence will receive particular support. Article 46.2.b prohibits discrimination in the university on the ground of sex.

Royal Decree 1791/2010 of 30 December, which approves the Statute of the University Student. Articles 4, 7.1.d, 8.c and 11.b set out the rights of victims of gender-based violence, including the right to support, the right to choose a teaching group, and the right to

flexibility of time to exercise the rights of the victims of gender-based violence.

Legislative Royal Decree 2/2015 of 23 October, which approves the consolidated text of the Workers' Statute. Article 4 establishes labour rights, article 17 prohibits discrimination in workplace relationships, and article 54.2 sets out grounds for dismissal.

Legislative Royal Decree 5/2015 of 30 October, which approves the consolidated text of the Public Workers' Statute. Article 1 reflects equal treatment between women and men, article 49.d establishes the leaves of absence for the victims of gender-based violence, articles 52 and 53 set out employee behaviour, stressing non-discrimination on the grounds of gender and sex, article 82 regulates mobility on the grounds of gender-based violence, and article 95. 2.b regulates very serious offences, including discrimination on the grounds of sexual orientation or sex, harassment on the grounds of sexual orientation, moral and sexual harassment, and harassment on the grounds of sex.

The National Agreement on gender-based violence of 3 August 2017 provides a definition of gender-based violence which covers all types of violence against women contained in the Istanbul Convention.

Legislative framework in the Autonomous Community of the Basque Country

Article 9 of *Organic Law 3/1979 on the Statute of Autonomy of the Basque Country* sets out the fundamental rights of citizens.

Law 4/2005 of 18 February on equality between women and men.

The **Governing Council Agreement of 29 June 2010**, which approves the V Plan for Equality between Women and Men.

Decree 29/2011 of 1 March on mechanisms for coordinating support for the victims of gender-based violence in the general administration of the Autonomous Community of the Basque Country.

The *Order of 20 June 2011 of the Minister for Education, Universities and Research* setting out prevention measures and the procedure for addressing cases of moral and/or sexual harassment in the workplace within the Department of Education, Universities and Research.

Law 3/2012 of 16 February modifying the Law on equality between women and men.

Law 14/2012 of 28 June on non-discrimination on the grounds of gender identity and recognition of the rights of transsexual people.

Decree 234/2015 of 22 December on administrative documentation for transsexual people.

Local and regional plans for equality between women and men.

Regulatory framework in the University of the Basque Country

Decree 17/2011 of 16 February approving the statutes of the UPV/EHU, specifically articles 4.3, 13.1, 69, 70, 71, 72 and 73.

Article 4.3.

The UPV/EHU will guarantee equality between men and women in the university community and will adopt measures to prevent or eradicate any discrimination on the basis of birth, ethnicity, sex, religion, opinion, language or any other personal or social condition or circumstance. To that effect, the university will abide by the principles of equal

opportunities, respect for diversity and difference, integration of the gender perspective, positive action, eradication of roles and stereotypes on the basis of sex, and balanced representation.

Article 13.1.

The members of the university community, in addition to those recognised in other laws and in other articles of these statutes, will have the following rights. (...) c) Equality and non-discrimination d) Respect for their privacy, own image, dignity and sexual orientation and effective protection against harassment.

Article 69.

The UPV/EHU will coordinate with other public administrations to establish specific programmes so that the victims (...) of gender-based violence can receive personalised help, support and adaptations in the teaching regime.

Article 70.

1. The rector is responsible for adopting decisions relative to the disciplinary regime for students, teaching and research staff and administration and services staff where the current legislation does not attribute competence over the matter to another body.
2. The UPV/EHU's disciplinary regulations will be approved by the Governing Council at the recommendation of the rector and after hearing the views of representative bodies for students, teaching and research staff and administration and services staff.
3. The disciplinary regulations will provide sufficient guarantees to uphold the substantive and procedural rights of the interested parties.

Article 71.

The following university bodies have the authority to open confidential files and to propose the opening of the corresponding disciplinary

procedure, within the scope of their competences: the rector, deputy rector, manager, deans and directors of faculties, and directors of departments and of university research institutes. The individual presiding over the Student Council for the faculty or campus or the Student Council of the UPV/EHU will be considered the petitioner in that regard.

Article 72.

1. The disciplinary procedures will be opened and resolved by the rector.
2. The rector may delegate competence to faculty deans and directors to process disciplinary procedures and apply punitive measures for minor offences.
3. Provisional measures may be adopted while a procedure is under way.

Article 73.

1. Offences and violations committed by members of the university community and the corresponding punitive measures will be governed by the respective regulatory provisions.
2. Offences and punitive measures may be minor, serious or very serious. The punitive measures will be scaled based on the intent, the disruption and harm caused, and the frequency of the incidents.

The *I UPV/EHU Plan for Equality between Men and Women* (2010/2013), the *II UPV/EHU Plan for Equality between Men and Women* (2014/2017) and the *III UPV/EHU Plan for Equality between Men and Women* (2018-2021).

University of the Basque Country Strategic Plan 2014-2017. University of the Basque Country Strategic Plan 2018-2021.

The II collective bargaining agreement for employees and teaching and research staff of the UPV/EHU. Article 64 sets out the measures to be taken in cases of gender-based violence.

The III collective bargaining agreement for employees and administration and services staff of the UPV/EHU. Article 101 sets out the measures to be taken in cases of gender-based violence.

APPENDIX II

SPACES BELONGING TO OR LINKED TO THE UPV/EHU

According to the files to which this Estate Service has access, the following buildings on the various UPV/EHU campuses belong to or are linked to the UPV/EHU (specific buildings are identified with the names used prior to the centres being grouped):

Álava Campus

Faculty of Education and Sport: Education Centre: C/ Juan Ibáñez de Sto. Domingo 1, 01006 VITORIA-GASTEIZ, SPAIN. This building includes the Aulas de la Experiencia de Álava (Álava Experience Rooms) and a cafe. Sports Centre: c/ Portal de Lasarte, 71, 01007 VITORIA-GASTEIZ, SPAIN. Property of the UPV/EHU.

Tomás Alfaro University Student Residence: Paseo de Zumaquera 21-A, 01006 VitoriaGasteiz, Spain. Property of the UPV/EHU. Licence for use granted to SIRESA.

Plot for extension to the student residence: Paseo de Zumaquera. Property of the UPV/EHU.

Faculty of Economics and Business: Álava Campus C/ Comandante Izarduy, 23, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU.

Vice-Rectorate of the Álava Campus: C/ Comandante Izarduy, 2, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU.

Faculty of Literature (Philology, Geography and History): Paseo de la Universidad, 5, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU. The building includes a cafe.

Faculty of Pharmacy: Paseo de la Universidad, 7, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU. The building includes a cafe.

University Pavilion: C/ Los Apraiz, 1, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU. The pavilion includes a cafe managed by TAMAR and an ELKAR CAMPUS library.

Extension to the Faculty of Literature: C/ Francisco Tomás y Valiente, 1, Vitoria-Gasteiz, Spain. Property of the UPV/EHU.

Faculty of Employment Relations and Social Work: Los Apraiz, 2, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU.

LASCARAY IKERGUNEA Research Centre: Avda. Miguel de Unamuno, 3, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU.

MICAELA PORTILLA School of Humanities: C/ Justo Vélez Elorriaga, 1, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU.

Vitoria-Gasteiz School of Engineering: C/ Nieves Cano, 12, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU. The basement has a cafe.

Las Nieves Lecture Rooms: C/ Nieves Cano, 33, 01006 Vitoria-Gasteiz, Spain. Property of the UPV/EHU.

Faculty of Medicine and Nursing. Gasteiz Teaching Unit: C/ José Atxotegi (Hospital de Txagorritxu), 01009 VITORIA-GASTEIZ, SPAIN. Property of the Basque Government. Centre affiliated with the UPV/EHU.

Bizkaia Campus

Bilbao School of Engineering. Bilbao I School of Engineering: Plaza Ingeniero Torres Quevedo, 1, 48013 Bilbao, Spain. Bilbao School of Engineering, Building II: C/ Rafael Moreno "Pitxitxi" 2 and 3, 48013 Bilbao, Spain. Bilbao School of Engineering; Portugalete: María Díaz de Haro, 68, 48920 (Portugalete), Spain. Property of the UPV/EHU. The School of Engineering (Building I) houses the ZITEK business incubator and a cafe.

Faculty of Economics and Business: HQ: Avda. Lehendakari Agirre, 83, Bilbao, Spain. Property of the UPV/EHU. Buildings in Parque de Sarriko (Casa Zubiria, Casa Portería and a building at the extreme north of the park): Avda. Lehendakari Agirre, 83, Bilbao, Spain. Property of Bilbao City Hall. Right of use granted to the UPV/EHU. **Bizkaia Campus:** C/ Elcano, 21, Bilbao, Spain. Building owned by the Basque Government. Under temporary use by the UPV/EHU.

Sarriko provisional car park: C/ Pintor Etxenagusia, 6, Bilbao, Spain. Property of the UPV/EHU.

Leioa Zone of the Leioa-Erandio Area: (Faculty of Medicine and Nursing, Bilbao Faculty of Education, Faculty of Employment Relations and Social Work, Faculty of Law: Bizkaia Section, Faculty of Fine Arts, Rectorate Building, Main Hall, Faculty of Science and Technology, University Library, Faculty of Social Science and Communication, lecture halls and multi-storey car park): Barrio Sarriena, 48940 Leioa, Spain. Property of the UPV/EHU.

School of Hospitality: Property of the UPV/EHU. Usage agreement with the Department of Education of the Basque Government. Bº Sarriena, 48940 Leioa, Spain.

Biophysics Unit: Property of the UPV/EHU. Agreement with CSIC for use by the CSIC-UPV/EHU Mixed Unit. Barrio Santsoena, 6A, 48940 Lejona, Bizkaia, Spain.

Faculty of Education Cafe. In the Faculty of Education. Bº Sarriena, 48930 Leioa, Spain.

Supermarket and snack stand on the ground floor of the library building. Bº Sarriena, 48940 Leioa, Spain.

Cafe, book shop, driving school, optician and KUTXABANK branch on the ground floor of the Faculty of Social Science and Communication building. Bº Sarriena, 48940 Leioa, Spain.

ZITEK business incubator and childcare facility on the ground floor of the Rectorate Building. Bº Sarriena, 48940 Leioa, Spain.

School supplies shop in the Faculty of Fine Arts.

Erandio Zone of the Leioa-Erandio Area (Sports centre, running track and fronton courts): Carretera de la Universidad. Erandio, Spain. Arboretum. Property of the UPV/EHU. Concession granted to a trading company to run and use the sports centre. University services provided in the building.

UPV/EHU Science Park: Barrio Sarriena. Leioa, Spain. Property of the UPV/EHU. Usage rights granted to the Bizkaia Technology Park.

"MARTINA CASIANO" Technology Platform: Part of the Science Park. Property of the UPV/EHU. Bº Sarriena. Parque Científico UPV/EHU, 48940 Leioa, Spain.

"MARÍA GOYRI" Animal Biotechnology Centre: Part of the Science Park. Property of the UPV/EHU. Bº Sarriena. Parque Científico UPV/EHU, 48940 Leioa, Spain.

Institute of Biophysics: Part of the Science Park. 56.12% property of the UPV/EHU and 43.88% property of the Bizkaia Technology Park. Joint usage agreement with CSIC. Bº Sarriena. Parque Científico UPV/EHU, 48940 Leioa, Spain.

Plentzia Experimental Marine Biology and Biotechnology Station (PIE): Areatza Pasalekua, 47, Plentzia 48620, Spain. Property of Plentzia Town Hall. Usage rights granted to the UPV/EHU.

MIGUEL DE UNAMUNO Student Residence: Avda. Lehendakari Agirre, 140, 48015 Bilbao, Spain. Property of the UPV/EHU.

BLAS DE OTERO Student Residence: C/ Cortes, 38, 48003 Bilbao, Spain. Property of the UPV/EHU. Licence for use granted to SIRESA.

BOTICA VIEJA High School: Botikazar Erribera, 1, 48014 Bilbao, Spain. Property of the UPV/EHU. Usage agreement granted to the Department of Education of the Basque Government.

Experience Rooms: C/ Banco de España, 2, 48005 Bilbao, Spain. Property of KUTXABANK. Usage rights granted to the UPV/EHU.

BIZKAIA ARETOA: Avda. Abandoibarra, 3, Bilbao, Spain. Property of KUTXABANK. Usage rights granted to the UPV/EHU.

Aeronautics Advanced Manufacturing Center: Building 202 of Zamudio Technology Park, 48170, Spain. Rented by the UPV/EHU.

(Faculty of Medicine and Nursing) Medical Teaching Unit in Basurto Hospital: C/ Gurtubay, Bilbao, Spain. Property of the Basque Government. Agreement with Osakidetza for use of the unit by the UPV/EHU.

(Faculty of Medicine and Nursing) Medical Teaching Unit in Cruces Hospital: Plaza de Cruces, 2, Barakaldo, Spain. Agreement with Osakidetza for use of the unit by the UPV/EHU.

College of the Bilbao Chamber of Commerce: Licenciado Poza, 17, 48011 Bilbao. Centre affiliated with the UPV/EHU.

Rest of the estate pertaining to the “former engineering residence”: Bilbao, Spain. Land in Basurto property of the UPV/EHU.

Plot for the future Faculty of Medicine and Nursing: C/ Gurtubay, 1C, Bilbao, Spain. Land property of the UPV/EHU.

University plots in San Mamés: C/ Rafael Moreno Pitxitxi 1A and 1B, Plots property of the UPV/EHU.

Gipuzkoa Campus

Elbira Zipitria Centre: Paseo de Ondarreta, 18, 20018 Donostia, Spain. Property of the UPV/EHU.

Villa Julianategui (Vice-Rectorate of the Gipuzkoa Campus): Paseo de Arriola, 2, 20018 Donostia, Spain. Property of the UPV/EHU.

Sports facilities, plot G.000.3 (A)08: Paseo de Ondarreta, 22, 20018 Donostia, Spain. Property of the UPV/EHU.

KIROLGUNEA-Ground-level sports facilities: Olarain kalea, 20018 Donostia, Spain. Property of San Sebastián City Hall. Usage rights granted to the UPV/EHU.

CIC NanoGUNE: Avda. de Tolosa, 76, 20018 Donostia, Spain. Property of the UPV/EHU. Usage rights granted to CIC NANOGUNE.

Joxe Mari Korta Centre: Avda. de Tolosa, 72, 20018 Donostia, Spain. Property of the UPV/EHU. The centre has a business incubator.

Centre for Material Physics (CFM): Paseo Manuel de Lardizabal, 5, 20018 Donostia, Spain. Property of the UPV/EHU. Usage rights granted to CSIC.

Manuel Agud Querol Student Residence: Paseo de Berio, 9, 20018 Donostia, Spain. Property of the UPV/EHU. Licence for use granted to SIRESA.

Faculty of Law: Paseo Manuel de Lardizabal, 2, 20018 Donostia, Spain. Property of the UPV/EHU.

Faculty of Information Technology: Paseo Manuel de Lardizabal, 1, 20018 Donostia, Spain. Property of the UPV/EHU. The building houses a cafe managed by PAKO'S.

University Pavilion (Main Hall and lecture halls):

Paseo Manuel de Lardizabal 901, 20018 Donostia, Spain. Property of the UPV/EHU. The building houses a university canteen for the Gipuzkoa Campus.

Ignacio M^a Barriola Centre: Plaza Elhuyar, 1, 20018 Donostia, Spain. Property of the UPV/EHU. The building houses a cafe run by GUREAK.

Faculty of Chemistry: Paseo Manuel de Lardizabal, 3, 20018 Donostia, Spain. Property of the UPV/EHU. The building houses a cafe run by Amalia Fernández Murillo.

Gipuzkoa School of Engineering:

— Donostia Section: Plaza Europa, 1, 20018 Donostia, Spain. Property of the UPV/EHU.

— Eibar Section: Avenida Otaola, 29, 20600 Eibar, Spain. Property of the UPV/EHU.

Faculty of Education, Philosophy and Anthropology:

— Building I: Avenida Tolosa, 70, 20018 Donostia, Spain.

— Building II: Plaza Oñati, 3, Donostia, Spain. Property of the UPV/EHU. The building houses a cafe run by Ander Murua S.L.

Faculty of Economics and Business: Gipuzkoa Campus: Plaza Oñati, 1, 20018 Donostia, Spain. Property of the UPV/EHU. The building houses a cafe run by OSTAL ZERBI 2005 S.L.

School of Architecture: Plaza Oñati, 2, 20018 Donostia, Spain. Property of the UPV/EHU.

Carlos Santamaría Centre: Plaza Elhuyar, 2, 20018 Donostia, Spain. Property of the UPV/EHU.

Faculty of Medicine and Nursing, Medical Teaching Unit in Donostia-San Sebastian: Paseo Dr. J. Beguiristain, 105, 20014 Donostia, Spain. Property of the UPV/EHU.

Faculty of Psychology: Avda. de Tolosa, 70 (left entrance), Donostia. Property of the UPV/EHU. The building houses a cafe run by Imanol Murua.

Plot for the Sports Centre: Camino de Amezketta 905, Donostia, Spain. Property of the UPV/EHU. Licence for use as a caravan parking area granted to San Sebastián City Hall.

University parking: Camino de Amezketta, 906, Donostia, Spain. Property of the UPV/EHU.

Unallocated plot: Avda. de Tolosa 928, Donostia, Spain. Property of the UPV/EHU. Licence for use as a ground-level parking area granted to San Sebastián City Hall.

IMH School of Engineering (sandwich courses): Azkue auzoa, 1, Elgoibar. Property of a foundation/centre affiliated with the UPV/EHU.