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CSIC

CONSEJO SUPERIOR DE INVESTIGACIONES CIENTÍFICAS

PRESIDENCIA

PROTOCOL

OF PREVENTION AND INTERVENTION AGAINST SEXUAL AND GENDER-BASED HARASSMENT AT CSIC

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CSIC RESOLUTION OF THE PRESIDENCY OF THE STATE AGENCY SPANISH NATIONAL RESEARCH COUNCIL (CSIC) APPROVING THE PREVENTION AND INTERVENTION PROTOCOL AGAINST SEXUAL AND GENDER-BASED HARASSMENT

The Spanish National Research Council State Agency (hereinafter CSIC) is the largest public Institution dedicated to scientific and technical research in Spain and one of the most outstanding ones in the European Research Area. Assigned to the Ministry of Science, Innovation and Universities through Research General Secretariat, CSIC is structured in three core areas: Society, Life and Materia, which covers most of human knowledge involving the activity of more than 15,000 persons, with more than 1,500 research groups in its 121 institutes, plus the three research national centres added in 2021, with its corresponding territorial units: Instituto Español de Oceanografía (IEO), Instituto Geológico y Minero de España (IGME) and Instituto Nacional de Investigación y Tecnología Agraria y Alimentaria (INIA).

CSIC has as its mission the promotion, coordination, development and dissemination of scientific and technological research, of multidisciplinary character, with the purpose of contributing to the development of knowledge and economic, social and cultural development, as well as the training of staff and counselling to state and private entities in these matters. Also, within research has as objective to include the analysis of sex and gender to improve the scientific research and innovation methods.

One of its aims is to bring scientific and technological capabilities and achievements closer to all national and international socio-economic sectors, with the aim of transforming them into social, economic and cultural welfare for society as a whole. In addition, it continuously promotes the international dimension of its scientific production with close relations with international research entities.

CSIC is firmly convinced of the importance of creating a safe and inclusive working environment, free from any form of harassment. Inspired by the principle of equal treatment and non-discrimination based on sex, gender, age, disability, sexual orientation and race, CSIC proclaims that every person has the right to be treated with the utmost dignity and respect for his/her privacy and his/her physical and moral integrity.

Sexual and gender-based harassment, sexual orientation or gender identity and expression (hereinafter referred to as sexual and gender-based harassment shall be understood to include harassment on the grounds of sexual orientation and gender identity and expression), which seriously infringe fundamental rights. Sexual harassment and harassment based on sex violate the right to non-discrimination based on sex, equality, dignity and the right to a life free from violence and constitute a form of gender-based violence that cannot be tolerated. Moreover, when they occur in the context of an employment relationship, they violate the right to work.

In December 2013 the CSIC approved the 1st Plan for the equality between women and men and the Action Protocol against sexual and gender-based harassment, as a result of the approval of Organic Law 3/2007, of March 22nd, for the effective Equality of women and men (hereinafter, LOI). The

present Protocol was updated in 2019 and 2020. In April 2022, CSIC approved the 3rd Equality Plan between women and men, which axis 5, referred to violence against women, includes as measures to action to review the Protocol on Prevention and Intervention against Sexual and Gender-Based Harassment, as provided for in Article 62 of the LOI

According with the Resolution of March 16th, 2023, the State Secretary for the Civil Service, establishing the Register of Equality Plans of Public Administrations and its Protocols against sexual and gender-based harassment, the update of the Protocol will be sent to this body to facilitate the full realization of the right of citizens to know the plans and actions developed by the CSIC in the field of equality and against sexual and gender-based harassment.

In short, both the updated legislation on equality, and the willingness to continuously improve the devices to ensure that CSIC is a safe institution, suggest revising the Protocol on Prevention and Intervention against Sexual and Gender-based Harassment in the agency.

As provided in the Third Equality Plan, after negotiation with the social representation present in the Delegated Commission for Equality and subsequent agreement of the Delegated Negotiating Table of the General Negotiating Table of the General Administration of the State within the scope of the CSIC, Articles 46.2 and 48 LOI are complied with, as well as the Protocol on Action against Sexual Harassment and Gender-Based Harassment within the General Administration of the State and its public bodies approved by Royal Decree 247/2024 of March 8th . In the exercise of its powers, in accordance with Article 11 of Royal Decree 1730/2007 of 21 December approving the Statutes of the State Agency Higher Council for Scientific Research, the Presidency of the CSIC decides:

To approve the update of the Protocol of prevention and intervention against sexual harassment of December 13th, previously updated in 2019 and 2020, which remains intact in the terms that appear in the document that is attached to the present Resolution.

The present Resolution and Protocol that is attached will come into force the following day of its signature and will be published in BO CSIC portal.

The provisions of the revisions and updates included in the Protocol on Action to Combat Sexual and Gender-Based Harassment in the General Administration of the State, approved by Royal Decree 247/2024 of March 8th, shall apply to all matters not covered by this Protocol.

Eloísa del Pino Matute
CSIC President

CSIC PROTOCOL OF PREVENTION AND INTERVENTION AGAINST SEXUAL AND GENDER-BASED HARASSMENT

I. PROTOCOL OBJECTIVES

The main objective of the Protocol consists of ensuring that the CSIC is a safe and proactive institution in **preventing, immediately detecting and resolving** possible situations of sexual or gender-based harassment, in any form and manner, during, in connection with or as a result of work at all CSIC workplaces (institutions, centres and other facilities) and effectively addressing them when they occur.

As specific objectives, the following ones are established:

- Increase information, training and sensibilization of staff in terms of gender equality, sexual and gender-based harassment, specially, to the Directorate, Management, to the people who make up Equality Committees, and those of the Commission against Sexual Harassment, providing steps to identify such scenarios and prevent them
- Improve the identification of sexual and gender-based harassment and those others that, without being constituting harassment, involve behaviour that is reprehensible because it is inappropriate towards anyone (**Annex IV**).
- Diligently, expeditiously and emphatically process procedures and closely monitor actions in situations of sexual harassment and/or sexual harassment.
- Facilitate reporting in cases of harassment by establishing channels and reference persons to whom such behaviour may be reported.
- Establish the protection measures that might be necessary to guarantee the private dignity of the victim, including those of an organizational nature.
- Ensure the safety, integrity and dignity of the people concerned, in particular the confidential treatment and respect for privacy and dignity.
- Promptly apply precautionary measures in the face of the complaint and the relevant sanction measures after the investigation.
- Promote a space free of sexual and gender-based harassment in all workplaces and, specifically, in unique facilities such as oceanographic vessels or other vessels, the Antarctic Station, experimental farms, observatories, fieldwork and, ultimately, any isolated work environment that poses coexistence beyond the strict working day.
- Ensure the communication of the results of harassment procedures and ensure the follow-up of the persons involved in these cases, especially the accompaniment of the victim.

2. DECALOGUE OF PRINCIPLES

1. All people who carry out their activity at CSIC have the right to be treated with respect and honour, not being tolerable any sort of sexual or gender-based harassment in any of its forms and manifestations, not any other conduct that may be qualified as inappropriate.
2. CSIC undertakes to encourage and promote the actions necessary to maintain a safe and healthy working environment, where they are prevented and, if they occur, any conduct that may be harmful to individuals or contrary to the values of the institution is prosecuted and punished. To this end, it undertakes to investigate any conduct that may constitute sexual or gender-based harassment.
3. CSIC rejects all kinds of sexual or gender-based harassment, no matter who is the victim or the stalker, or his/her position in the organization, to guarantee the right of the staff to receive respectful and dignified treatment.
4. CSIC rejects any use or processing of personal data that is contrary to the right to privacy or intimacy, as well as any harassment conduct that is based on the use of information relating to the intimate or sexual life of individuals or any situation of cyber sexual or gender-based harassment through social networks by broadcasting videos or images related to the intimacy and/or sexual life of people.
5. If anyone is aware that another person is being sexually or gender harassed, he or she should report it to the email protocolo.acosos@csic.es for its research.
6. CSIC recalls that the behaviours of those who promote or tolerate sexual or gender-based behaviours in any workplace are equally reprehensible.
7. When the communication of a possible case of harassment is anonymous and there are indications or evidence after the collection of testimonies that presume the existence of such conduct, the investigation necessary to know the scope of the case and proceed as provided for in this Protocol.
8. The Protocol shall be implemented by ensuring the principles of professionalism, objectivity, impartiality, swiftness and respect for the rights of all persons involved.
9. The confidential treatment of complaints shall be guaranteed, with the consequent duty of secrecy.
10. All units referred to in point 5 of this Protocol shall provide support to the person reporting harassment to prevent secondary victimization or re-victimization, by adapting the procedure accordingly.

3. CSIC PRESIDENCY DECLARATION OF COMMITMENTS

1. CSIC defends a **ZERO TOLERANCE POLICY** for sexual and gender-based harassment. If they take place, they shall be investigated and, where appropriate, punished as a very serious infringement as provided for in this Protocol and in the consolidated text of the Law on the Basic Status of Public Employees, approved by Royal Legislative Decree 5/2015 of October 30th (hereinafter TREBEP), applying Royal Decree 33/1986, of 10 January, approving the Regulations on the Disciplinary Regime for Officials of the State Administration and the Single Collective Agreement in force for the staff of the General State Administration, which respectively constitute the current development regulations for civil servants and/or employees.
2. CSIC creates the Unit of the Commissioner to Promote a Healthy and Safe Working Environment (COMSE), under the Presidency of the CSIC, monitoring the implementation of this Protocol and action taken in situations of sexual and gender-based harassment, providing support to the various bodies and units with competence in this area for the diligent and expeditious processing of procedures.
3. CSIC will promote a culture of prevention against sexual and gender-based harassment through awareness-raising campaigns aimed at all its staff in order to promote respectful behaviour, as well as ongoing information and training actions included in the annual Training Plan.
4. CSIC will provide support to the victim of sexual and gender-based harassment through the personnel trained in the centres under the figure of Confidential Support, COMSE, the specialized staff of the Assistant General Secretariat of Human Resources (SGARH) and professional staff of health psychology, in accordance with the functions indicated in the Protocol and resources of CSIC.
5. Without prejudice to the commitment of accountability, all information referred to in this Protocol shall be handled in a manner that protects the right to confidentiality of the information processed, therefore, the signing of a responsible statement will be requested from interested parties, witnesses and the Commission Against Sexual Harassment (CFAS) to comply with this principle.
6. With regard to companies awarded contracts with CSIC, the Specific Administrative Requirements for the Procurement of Services shall include the obligation to comply with regulations on the development and implementation of equality plans and/or measures to promote equality and the implementation of a protocol on sexual and/or gender-based harassment. These companies shall report annually to CSIC on the planning and implementation of the measures provided for in the Equality Plan and the Protocols against Sexual and Gender-Based Harassment in the activities they carry out in conjunction with CSIC. In the event of non-compliance with the conditions laid down in the approved documents, the consequences laid down therein shall apply. They must also immediately notify any activation of the Protocol on Sexual or Gender-Based Harassment involving, directly or indirectly, CSIC staff, and keep CSIC informed of the progress of all proceedings. Such companies should disseminate this declaration and the Decalogue of Principles to their staff, which inspires the Protocol.

7. Within the framework of CSIC Delegated Commission on Equality, the trade union representatives shall be informed annually of the number of complaints of sexual or gender-based harassment, of the results of investigations, including the filing of complaints. Trade union representation shall have the duty of secrecy with regard to acts of which they may be aware in the exercise of their representation.
8. Within the framework of CSIC Delegated Commission on Equality, the trade union representatives shall be informed annually of the number of complaints of sexual or gender-based harassment, of the results of investigations, including the filing of complaints. Trade union representation shall have the duty of secrecy concerning acts of which they may be aware in the exercise of their representation.
9. The purposes of the Protocol are: to prevent harassment, to establish the persons who will be responsible for each stage of the procedure as soon as indications of sexual or gender-based harassment are detected and to take the necessary organisational measures to protect the victim as quickly as possible. In addition, to provide a comprehensive overview of the stages that may follow the Protocol, reference is made to any disciplinary proceedings that may be initiated.

4. APPLICATION AREA

4.1. Objective application scope

The objective scope application of this Protocol is defined in article 7 of LOI, that provides that sexual harassment of any behaviour, verbal or physical, of sexual nature that has the purpose or produces the effect of attacking against the dignity of a person, specifically when an intimidating environment is created, degrading or offensive, whenever it takes place in the workplace (during work, in connection with work or as a result thereof, including extended working hours such as work on board ships or "field trips").

On the other hand, any behaviour carried out according to a person's sex, with the purpose or effect of violating his or her dignity and creating an intimidating, degrading or offensive environment, whenever it takes place in the workplace, constitutes harassment based on sex.

Regarding the place of work, the Protocol shall be applied in the following cases

- In the workplace, including in public and private spaces including oceanographic vessels or other vessels, the Antarctic Base, experimental farms, etc.
- In places where people rest for work, eat or use sanitary or toilet facilities and changing rooms, as well as in accommodation provided by the CSIC.

- In trips, journeys, field trips, stays, congresses, events or institutional or training activities, in short, in any personal interaction, provided that it is managed or organized by the CSIC, that is, during the work.

In workplaces of shared ownership with another institution that may have their own protocol, for example, joint institutes, the provisions of the regulatory agreement shall be complied with. If the convention does not include explicit regulation on harassment, this Protocol shall apply as set out in the delimitation of the subjective scope of application of point 4.2.

The Protocol shall be applied in information and communication technologies to fight against digital, sexual cyberbullying or gender-based harassment. This Protocol shall be applied provided that the communications take place on the occasion of work or are related to the same, whereas through institutional communications channels or social networks.

4.2. Subjective application scope

This Protocol shall be applied to any working person who has a work relation with CSIC. Nevertheless, regarding the possibility of lodging a complaint and making the corresponding actions here planned, the present Protocol shall also be applied in cases that involve people who, not having a work relation with CSIC, provide services or collaborate with the agency, such as people from external companies, people in training, those doing non-work internships of those do voluntary work.

Below are the different situations regarding staff who may be involved in a sexual or gender-based harassment case:

4.2.1. General case: victim and accused person have a labour relation with CSIC

The Protocol shall be applied to anyone who has a working relation with CSIC, regardless of where they provide services, without any distinction regarding the legal nature and regardless of its duration. In these cases, when there are signs or evidences for the investigation of the alleged facts, the Protocol shall be activated.

4.2.2. Specific cases

When there are persons involved in a particular complaint of sexual or gender-based harassment who do not have an employment relationship with the CSIC but with a third-party company and/or institution and when there are indications or evidence for the investigation of the facts reported, action will be taken in the area of the so-called coordination of activities between the organisations and within the scope of the disciplinary power of each institution, with the specifications detailed below.

Within this casuistry, the following assumptions are distinguished:

4.2.2.1. When the victim is a staff member of CSIC and the person complained of belongs to a third-party public or private organization whose activity is carried out in a workplace owned by CSIC, the following actions shall be taken:

- The SGARH shall activate the Protocol for the attention, advice and support for the victim
- Simultaneously, the Directorate/Management of the Centre or accountable of the Corporative Organization unit (hereinafter, ORGC) will be in touch with the third-party organization (Annex VIII), with the objective of:
 - Translate CSIC's policy of **ZERO TOLERANCE** against sexual or gender-based harassment, to request that these behaviours cease immediately and to urge the adoption of organizational measures that allow the physical removal of the victim from the person denounced.
 - Apply to the corresponding organization that activates its Protocol and begins internal research. Both the Institute (hereinafter, ICU) as the organization shall adopt the organisational measures that guarantee the protection of the victim.
 - To require that they submit the investigation report to the CSIC as soon as possible under the procedure applied in their respective organizational area. In light of this and, where appropriate, the initiation of the disciplinary procedure in its respective organizational area shall be encouraged.
 - The Directorate of the Centre or head of unit in the ORGC shall inform the victim of the proceedings it carries out with the other organisation and of their outcome.

4.2.2.2. When the victim belongs to a third-party organisation of public or private scope who develops its activity in a workplace of CSIC ownership or shared and the accused person belongs to CSIC staff, the Protocol shall be activated and the following actions shall be carried out:

- The Directorate/Management of the Centre or accountable person of the ORGC unit shall adopt the possible organisational measures within CSIC scope of action, in coordination with the third-party organization, who guarantee the protection of the victim.
- Simultaneously, the Directorate/Management of the Centre or accountable person of the unit in the ORGC shall contact the third-party organisation to:
 - Transfer CSIC **ZERO TOLERANCE POLICY** against sexual or gender-based harassment.
 - Communicate the adopted organisational measures for the protection of the victim and apply information about the attention measures for the victim adopted by such organisation.
 - Apply, for the start of proceedings, the remission of the complaint and the investigation report, according to the procedure carried out in their respective organisational area.
- The information file will include the research carried out in each organizational area and all the information collected will be uploaded by SGARH to CFAS.

4.2.2.3. When the victim is a student and/or is volunteering in a workplace owned by the CSIC and the person reported is a staff member of CSIC.

- The Protocol will be activated and the Directorate/Management of the Centre or head of unit in the ORGC will contact the third-party organization of volunteers and students, transferring the **ZERO TOLERANCE POLICY** against harassment and requesting that the complaint and the corresponding investigation report be transmitted, in accordance with the procedure handled in its organizational area. The information file will include the research carried out in each organizational area and with all the documentation SGARH will raise it to CFAS.
- As regards the protection of the student, the Directorate/Management of the Centre or accountable of the unit in ORGC will take the organisational measures that could be adopted within CSIC scope (codirection of theses, etc.) and the counselling and support for the victim will be provided in coordination with the third-party organisation.

4.2.2.4. When the victim is CSIC staff and the accused person is a student and/or is doing volunteer activities.

This shall be done as in point 4.2.2.1.

4.2.2.5. When the victim and the person denounced belong to a public or private organization other than CSIC, but attends a workplace owned by CSIC, the Protocol shall be activated, and the following actions shall be followed in the area of coordination of activities.

- The Directorate/Management of the Centre or the person responsible for the unit in the ORGC will contact both organizations to insist on the **ZERO TOLERANCE POLICY** against harassment and request that these behaviours cease immediately (**Annex IX**).
- They will be asked to initiate internal investigations by each company/organization and to take simultaneously the necessary organizational measures for the protection of the victim (separation, replacement, etc.).
- They will be invited to forward to CSIC, as soon as possible, the report of conclusions and actions carried out, in accordance with the procedure processed in their respective organizational area

4.3.1. Other areas

In cases that CSIC obtains knowledge of the facts that may be classified as sexual or gender-based harassment, but have not taken place in workplaces the application area scope of this Protocol, nor affect people of the subjective area thereof, it shall make it known to the institutions or companies concerned for the purposes provided for in their respective protocols and, if the necessary budgets are met, shall forward it to the Public Prosecutor's Office and/or the Labour and Social Security Inspectorate.

5. UNITS WITH ROLES AND COMPETENCIES IN TERMS OF SEXUAL AND/OR GENDER BASED HARASSMENT

In the application of the procedure provided in this Protocol, different units and bodies exist, both of the ORGC such as centres and institutes, with different roles in the prevention, detection and intervention against harassment. All people who intervene some way in the procedure some way in the process shall be bound by the duty of secrecy with regard to facts which come to their knowledge in the performance of their duties and representations.

The units with competencies in terms of sexual and gender-based harassment in the ORGC of CSIC are the following ones:

- **The person holding the Presidency** is responsible for the exercise of the disciplinary authority for the civil and labour staff when it is possible to apply sanctions for very serious offences.
- **The person holder of the Secretary General** (hereinafter, SEGE) has the competency delegated by the Presidency for the exercise of the disciplinary authority of civil servants and employees, when penalties for serious misconduct can be imposed.
- **People accountable for unit** (vice-presidencies, deputy vice-presidencies and deputy secretaries general) should be vigilant against any inappropriate behaviour. Where they detect behaviour that is likely to be considered sexual or gender-based harassment, they shall act in accordance with points 8 and 9 of this Protocol.
- **SGARH** shall carry out the following roles, without prejudice of the actions that the present Protocol assigns to it:
 - It will be the unit accountable for programming training and information on the aspects covered by this Protocol, as set out in the CSIC Equality Plan, including specific training activities on gender equality and the prevention of sexual and gender-based harassment in training plans.
 - It shall adopt the necessary measures for the Directorates and Managements of the centres, as well as other middle managers (such as Vice-directorates) to get familiar with CSIC Protocol and be aware of their obligation to lodge complaints of their motion when they know any circumstance in the application area of the Protocol.
 - Receive the complaints through the management of the email account for that purpose: protocolo.acosos@csic.es.
 - It shall exercise disciplinary authority in respect of civil and labour staff attached to ORGC, in the case of penalties for minor offences, in accordance with the regulations in force.
 - At the time we have information about a possible case of harassment it will be immediately reported to **COMSE**.

- It will Inform of the processing and resolution of the different cases before the Equality Delegate Commission.
 - Finally, it is responsible for carrying out all the actions assigned to it by this Protocol.
- **The Commission against Sexual Harassment** of CSIC (CFAS) shall exercise the established roles in point 9 of the Protocol. Its constitution shall be provided in **Annex II**.
- In the **Equality Delegate Commission** (CDI) data on the number of persons trained equally and against sexual and gender-based harassment shall be processed, disaggregated by sex together with the degree of satisfaction of the training received and the other aspects included in the Equality Plan in the section on violence against women. The Commission is also involved in the elaboration, monitoring and updating of CSIC Protocol on Prevention and Intervention against Sexual and Gender-based Harassment.
- The **Ethic Committee**, where appropriate, could be consulted about the opportunity of the measures to be adopted for the protection of the victims, without detriment of the professional career and belonging to CSIC of its staff.
- **COMSE** shall develop the following roles:
 - It shall monitor the proper development of the procedures in time and form until their completion and in the year following their conclusion and report directly to the Presidency.
 - Without prejudice to the work to be carried out by the person exercising the confidential support in the field of workplaces, it shall be the reference unit for obtaining guidance or advice. It may also carry out confidential support work, when it is not possible to appoint him in a workplace, or at the choice of the victim.
 - Support the various bodies and units with responsibility for preventing sexual and gender-based harassment.
 - People who form part of this unit must have a minimum of 100 hours of specialized training on equality and sexual harassment.

The units with roles and competencies in terms of sexual harassment in the **Centres and Institutes** are the Directorates and Equality Committees, being the first line of action to detect a case of harassment.

Their participation takes place as follows:

- To the **Directorates** of the Institutes and Centres, with general character, they are accountable for:
 - The prevention and promotion of a culture of **ZERO TOLERANCE** against sexual harassment, through actions such as the dissemination and publicity of this Protocol within the Institute/Centre and its inclusion in its host manuals. In this sense, they will promote the creation of a specific section on equality/sexual harassment on their websites, with the aim of promoting equality and prevention and intervention against harassment and publicizing communication and complaint channels enabled.
 - Be vigilant against any inappropriate sexual behaviour. If found, they shall act following this Protocol. They should also follow up on reported cases, analysing the effectiveness of the organisational measures put in place.
 - If it is not a case of sexual or gender-based harassment, but the acts performed by a person attached to its centre may be considered as a minor offence, exercise

disciplinary authority with the consequent issuing of a warning for minor misconduct. Once the corresponding procedure has been applied, which in any case shall include a stage of allegations, SGARH shall be informed for the purpose of notification of the offence in the Central Personnel Register.

- In the event of one of the cases listed in paragraphs 4.2.2.1 and following, they shall carry out the actions provided for therein.
 - In ICU that carry out activities or collaborate with students and/or volunteer activities, the reception plan of the centre shall include reporting channels for the communication of behaviours likely to be considered sexual or gender-based harassment. In the event of a complaint and when the complainant/reported person is a student or a volunteer, this shall be done in accordance with point 4.2.
- The **Equality Committees** of Institutes and Centre, shall act:
 - In the prevention of harassment through the implementation of training activities within the framework of the CSIC Training Plan and awareness campaigns for all staff of the centre.
 - Helping the victim when requested, providing information on the Protocol and providing the necessary support and advice until the person who exercises the Confidential Support is appointed.
 - Informing the management of their centre and SGARH of possible behaviours constituting sexual or gender-based harassment for their investigation.

In the event that the centre does not have an Equality Committee, it shall promote its creation or the appointment of a person to cooperate in this matter. In any case, the constitution and activity of the Equality Committees will be encouraged and recognized by the ORGC.

- **The persons holding the Management of the centres and institutes** must actively collaborate with the Directorates in the exercise of the functions assigned to them in this Protocol and ensure their fulfilment within the scope of their competences.
- The **Confidential Support** will be performed in the Centres and the ORGC by persons with training in equality and CSIC Sexual and Gender-Based Harassment Protocol. Provide support and advice to victims as reference persons concerning CSIC Protocol. Any worker, voluntarily and after receiving the training defined by CSIC, may be appointed as confidential support by the SGARH, after hearing the proposal of the Management of the centre (Annex for the exercise of the confidential support functions). In advance, the designated person must sign Confidentiality Annex VI. In addition, the grounds for abstention and recusal established in the current regulations shall be applicable (Articles 23 and 24 of Law 40/2015, of 1 October, on the Legal Regime of the Public Sector). Among the functions of the people who develop the confidential support are:
 - Provide support and advice to the victims.
 - Inform the victims about their rights and the different possible ways of acting of throughout the entire process.
 - To inform the Directorate/Management of the centre of the events that have occurred, when there is evidence of sexual harassment or because of sex, prior knowledge of the victim.

6. PREVENTIVE MEASURES OF CENTRES AND INSTITUTES AGAINST SEXUAL AND GENDER BASED HARASSMENT

The prevention of inappropriate and unacceptable behaviours, such as sexual or gender-based harassment, should be considered in the context of a general and proactive action to identify the factors that may contribute to a safe, healthy labour work and exempt from any type of harassment.

To prevent and avoid behaviours that constitute sexual or gender-based harassment at work, CSIC will provide proper communication, dissemination, and publicity of the Protocol, through Intranet, web and other means, so that it becomes familiar to all persons working in the institution.

- Periodic development of **informative and awareness campaigns** about the Protocol and **ZERO TOLERANCE** policy of these behaviours, addressed to all CSIC staff, students, volunteers, as well as all companies that work in the installations whose ownership be of CSIC.
- Design of **banners and posters** with the declaration of principles of the Protocol of sexual harassment for its greater dissemination in centres and institutes.
- Dissemination of some **good practice guides** among Managers, Management, Head offices of the Department, and Research Staff, as well as the Guide to all CSIC staff. that are available in the equality section of the intranet.
- Mandatory inclusion of the **Welcome Manuals** of CSIC centres of information about the Equality Plan and Protocol against sexual and gender-based harassment.
- **Specific training** on gender equality and sexual and gender-based harassment for persons who will participate in the procedure, as well as to assist alleged victims, including centre management and management staff, SGARH and CFAS staff, staff of equality committees and staff exercising confidential support.
- Promotion of training on gender equality and sexual harassment, as well as on the content of the Protocol, for all staff serving with the CSIC.
- Conduct and regular dissemination of the **studies** provided for in the Equality Plan on the incidence of such conduct among the staff of the institution and its characteristics, as well as on perceptions and knowledge of situations of sexual or sexist harassment. These analyses will include an intersectionality perspective, studying the forms of discrimination in which different social factors overlap, among others, origin, religion, disability, disease situation, HIV, age, professional category, sexual orientation or gender identity for the implementation of specific measures.
- Annual **statistical** analysis that allow to describe the sociodemographic characteristics of people, the number of interventions and in cases of sex and gender-based harassment. These

data shall be periodically published in the framework of the Equality evaluation Plan, always keeping the anonymity of the concerned people and the reference centre.

Particular mention should be made of **special vulnerability situations** that may arise in unique facilities. These spaces are discussed in the next section.

7. SPECIFIC MEASURES OF PREVENTION AND INTERVENTION IN SCENARIOS THAT INVOLVE PROLONGED COHABITATION

Due to the multiplicity of research lines developed by CSIC, some staff members operate in unique facilities such as oceanographic vessels, the Antarctic base, experimental farms, camps, and observatories.

The work conducted in these environments is subject to specific conditions, often within confined spaces and with prolonged cohabitation. These periods can span several weeks or months and typically involve interactions among various teams, including CSIC's staff and external. Also, significant factors include uninterrupted coexistence in small groups (the durations of which vary depending on the type of installation and/or research project), limited ability to regularly communicate with family and friends, and frequent staff turnover.

These circumstances justify the implementation of specific measures in both prevention and intervention. Therefore, the Directorates of the ICU will adopt the necessary directives to facilitate the implementation of the following measures, among others:

- **Informative, training and sensibilization measures:**
 - Dissemination to all participating staff of the CSIC Protocol, three-page leaflets, procedures and documents, with special emphasis in the preparatory boarding meetings.
 - Dissemination of notifications or alerts on this subject through electronic means as received from the respective competent units.
 - Development of reception protocols that include the **ZERO TOLERANCE** policy against sexual or gender-based harassment and communication channels for reporting such behaviour.
 - To enhance coordination among various sources of the participating staff, third-party organizations participating in the activity will be invited, and compulsory training on

equality and sexual and gender-based harassment for persons with special responsibility for carrying out activities (e.g. field chiefs, installation managers, captains, officers, etc.)

- Distribution of the Decalogue on sexual and gender-based harassment to staff, also available in English, tailored to the specifics of the installation or campaign.
- In so far as the physical characteristics of the facilities permit, signs of conduct classified as sexual harassment (**Annex IV**) and indication of the channels of denunciation, as well as the aforementioned Decalogue, shall be displayed in common spaces.

- **Organizational measures in vessels:**

- The captain, in coordination with the chief campaign scientist, whenever possible, will distribute cabins, spaces and schedules, to maximize well-being and privacy, according to the activity nature and on-board staff needs. Precautionary measures will be taken to prevent contact between the alleged person and the victim in the event of a complaint.
- Captains, field commanders, and technical responsible persons, as reference persons on board for the proper conduct of activities, safety and coexistence, will act as liaisons for the communication of incidents/complaints during the campaigns, both from the technical point of view and from the point of view of personal relationships and conflict situations. The identification of these persons and their contact details shall be communicated to all staff participating in the pre-campaign documentation and preparatory meetings, with the first line of communication of incidents with the knowledge of all members:
 - The Captain: as legal representative of CSIC Shipowner on board the vessel under the Maritime Navigation Act.
 - The Chief of Campaign: accountable for the planning of activities on board and single and visible accountable for all research team.
 - The Chief Technician: accountable for all technical team and the instrumentalization of the vessel and the link to the director of the Unit of Maritime Technology (hereinafter UTM) or in its case IEO Vessels Units on board the vessel.
 - Onshore, both, the Marine Technology Directorate and its Management, as well as the IEO Vessel Unit Manager, are the liaison with SGARH and will be part of CFAS, in these cases.
- In campaigns of vessels managed by CSIC, the mandatory coordination of business activities with all working groups outside CSIC is established, reporting on the Policy on Safety, Environment, and Information Security, Drug and Zero Alcohol policy and basic rules on board.
- On vessels owned by CSIC, if the victim belongs to another organization (crew, technical staff, or external investigators/investigators), it shall proceed, once received communication on the ground, the mandatory communication to the institution or company to which the persons concerned belong, in the context of the coordination of activities, urging the application of the corresponding protocol.

- On non-CSIC vessels, if the person reported belongs to another organization (crew, technical staff or external researchers) and the complainant belongs to CSIC, the person in charge of the on-board CSIC team shall report the facts as soon as possible, to the management of the origin centre, to make the necessary communication in the field of coordination of activities to the institution or company to which the persons complained belong, urging, if necessary, the application of the corresponding protocol.
- Throughout the campaign, briefings will be conducted to proactively prevent potential sexual and gender-based harassment.
- **Follow-up measures:**
 - After each campaign, the campaign chief will be required to conduct a gender-sensitive assessment by conducting an anonymous digital survey to the campaign staff.
 - In the event of a complaint being lodged, the Directorate of the institution to which the complainant/reported person belongs shall carry out a follow-up file. This file is intended to minimize, as much as possible, any future coincidence/interaction between the victim and the person who has been complained/reported in subsequent campaigns.
 - In case the person complained/reported and/or the victim belongs to ships that are not owned by CSIC, the Centre's Directorate/Management shall endeavour to avoid overlap in successive campaigns between the victim and the person complained of.

8. PROTOCOL ACTIVATION

8.1. Initiation of the Protocol

The Protocol shall be activated by SGARH as soon as information is known showing signs of sexual or gender-based harassment, whether from the person concerned or from the Directorates or persons accountable for unit, with the particularities developed in the following sections.

The communication or information must contain an account of the events that have occurred, and identify both the person making the complaint, which may not coincide with the victim, and the person reported.

8.2. Reporting the facts or lodging a complaint

In order to facilitate the activation of the Protocol, communication on the situation of sexual or gender-based harassment may be communicated to SGARH by different persons and different channels.

- By verbal and/or written communication from the victim, personally or collectively, when there are several victims in the same case.

- Through a written communication from the Directorate, Management (job complaint), of the Equality Committee of the corresponding centre or CDI, who shall have the obligation to lodge a complaint once they know a possible harassment case.
- Regardless of the verbal or written form in which the first communication initiated by the Protocol was made, the filing of the denunciation shall be done by completing and signing the model set out in **Annex I** (also accessible in the equality section of CSIC intranet and website), attaching the evidence protocolo.acosos@csic.es.

The presentation of anonymous communications showing evidence and/or evidence of sexual or gender-based harassment will trigger the activation of the Protocol.

In the event that the person complained of no longer has a legal relationship with the CSIC at the time of filing the complaint, the Protocol will be activated with regard to care/support for the victim and an investigation will be initiated to determine the scope of the case.

When the complaint is lodged ex officio by the Directorate or by the person responsible for the unit, they shall participate in the preparation of the information file in order to enable the SGARH and the CFAS to take the actions provided for in the procedure. To this end, the Directorate or person responsible for the unit shall contact the victim, guaranteeing the confidentiality of the proceedings and where appropriate, interview other persons who have witnessed the alleged events and who voluntarily wish to participate in the investigation. Likewise, the Directorates of the Centres shall take such organizational measures as may be appropriate (**Annex VII**).

8.3. Communication from SGARH

Once the Protocol has been activated, SGARH shall communicate it to COMSE, for information and follow-up, and to the corresponding Directorate or unit accountable, for the purposes provided for in the following paragraphs.

If necessary, and prior to their transfer to the CFAS, additional information will be collected from the unit responsible. This collection of information, which must be carried out within a maximum of 7 working days from the receipt of the complaint, will be aimed at collecting data or expanding information, in relation to the complaint. This documentation shall form part of the information file.

8.4. Adoption of the organization and support measures

Upon receiving the communication from SGARH on activation of the Protocol, the Directorate of the Centres and persons accountable for the unit shall establish the necessary organizational measures at the individual and general level with respect to the victim and the person complained of, in accordance with Annex VII. These measures shall be maintained throughout the proceedings, including during the criminal proceedings, if any, even if administrative proceedings are suspended.

If the person reported belongs to CSIC staff, the organizational measures to be taken will include the separation of the victim from the person reported and subsequent replacement, if possible. From these measures, they shall be transferred to the SGARH. In any case, priority shall be given to the will of the victim.

As soon as they become aware of the facts, SGARH or the Directorate of the centres shall inform the victim of his/her rights and of the remedies available to him/her by the institution. At any time during the proceedings, the victim may request from COMSE such guidance or advice as he or she may require, without prejudice to any confidential support from the centre.

If the victim agrees, SGARH, on the proposal of the ICU Directorate, shall communicate the data of the person exercising the Confidential Support functions according to point 5 of this Protocol.

8.5. Communication to the parties

The activation of the Protocol and the proposed organizational and support measures shall be transmitted to the victim, where appropriate, to the complainant other than the victim, the person complained of and the Directorate of the Centre or person accountable for the unit to which the persons concerned belong.

8.6. Transfer of the file to CFAS

Once the Protocol has been activated, SGARH will transmit the anonymized communication and/or complaint, the organizational and support measures adopted, as well as the information on file to the CFAS.

SGARH will call CFAS to a meeting that will have to be done within 5 working days at the latest, for CFAS to issue a validation report, which may result in one of the following:

- Determine the **file** of the case: when the facts alleged are not included in some of the assumptions falling within the scope of this Protocol. In this case, protection actions may be taken against persons or directed to other areas, by informing the person making the complaint in writing and without prejudice to the provisions of point 10.
- Apply the **extension of information** of the case: within 15 working days at the latest, SGARH in collaboration with the Directorates/Managements of the centres, shall carry out an anonymous information file, with the purpose to widen the information about the reported behaviours and study the suitability of the organizational measures taken.
- The informative file, which shall include the information already gathered, shall be written by the staff specialized in equality and sex harassment, internal or external, in order to assure the guarantees of the procedure, among others: the adversarial principle, assure the client confidentiality and secrecy with regard to all the information to which he has access to, in compliance with data protection regulation.
- This file shall be submitted by SGARH to CFAS, which shall determine either the file or the existence of a possible case of sexual or gender-based harassment.
- **Ascertain the existence of a possible case of sexual or gender-based harassment:** SGARH shall transmit the evaluation report, together with all the documentation of the case, including the organizational measures adopted, to the disciplinary body for the purpose of initiating the disciplinary procedure.

When the CFAS ascertains that the facts reported have an identity with the alleged facts contained in one of the crimes against sexual freedom in the Criminal Code, the SEGE will forward the file to the Public Prosecutor's Office.

8.7. Communication to the parties of the CFAS evaluation report

From the conclusions of CFAS assessment report, SGARH shall transmit to the victim, or, as the case may be, to the person complained of and to the directorate of the centre or person accountable for the unit to which the concerned people belong.

In case of minor infringements, the directorate of the Centre, as the competent body for processing the relevant file, shall transmit to CFAS the assessment report to the interested parties and issue the corresponding disciplinary measures.

9. FISCAL PROCEDURES FOR DISCIPLINARY ACTION AND/OR REFERRAL TO THE PUBLIC PROSECUTOR'S OFFICE

The handling of disciplinary proceedings does not prevent, in any case, the initiation, simultaneous or subsequent, of administrative or judicial actions that are relevant by the interested parties or the competent unit. These actions will also be followed up by COMSE.

Depending on the type of reported behaviours and the seriousness of the behaviour, CFAS assessment report may give rise to the following actions:

- The **ordinary** procedure: when CFAS has considered that the reported behaviour may have the characteristics of sexual or gender-based harassment provided for in article 7 of LOI. In such cases, the disciplinary authority shall be transferred to the competent unit, which shall, where appropriate, exercise disciplinary authority through the handling of disciplinary proceedings for very serious behaviours in accordance with the provisions of the regulations in question. In any case, the person conducting the instruction of these procedures must have training in equality and sexual or gender-based harassment.
- If the acts do not have the characteristics of possible sexual harassment, but may constitute a serious offence, they shall also be transferred to the competent unit which, where appropriate, shall exercise disciplinary authority.
- In the event that the facts reported have an identity with the presumed facts set out in **article 184 of the Criminal Code**, which includes the crime of sexual harassment, the SEGE will forward the file to the Public Prosecutor's Office. Transfer to the Prosecutor's Office shall not prevent the opening of a disciplinary file. In the event that proceedings are admissible in criminal proceedings, disciplinary proceedings shall be suspended until the proceedings are decided, at which time the ordinary disciplinary proceedings shall be resumed, EXCEPT in cases where the court decision establishes that the facts on which the file was based have not been

established. In any case, the victim and the other affected persons shall be informed. Accompaniment and support to the victim shall be maintained for as long as the victim so requires with the implementation of the appropriate organizational measures and always in accordance with the latter.

- In the event that an alleged case of sexual violence is known, SGARH, the Directorate or Management of the centre or the persons accountable for the unit depending on which unit is aware of the facts, will transfer to Spain's State Security Forces and Bodies.
- A **summary** procedure: when CFAS considers that the facts reported do not cover the considerations of sexual harassment, but they could be inappropriate behaviours of Annex IV, if qualified as minor violations. In this situation, disciplinary authority shall be exercised by the competent unit by means of a summary procedure, always with a hearing of the accused.

10. GENERAL CRITERIA APPLICABLE TO THE WORKING PROCEDURES

1. Anonymous communications

The reception of anonymous communications will lead to the activation of the Protocol in case that there are indications. Its purpose shall be to get to the know the scope of the case and, ultimately, to guarantee a working environment free of sexual and gender-based harassment in a specific centre or institute.

2. Information

With general character, of the proceedings and resolutions adopted the parties concerned shall be informed. Likewise, statistical information in this regard will be sent to the Equality Delegate Commission, preserving the privacy of individuals.

3. Follow-up and Control

Each year, CSIC shall send to the Directorate-General for the Civil Service and the Delegated Commission for Equality, within the framework of the evaluation of the Equality Plan, information on the activities carried out during the year, including statistical information on cases of sexual or gender-based harassment in which this Protocol has been applied.

II. GUARANTEES OF THE PROCEDURE

In the context of this Protocol, the following safeguards should be considered:

Communication and processing

- All staff have the obligation to execute the communication and/or complaint of the case known to the mail protocolo.acosos@csic.es.
- Persons with teams under their charge are obliged to inform the Directorate of the Centre about alleged cases of sexual or gender-based harassment, within the scope of their competence and/or to make the corresponding communication to mail protocolo.acosos@csic.es.
- The Directorates of the centres will proceed to make the compulsory communication of the alleged cases of sexual or gender-based harassment.
- People involved in the proceedings must seek in good faith the clarification of the alleged facts.
- The person affected by a behaviour that could likely be sexual harassment or on the basis of sex may report it to the CSIC through the authorized channels and have the right to obtain a response. The Administration must always record the complaint in writing, communicating the receipt of the same, even when the facts are reported orally, as well as everything done in the procedure.

Protection and security and health of the victim

If sexual or gender-based harassment is found to exist after the disciplinary procedure in their case has been resolved, without the need for a final decision, it shall be immediately adopted, without prejudice to those previously adopted, the following measures to promote the accompaniment and protection of the victim, such as:

- Examine with necessary swiftness all requests relating to his/her administrative situation, the granting of licences or permits and any other request he may make regarding his professional rights.
- Take all measures deemed appropriate to guarantee the right to comprehensive protection of the physical and mental health of the victim until his/her full recovery.

The application of the present Protocol shall, under no circumstances, prevent the persons concerned from taking appropriate legal action.

Respect and protection of privacy and dignity

Discretion, prudence and respect must be exercised in order to protect the privacy, dignity of the person and equal treatment of the men and women involved, who may in no case be treated unfavourably on this ground. The persons involved may be assisted by a unitary or trade union representative or other person of their choice, at any time throughout the procedure, if they so require.

Confidentiality

People involved in the proceedings are obliged to maintain strict confidentiality and reserve. They must not transmit or disclose information on the content of complaints filed, resolved or under investigation that they are aware of. Therefore, from the moment the complaint is made, the person or people accountable for initiating and processing it will assign numerical codes identifying both the victim and the person allegedly harassing, thus preserving their identity, with the express indication to all parties involved that they must maintain confidentiality. If this principle is violated, the disciplinary regime shall apply (Annex VI).

The confidential treatment of information relating to situations which may constitute sexual or gender-based harassment shall be guaranteed, without prejudice to the provisions of the disciplinary rules.

Principle of legal certainty

Procedural action according to the principles of legal certainty, impartiality, the right of defence of the parties involved and the right to the presumption of innocence.

Diligence and promptness

The research and resolution about the alleged behaviour must be carried out with due professionalism, diligence and without undue delay. The procedure shall be completed in the shortest possible time, respecting the due guarantees, included the imposition of the organisational measures and sanctions that, shall be carried out as quickly as possible.

Impartiality and adversarial

The procedure should guarantee an impartial hearing and a fair treatment for all affected people. All people who intervene in the procedure shall act in good faith in research of truth and clarification of the facts reported.

Prohibition of retaliation

Retaliations against persons who make a complaint, appear as witnesses or participate in an investigation of sexual or gender-based harassment are expressly prohibited under the terms of applicable regulations.

Safeguarding of rights in the development of work-related or academic activity

The victim and/or complainant shall be protected in their work or academic activity and shall intervene to prevent the continuation of alleged harassment and to establish the organizational measures deemed appropriate, considering the possible physical and psychological consequences arising from this situation and taking particular account of the employment or academic circumstances of the complainant. In this way, CSIC shall establish the appropriate measures to guarantee the safeguarding of the rights of the victim and/or complainant and the development of their work or academic activity.

Rights of abstention and recusal

With regard to possible recusals or abstentions of any appointed persons through the procedure, the provisions of Law 40/2015 of October 1st shall be considered, of the juridical Regime of the public sector, articles 23 and 24.

Protection of personal data



CSIC

The personal data generated in the application of this Protocol shall be governed by Law 3/2018, of December 5th, on the Protection of Personal Data and the guarantee of digital rights, as well as by the Regulation (EU 2016/679).

Non-revictimization principle

This principle entails reducing the statements of the alleged victim on the same facts to those strictly necessary.



CSIC

ANNEX I.

COMPLAINT MODEL

SEX-BASED OR SEXUAL HARASSMENT INTERVENTION REQUEST

- ☐ Affected person ☐ Affected directive unit ☐ Others (specify):
- ☐ Affected people
(collective complaint) *
- ☐ Equality Committee.
- ☐ Workers representatives: Staff meeting/Work Council or Staff Delegates
- ☐ Ex-officio complaint by the directorate of the centre or person accountable for the unit.

TYPE OF HARASSMENT

- ☐ Sexual ☐ Sex-based ☐ Sexual orientation and/or
gender expression

DATA OF THE VICTIM OR COMPLAINANT

Name and surnames	NIF	Sex
		☐ M ☐ F ☐ NA
Contact telephone		

*In case of collective complaints as many personal data boxes as affected persons sign the complaint.



CSIC

ICU

Department and
workplace

Employment relationship

☐ Civil servant ☐ Interim ☐ Permanent C. ☐ Temporary C. ☐ Other

*In case collective complaints are activated as many personal data boxes as affected people sign the complaint.

IDENTIFICATION OF THE ACCUSED PERSON

Name and surnames

Sex

☐ M ☐ F ☐
NA

ICU- ORGANISATION

Relation with the
complainant

Employment relationship

☐ Civil servant ☐ Interim ☐ Permanent ☐ Temporary ☐ Other

EXISTENCE OF WITNESEES

☐ YES

SPECIFY WHO

☐ NO

DESCRIPTION OF THE FACTS



CSIC

ANNEXED DOCUMENTATION

☐ YES (specify)

☐ NO

APPLICATION

☐ I request the initiation of *Prevention and intervention protocol against sexual and gender-based harassment in CSIC*.

☐ I also apply the adoption of the organisational measures until the procedure is resolved.

I state that I have read and understood the essential information about data protection that is filed on the back of this application.

Place and date

Signature of the interested persons

GENERAL SECRETARY OF THE SPANISH NATIONAL RESEARCH COUNCIL BASIC INFORMATION ABOUT DATA PROTECTION

In accordance with Regulation (EU) 20167679 of the European Parliament and of the Council, of April 27th 2016, on the protection of natural people with regard to the processing of personal data and free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), the following information regarding any type of operations or set of operations on personal data or sets of personal data, be it automated procedures or not, such as the compilation, registration, organization, structuration, preservation, adaptation or modification, extraction, query, usage, communication by transmission, diffusion or any other means of access, comparison or interconnection, limitation, deletion or destruction.

Accountable entity	• Consejo Superior de Investigaciones Científicas, CSIC. C/. Serrano 117, 28006 Madrid Tel.: +34 91 568 14 00 Fax: + 34 91 411 30 77 • Data Protection Delegate: delegadoprotecciondatos@csic.es
Purpose	• Collected data shall be exclusively used for specific, explicit and legitimate purposes, in order to investigate potential behaviours compatible with sexual or gender-based harassment at CSIC, being kept the strictly required time, and not being used later in any form incompatible with these purposes. • The filed reports and documents will have restricted access. Only the interested person and the people in charge of their processing may have knowledge about them. No copies will be allowed, neither any document will be sent by any computer channels, except after specific request of the interested person.
Legitimation	• The legal basis for data processing is the execution of the <i>PREVENTION AND INTERVENTION PROTOCOL AGAINST SEXUAL AND GENDER-BASED HARASSMENT</i>, and signature of the present request implies the consent of the interested person to the Processing unit to confirm the case and, once it is confirmed, to make a first assessment in order to determine whether it is appropriate or not to initiate the processing of the request.
Recipients	• All information contributed by the requesting person will be sent to the Processing unit and, if pertinent, to the Commission against sexual Harassment. • Data transfer to third parties different from CSIC is not foreseen, unless legal obligation, except on cases where, in order to achieve the best result of the investigation, the Commission against sexual Harassment uses the services of an external consultancy. • These data may be communicated to the Public Prosecutor's Office and judicial bodies.

Rights	• The requesting person may in all cases use his/her rights of access, rectification, cancellation, objection, limit or portability, writing to the General Secretariat of CSIC, at c/ Serrano 117, 28006 Madrid (Spain), attaching a copy of the identity card (DNI/NIF) to the abovementioned address, or using CSIC electronic registration services, at CSIC electronic site, by a procedure that requires to hold an authorized electronic certificate. • In case the requesting person uses his/her right to cancel the permission at any moment, this will not affect the legality of the processing based on the consent previous to this cancellation.
Origin	• In addition to the data contributed by the requesting person, SGARH and/or the sexual Harassment Commission may rightfully collect information from all those parties they consider of interest for the purpose of the investigation of potential behaviours compatible with sexual or gender-based harassment, strictly forbidden at CSIC. • The most suitable means to obtain additional data include postal mail, e-mail and instant messaging. • Report by telephone based on voice messages will not be considered adequate.
Additional information	• All files regarding this Protocol will be kept at the Deputy Secretary General for Human Resources, and shall receive identical protection as any other file of administrative nature. • Additional and detailed information about personal data protection at CSIC can be obtained at: https://intranet.csic.es/proteccion-de-datos

ANNEX II.

COMMISSION AGAINST SEXUAL HARASSMENT (CFAS)

Composition

The Commission will be constituted by the following persons:

- One person appointed by the General Secretary, who will exercise the presidency
- One person appointed by VICYT.
- One person appointed by VORI.
- A representative from Commission for Women and Science.
- Four representatives of the trade union side

In any case, the people appointed to be part of the Commission, shall have training in terms of equality and harassment.

If there is a case with any oceanographic campaign it shall be included in CFAS, the Directorate of a UTM or IEO or person to whom the Fleet Commission delegates. It shall act the same way in case that the harassment takes place in any other type of campaign. In any case, the Legal Consultancy shall participate as advisory part of CFAS.

In the appointment of the members of the Commission we will try to guarantee the principle of balanced representation, the personal distance, affective and organic among its members and the people involved in the proceedings. Also, efforts shall be guaranteed for the Commission to have a parity composition man-woman. The secretary of the Commission shall be exercised by the person appointed by the Presidency.

The personal, emotional and organizational distance between the members of the Commission and the persons involved in the action procedure initiated with the complaint of sexual and gender-based harassment shall be guaranteed. If any person in the Commission is aware, regardless of the stage of the process, that he/she does not comply with this requirement, he/she must inform SGARH by cancelling his/her action in the Commission for that specific case following the provisions of Law 40/2015, of October 1st, the Legal Regime of the Public Sector, concerning the functioning of the collegiate bodies and abstention and recusal.

The people who form part of CFAS shall get familiar with this Protocol. The resolutions of CFAS shall be taken by absolute majority.

Operating regime

Its operation shall be governed by

- The dispositions from Law 40/2015, from October 1st, of the public sector legal regime.
- The legislation and regulation of applicable development in terms of sexual and gender-based harassment.
- The Directives of the European Union in terms of sexual and gender-based harassment that are applicable. The Policies from the European Union in terms of sexual and gender-based harassment that are applicable
- The regulations that appear in the present Protocol
- The operating rules to be agreed by the Commission in relation to sexual harassment.

ANNEX III.

DEFINITION OF THE TERMS INCLUDED IN THIS PROTOCOL

Sexual harassment

Without prejudice to the provisions of the Penal Code, for the purposes of this Protocol and as defined in Organic Act 3/2007 on Equality, sexual harassment is any behaviour, verbal or physical, of a sexual nature, unwanted, which has the purpose or effect of violating a person ' s dignity, particularly when an intimidating, degrading or offensive environment is created.

Environmental sexual harassment

In this type of sexual harassment, the harasser creates a hostile, degrading, humiliating or offensive environment for the victim, as a result of unwanted behaviour of a sexual nature. They can be performed between colleagues or third parties.

Gender-based harassment

Generally speaking, any conduct based on the sex of a person with the purpose or effect of violating his or her dignity and of creating an intimidating, degrading or offensive environment shall be regarded as such. Making a right or expectation of right conditional on the acceptance of a situation constituting sexual harassment or harassment on the basis of sex shall also be deemed to constitute discrimination on the basis of sex.

Any unfavourable treatment in connection with pregnancy, maternity, paternity or other care of the family shall also be considered to be a situation covered by this Protocol, where the conditions defined in the preceding paragraph are met.

Sexual orientation harassment

Any behaviour or other action against a person on the basis of his or her sexual orientation that may be considered offensive, humiliating, violent, intimidating, with the purpose or effect of violating his or her dignity and creating a discriminatory environment.

Sexual orientation is the ability of a person, regardless of biological sex and gender identity, to be emotionally, sexually and emotionally attracted to people of the same or different gender.

Identity harassment and gender expression

Any behaviour or conduct that, for reasons of gender expression or identity, is carried out with the purpose or effect of violating dignity and creating an intimidating, hostile, degrading, offensive or segregated environment.

ONU defines the gender identity of internal experience and individual of gender as each person experiments, which could correspond or not, with the appointed sex at birth, including personal experience of the body and other gender expressions such as speech, outfits or manners.

Gender expression is the way we express our gender: through dress, behaviour, interests and affinities. It depends on how it is perceived by society: as feminine, masculine and androgynous (the combination of the two).

Sexual harassment offence

Article 184 of the Organic Law 10/1995, of November 23rd, of The Criminal Code defines the offence of sexual harassment as follows:

“1. A person who applies for favours of a sexual nature, either for him/herself or for a third party, in the context of a continuous or habitual employment, teaching or service relationship and with such behaviour causes the victim to be objectively and seriously intimidated, hostile or humiliating, shall be punished, as a perpetrator of sexual harassment, with imprisonment of three to five months or a fine of six to 10 months.

2. If the perpetrator of sexual harassment had committed the act by taking advantage of a situation of work, teaching or hierarchical superiority, or with the express or tacit announcement of causing the victim an evil related to the legitimate expectations that he may have within the scope of the aforementioned relationship, the penalty shall be imprisonment of five to seven months or a fine of 10 to 14 months.

3. Where the victim is particularly vulnerable, by reason of his age, illness or situation, the penalty shall be imprisonment for five to seven months or a fine of 10 to 14 months in the cases provided for in paragraph 1, and imprisonment from six months to one year in the cases provided for in paragraph 2 of this article.”

ANNEX IV.

BEHAVIOURS THAT COULD ENTAIL INAPPROPRIATE BEHAVIOUR AND SEXUAL OR GENDER-BASED HARASSMENT

Below, a reference list of behaviours constituting each of the following types of behaviours is merely exemplified and in no case exhaustive or limiting:

A) Behaviours likely to be considered inappropriate

- Friendly behaviour in the workplace as defined in point 4.1, not mutually accepted by the parties.

B) Conducts likely to be considered as manifestations of sexual and gender-based harassment

- Verbal behaviours: nicknames, bynames, social media messages, sexual comments, words or jokes, comments regarding the body or appearance of people, sounds related to sexual activity.
- Nonverbal behaviours: persistent or suggestive looks of a sexual nature, obscene gestures, clandestine observation of people in reserved places.
- Physical contact: a deliberate and unsolicited excessive and unnecessary physical contact.
- Deliberate verbal and non-verbal and physical abuse that violates dignity and privacy such as unwanted kissing, touching, pinching, cornering, sending constant messages, persecuting the person in the places they frequent, showing or touching their genitals.
- Questions and insinuations about a person's private life that affect their integrity and sexual indemnity.
- The use of graphics, cartoons, drawings, photographs or internet images of sexually explicit content.
- Coercion and /or extortion for sexual intercourse.
- Repeated persecution and offensive against sexual integrity.
- Dissemination of rumours, images or videos committed of a sexual nature, without your consent.
- Registering in a network space where a person may be stigmatized or ridiculed, creating a false profile in their name to ridicule them, for example, by offering sexual services.
- Appear through a fake profile to a person in order to arrange a meeting, cheat or obtain information to be used illicitly for sexual purposes.
- Maintain contact with a person when you have indicated that you do not want it or have tried to avoid it.

C) Behaviours likely to be considered as manifestations of gender-based harassment

- Derogatory comments about women or men or values considered feminine or masculine, and, in general, sexist comments based on gender bias.
- Demerit of professional worth for the fact of maternity or paternity.
- Hostile behaviour towards those who exercise rights of reconciliation of personal, family and professional life.

- Impairment, contempt or isolation of those who do not behave according to the roles socially assigned to their sex.
- Perform discriminatory behaviour for being a woman or a man.
- Assign tasks that are meaningless or impossible to accomplish (unreasonable deadlines) to a person based on their gender.
- Assign a person to a position of responsibility below for his or her professional capacity or status, solely on the basis of sex.
- Evaluate the work of people with contempt, unfairly or in a biased way depending on their sex.

D) Behaviours likely to be considered as manifestations of sex-based harassment

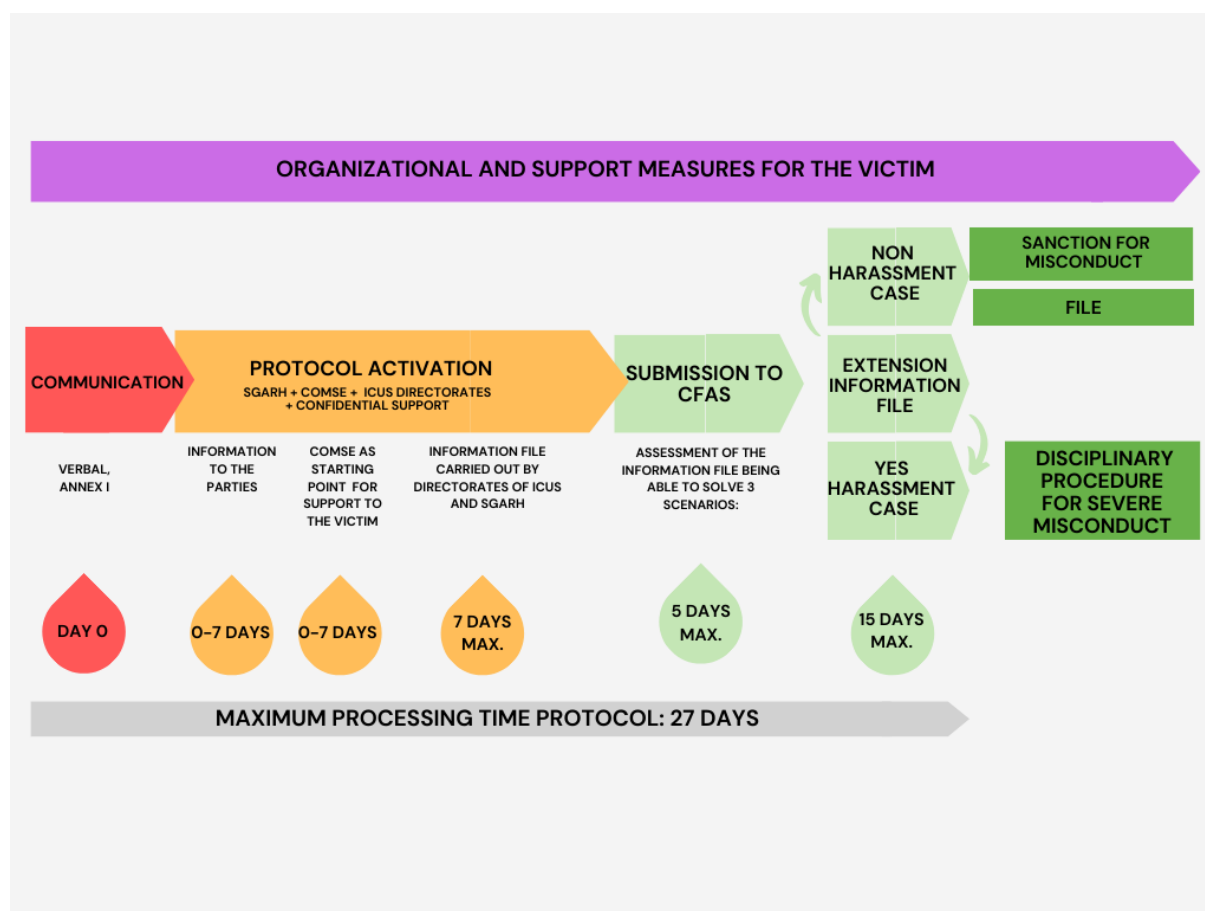
- Having discriminatory behaviours based on their sexual orientation.
- Address the person in offensive ways because of their sexual orientation.
- Deride the person in relation to their sexual orientation.
- Use humour in a derogatory way, undervaluing any sexual orientation.
- Belittling the work that has been done with reason of their sexual orientation.
- Ignore contributions, comments or actions (exclude, not take seriously) because of your sexual orientation.
- Unequal treatment based on sexual orientation.
- Evaluate people's work with contempt, unfairly or in a biased manner based on their sexual orientation.
- Assigning a person tasks or jobs below their ability or competencies, depending on their sexual orientation.
- Serophobic discrimination: any measure that results in an arbitrary distinction between persons by reason of their state of health or their HIV status, confirmed or suspected and resulting from an act or omission.

E) Behaviours likely to be considered as manifestations of harassment by gender identity and expression

- Unequal treatment based on gender identity and/or expression.
- Ignore or exclude contributions, comments or actions based on your gender identity or expression.
- Belittling a person's capabilities, abilities, and intellectual potential in relation to their gender identity or expression.
- Refuse to name a transgender person as required or deliberately use articles or pronouns not corresponding to the gender with which you identify after asking.
- Make comments or questions about the body and/or genitals of a transgender person.
- Talking about transgender people in the workplace in a derogatory way just because they are transgender.
- Focus the conversation and/or discussion with a transgender person on the gender issue without the person in question having started and invited the conversation.
- Make jokes about transgender people, whether or not they are present in the conversation that threaten people's dignity.

ANNEX V.

GRAPHIC DISPLAY OF THE PROCEDURE



ANNEX VI.

PRIVACY STATEMENT

Mrs/Mr _____, with VAT n.º _____, e-mail _____, and phone number _____, acting as interested party and/or person who has witnessed the behaviours that are object of research and/or as anyone accountable for the units with competence in this Protocol as well as people who form part of Commission Against Sexual Harassment or due to sex.

I DECLARE the effects of provisions in prevention and intervention Protocol against sexual or gender-harassment:

-I will not share with third parties of the institute/centre or CSIC, nor with other people outside CSIC: reports, documents, data of the affected people that know during this research and resolution process.

-That I will not share with third persons of the institute/centre or of the CSIC, or with other persons outside the CSIC, the questions and results of the interview/s and/or meetings in which I participate, or the opinions or assessments that are made during all stages of the Protocol.

And for the record, I sign this responsible statement.

Place :

Date :

Signature :

ANNEX VII.

ORGANISATIONAL MEASURES

Mrs./Mr _____, with ID _____, and phone number _____, acting as titular of the Directorate of the Centre, once having knowledge of the complaint, according with conformity with the victim, the organisational measures for the protection of:

- At organisational level with regard to the victim:
- At individual level with regard to the victim:
- At organisational level with regard to people reported:
- At individual level with regard to the people reported:

And for the record, I sign this responsible statement.

Directorate of the Centre:

Date:

With the consent of the victim:

Signature:



CSIC

ANNEX VIII.

CSIC-COMMUNICATION – CSIC VICTIM REPORTED PERSON OF A THIRD-PARTY ORGANISATION

Mrs./Mr. _____, with _____, and phone number _____, acting as titular of the Directorate of the Centre _____, we have had knowledge on behalf of a worker of our Centre of alleged facts, involving

In application of provisions in article 24.2 LPRL, statutory developed by RD 171/2004, of January 30th, in terms of coordination of activities, CSIC, as employee of the victim of the work centre, before the possible emergency situation likely to affect health and security of the victim, we require that they adopt immediately precautionary measures which consist in separating this worker of any contact with the victim, informing him/her that these behaviours are forbidden for being considered sexual or gender-based harassment

Likewise, we urge that they make the internal research corresponding to its enterprise, applying as many measures are necessary for the warning and opening of the disciplinary procedure of its organisation.

From CSIC we request that the conclusions of the internal research process that they carry out and all the measures they put in place are submitted as soon as possible.

In addition, it stresses the need to comply effectively and immediately with this instruction by taking the measures indicated to them in this letter and any other measures they deem necessary in order to comply with their obligations as a company to prevent and intervene in cases of sexual or gender-based harassment when they receive a communication or complaint.

Sincerely

Signed:

Female/Male/Director of the Centre of _____

Date

ANNEX IX.

CSIC COMMUNICATION BEFORE A COMPLAINT AMONG THIRD PARTY ORGANISATIONS

Mrs./Mr _____, with _____, and
phone number _____, acting from Directorate of the Centre
_____, we have had knowledge on behalf of Mrs/Mr
_____ with ID _____ who provides
services of _____ in the _____, of alleged facts, consisting of
_____ acting from Directorate of the Centre _____.

In application of provisions in art. 24.2 LRPL, statutory developed by RD 171/2004, of January 30th, in terms of coordination of business activities, CSIC, in its employer status of the work centre, we have been in touch with the enterprise _____ before the possible emergency situation likely to affect the health and security of the victim, demanding them to adopt immediately the precautionary measure in urging its male/female worker, to stop behaving that way, that cannot have any type of contact with the victim and informing him/her that those behaviours are forbidden because they are likely to be considered sexual or gender-based harassment.

Likewise, we insist that you make research internal research corresponding to your Enterprise, applying as many measures necessary for the protection and support of its worker.

From CSIC we make measure protections of the victim, timetable flexibility or organization of tasks that avoid the coincidence of these people. It is requested that the findings of the internal research process carried out by them be forwarded as soon as possible.

In addition, it stresses the need to comply effectively and immediately with this instruction by taking the measures indicated to them in this letter and any other measures they deem necessary in order to fulfil their obligations as a company to prevent and intervene in cases of sexual or gender-based harassment when they receive a communication or complaint.

Finally, from these instructions we inform to the other company so they are in coordination with You. with the purpose of these behaviours do not occur again.

Signed:

Male/Female Director of the Centre: _____

Date:

ANNEX X

APPOINTMENT OF CONFIDENTIAL SUPPORT

According to the Prevention and intervention protocol against CSIC sexual and gender-based harassment, we appoint as CONFIDENTIAL SUPORT in relation with the complaint, _____, according to the proposal carried out by the Directorate of the Centre to:

FULL NAME: _____

ID: _____

Its basic functions in relation with the specific topic are the following specialisations

- Provide ongoing support and advice to the victim as a reference person with respect to CSIC protocol of action.
- Inform the victim about his/her rights and about the different possible ways of acting.
- Inform the Directorate/Management of the Centre about the events that occurred previous knowledge of the victim.

In the exercise of this function, Annex VI on confidentiality has previously been signed and it is not possible to transmit or disclose information that is known in this file.

NOTE: according with the provisions of this Protocol, the appointed person of the indicated training within CSIC training Plan in Gender Equality and Protocol against sexual or gender-based harassment and that training that has been determined.

And for the record,

Signature:

Date: _____ of _____ of 20____

ANNEX XI.

INFORMATION FILE OF THE CENTRE

In pursuance of the Prevention and intervention protocol against sexual or gender-based harassment of CSIC and according with the competences of the units indicated in the Protocol an informative file which contains, among others, the following aspects:

- Data of the victim(s) and in its case the complainant.
- Data of the persons reported.
- List of people who have participated in research and elaboration of the report.
- Gather the data of communications/complaint:
 - Chronology
 - Facts
 - Witnesses
 - Identify possible evidence
 - Aggravating circumstances observed.
- Other possible victims.
- Interviews with other people who could have knowledge.
- Privacy Statement (Annex VI).
- Interim measures applied as a matter of urgency (Annex VII).
- Appointment of Confidential Support (Annex X).
- Conclusions.