



*Bullying and Harassment Prevention
& Response Protocol*

2022-23 ACADEMIC YEAR

Contents

INTRODUCTION	3
Article 1	4
Article 2	5
Article 3	6
Article 4	7
Article 5	8
Review of the Protocol	11
Anexo	12



ESCUELA UNIVERSITARIA
DE ARTES @ *taiarts.com*
RECOLETOS-22 MADRID

Introduction

The Escuela Universitaria de Artes TAI (hereinafter “TAI School of the Arts”, “TAI” or “the School”), part of the corporate group Grupo Arts, is primarily devoted to the comprehensive education and development of the persons that make up its university community and are its principal asset. Aware of the importance it has as an institution in the transmission of values, opinions and education, TAI School of the Arts also understands the need to establish a protocol which, beyond any actions designed to promote an environment that ensures the right of all persons to be treated with dignity and respect, and to non-discrimination and equal opportunity (physical and psychosocial), establishes a specific channel for bullying and harassment prevention and response.

In drafting this protocol, the School has hewn to the following sources:

1. Article 14 of the Spanish Constitution, which enshrines the equality under law of all its citizens “without discrimination on grounds of race, sex, religion, opinion or any other personal or social condition or circumstance”.
2. Organic Law 5/2010, of 22 June, amending Organic Law 10/1995, of 23 November, of the Criminal Code; and Organic Law 3/2007, of 22 March, for the Effective Equality of Women and Men.
3. Organic Law 4/2007, of April 12, amending Organic Law 6/2001, of 21 December, on Universities.
4. Law 31/1995, of 8 November, on the Prevention of Occupational Risks; Royal Decree 39/1997, of 17 January, establishing the Prevention Services Regulation; and the Technical Notes on Prevention published by the Spanish National Occupational Safety and Health Institute.
5. Royal Decree 1791/2010 of 30 December, establishing the University Student Statute.
6. Legislative Royal Decree 1/2013 approving the Revised General Law on Rights of Persons with Disabilities and their Social Inclusion.
7. Legislative Royal Decree 2/2015, of 23 October, approving the revised text of the Worker’s Statute, and Legislative Royal Decree 5/2015, of 30 October, approving the revised text of the Public Employee Basic Statute.
8. Autonomous Community of Madrid, Integral Law 5/2005, of 20 December, against gender violence.
9. Autonomous Community of Madrid, Law 2/2016, of 29 March, on Identity, Gender Expression, Social Equality and Non-Discrimination.



10. Autonomous Community of Madrid, Law 3/2016, of 22 July, on the Full Protection against LGTBIphobia and Discrimination for Reason of Sexual Orientation and Identity.

In its aim to ensure the protection of individual fundamental rights, and its full commitment to comply with the applicable regulations, TAI School of the Arts understands the need to prevent bullying and harassment misconduct and holds firm in its resolve to implement a preventative culture in this area that allows the School to sustain an academic environment that is free from harassment and inappropriate behaviours.

The purpose of this Protocol is to establish a swift and effective internal policy for the prevention, detection and investigation of harassment and bullying misconduct in any of its existing modalities, and the elimination of any behaviour that may be considered harassment or bullying, should it be found to exist.

Article 1

OBJECTIVE SCOPE OF APPLICATION

Harassment, in any of its forms is understood generally as an verbal or physical behaviour in action or by omission and sustained over time, that has the purpose or effect of violating the dignity of another person, in particular when such behaviours create a helpless, intimidating, degrading or offensive environment.

1. Workplace harassment is the exposure to intense psychological violence, directed repeatedly and for an extended period of time by one or more persons towards one or more persons from a position of power --though not necessarily hierarchical power-- that has the purpose or effect of creating a hostile and humiliating environment that disrupts the victim's work life. In workplace harassment, this violence occurs within the context of a work relationship, but not in furtherance of the necessities of work organisation, and thus constitutes a violation of the dignity of the person and a risk to his/her health.
2. For the purposes of this Protocol, sexual harassment is any verbal or physical behaviour of a sexual nature that has the purpose or effect of violating the dignity of a person, in particular when an intimidating, degrading or offensive environment is created. Such behaviours are deemed discriminatory.
3. Harassment based on sex is discriminatory and is deemed to be any behaviour based on the sex of another individual that has the purpose or effect of violating their dignity and creating and intimidating, degrading or offensive environment. It is also known as (verbal, non-verbal or physical) sexual harassment. Any unfavourable treatment related to pregnancy, maternity, paternity or other family caregiving is likewise covered under this Protocol, and any unfavourable treatment to women related to pregnancy or maternity will be qualified as direct discrimination on the basis of sex.



4. Disability harassment is discriminatory and is deemed to be any verbal or physical behaviour that has the purpose or effect of violating the dignity, and of creating an intimidating, degrading or offensive environment around the disability or specific needs of that person.
5. Harassment based on sexual orientation, gender identity or family group is discriminatory and deemed to be behaviours that have the purpose and effect of violating the dignity and creating an intimidating, hostile, degrading, offensive or segregated work or academic environment of a person based on their sexual orientation or gender identity or expression (i.e, because the person does not appear to conform to what is understood as “normative” standards); these behaviours include lesbophobia, homophobia, biphobia, transphobia and any other type of sex/gender prejudice.
6. Harassment for reasons of belief is discriminatory and is deemed to be any verbal or physical behaviour that has the purpose or effect of violating the dignity, and creating an intimidating, degrading or offensive environment of another person on the basis of his/her beliefs or convictions of whatever kind.
7. In a general non-exhaustive manner, any action that constitutes discrimination on the basis of racial or ethnic origin, language, opinion, place of birth or residence, or any other personal or social condition or circumstance.
8. EXCLUSIONS. 1. Excluded from the concept of harassment are brief and passing interpersonal conflicts that may arise in human relations and affect work organisation and development, but do not succeed in or intend to destroy or denigrate personally or professionally those parties involved in the conflict.

Article 2

SUBJECTIVE SCOPE OF APPLICATION

1. Territorial and material scope of application

This Protocol is applicable to any centre, place of work or physical or virtual space that is permanently or temporarily within the organisational functional scope of TAI School of the Arts and to any of the types of misconduct defined in the preceding article and committed verbally, in person or by electronic means (including messages that are not sent or delivered on TAI premises but which constitute misconduct occurring within the context of an activity or service organised by TAI School of the Arts, through personal contact or information and communication technologies (ICTs) such as email, social networks, etc.)

2. Subjective scope of application

The person(s) affected and author(s) of the misconduct must be students or education research staff, teachers or other employees of TAI School of the Arts, or employees of external collaborating enterprises, self-employed persons or contractors working for TAI. This Protocol also covers persons affected that for less than one year are no longer a member of the student body, trainee, administrative or services personnel, or teaching staff of TAI School of the Arts, provided the author(s) of the misconduct continue to be members of the student body or personnel working for the School and that the reported misconduct occurred prior to the date at which the affected person was no longer a member of the student body, trainee, administrative or services personnel or



teaching staff of TAI School of the Arts.

Article 3 GUARANTEES

- A. *Information and training.* For this Protocol to be correctly and effectively implemented, it is essential that the university community, as its potential users, know what harassment is and how they can report it. To that end, TAI School of the Arts will provide adequate training, as a necessary element for the effective implementation of the measures contained in the Protocol, by disseminating this document to the university community and through training and information sessions on its content.
- B. *Confidentiality and protection.* The persons who take part in the procedure must observe strict confidentiality and therefore not relay or divulge any information on the content of the procedure and/or on the other persons who take part in it. The procedure must progress with the utmost discretion, prudence and with the proper respect to all of the parties involved, whom under no circumstances may receive an unfavourable treatment because of their participation in the procedure. Throughout the procedure, the persons affected may, at any time, be accompanied by a works council or union representative or by another person of their choosing.
- C. *Right of working people to comprehensive health protection.* TAI School of the Arts will adopt the necessary corrective measures to ensure the adequate health protection of the person that has suffered moral harassment, sexual harassment or harassment based on sex, incapacity, sexual orientation, gender identity, belief or on any other grounds in the university context.
- D. *Prohibition on victimisation.* Any action that could be considered retaliation against a person reporting harassment or appearing as a witness or participating in the investigation is expressly prohibited. Any retaliatory action of this kind shall constitute grounds for the initiation of a disciplinary record.
- E. *Diligence and expeditiousness.* The investigation into, and decision on the reported misconduct must proceed with due professionalism and diligence and without undue delays, to ensure the procedure can be completed in the shortest possible time and with the necessary guarantees.
- F. *False reports.* If the investigation finds that the reporting person has knowingly submitted a false report with the intent to defame the reported person, this action will be considered a disciplinary matter.



Article 4

THE COMMITTEE ON BULLYING AND HARASSMENT MISCONDUCT

- A. A Committee will be formed to deal with instances of harassment misconduct (hereinafter, the “Committee”) and empowered to implement this Protocol. The Committee will act always in writing, with the utmost sensitivity towards and respect of the rights of the affected parties.

The Committee will be composed of the following members:

- The head of the Human Resources Department.
- The head of the Students Department.
- The Executive Director.
- The Director of Institutional Affairs.
- The Director of Human Resources.

Depending on the type of harassment reported, the Committee will be chaired by the Director of Institutional Affairs when the harassment is sexual harassment or harassment based on sex; by the head of the Students Department when the incident(s) of harassment occurs within the student body, and by the head of the Human Resources Department in all other cases.

The Secretary of the Committee will be the head of the Students Department.

The Committee may invite the head of the Institutional Department and/or the head of the Quality and Development Department to participate, in which case they would do so without the right to vote. The Committee may likewise invite experts on the issue before them to participate, likewise without the right to vote.

The members of the Committee are subject to the rules on abstention and recusal under articles 23 and 24 of Law 40/2015, of 1 October, on the legal regime of the Public Sector.

Personal data information provided in the application of this Protocol are covered by Organic Law 3/2018, of 5 December, on Personal Data Protection and the guarantee of digital rights, together with the provisions of Regulation (EU) 2.

B. Substitution of Committee members

In the event of vacancy, absence, illness or other legal reason, of any member(s) of the Committee, the Chair will decide on the substitution(s) and leave sufficient record of these actions.

- C. In the event of vacancy, absence, illness or other legal reason of the members of the Committee will receive training on harassment.

All proceedings of the Committee will be documented in writing, in the minutes taken of each of its meetings.



Article 5

PROCEDURE

A. *Initiation of the procedure*

Any person that is within the scope of application of this Protocol and who believes him/herself to be a victim of bullying or harassment at TAI University of the Arts can file a complaint or report to the Chair of the School's Committee on bullying and harassment misconduct or to the head of the Institutional Equality Unit, in a sealed envelope, using the form in Annex 1 of this Protocol, available on the School's website. Reports made anonymously, whatever their type, will not be processed.

Where the complaint or report is filed by a third party, or when the Equality Unit has knowledge of the facts, the alleged victim must be immediately informed and confirm the reported facts for proceedings to progress in accordance with this Protocol. A record will be issued and signed by the reporting party.

The report must be as extensive and detailed as possible, and include the following information:

- Affected person/victim or reporting party (first and last name).
- Date and place of the incident(s).
- Frequency of the incident(s).
- Implicated persons.
- Witnesses.
- Type of incident(s) to classify the misconduct.

All internal investigations will be carried out with considerateness and due respect towards the reporting party or victim, who under no circumstances can receive unfavourable treatment for this reason, and towards the reported party, who will be treated without presumption of culpability. All of the persons intervening in the process are obligated to maintain strict confidentiality, and will each be identified in the record by an individual alphanumeric code assigned by the Committee Secretary.

Prior to the initiation of a procedure, an effort may be made to reach an informal resolution. This effort may rest on a dialogue between the affected parties, mediated by a third party that in the view of the Assessment Committee is well suited to that role.

B. *Interim report*

Within fifteen days of the receipt of the report of bullying or harassment misconduct, the Committee will be formed and a concise interim report initiating the procedure will be issued if there are indications that amount to an incident of bullying or harassment misconduct as provided in articles 1 and 2 of this Protocol.

This interim report will include:

- The complaint filed and, where applicable, the written testimony of the person reporting the harassment.
- Other documentary evidence (emails, letters, etc.)
- Any other evidence that adds information or clarity to the record.

The Committee may call on the leadership of TAI School of the Arts to adopt preventative measures in response to the gravity of the reported misconduct.

Where the Committee does not find evidence of bullying or harassment misconduct, it will decide not



to initiate the procedure and issue its decision in a brief statement, which will be sent to both the reporting party and the reported party.

Where the Committee finds that the reported misconduct must be investigated, it will issue this decision in a statement.

C. Investigation

Upon issuing its statement on the need to investigate the reported misconduct, the Committee will in the space of one month decide what evidence and proceedings it deems necessary to shed sufficient light on the reported misconduct, and as appropriate, grant hearings to all of the parties, request statements from witnesses and other persons as it sees fit, requests external reports, etc. The whole academic community has the obligation to collaborate with the Committee. Statements will be given before a minimum of two members of the Committee.

The Committee, and only the Committee, may request the assistance of an expert, if this is warranted by the gravity of the accusations or the complexity of the case.

Exceptionally, and when aspects of the case such as the number of affected persons, implicated personnel, location of the evidence, drafting of expert reports or similar circumstances complicate its proper investigation, the period of time for the investigation may be extended, up to a maximum of three months.

Upon completion of the investigation described in the preceding paragraphs, the Committee will issue a report with its findings and proposal to the competent bodies on the measures to be adopted, be these preventive, organisational or disciplinary, as appropriate.

D. Conclusion of the procedure

The procedure may end with:

- The closing of the record.
- Recommendations on how TAI School of the Arts should proceed. The head of the Institutional Equality Unit.
- Instructions to initiate a disciplinary record.

If, having completed the investigation into the reported misconduct, the Committee decides that it does not amount to an incident of bullying or harassment, it will issue a statement to that effect, which will be shared with the interested parties, and close the case file.

The Commission may terminate its proceedings in the event of withdrawal by the reporting party, or for lack of cause, unless there remain reasons to continue with the procedure.

Where the case involves student(s) enrolled in university degree programmes, and the Committee finds that there is sufficient evidence that the reported misconduct amounts to bullying or harassment, the case will be transferred to the Ombudsman of the Universidad Rey Juan Carlos within a maximum of five working days from the closure of the procedure, and the Committee will propose the initiation of the relevant disciplinary file and where appropriate, its transfer to the Public Prosecutor.

If the Committee finds that the reported misconduct is an interpersonal workplace conflict or any other



ESCUELA UNIVERSITARIA
DE ARTES @ *taiarts.com*
RECOLETOS-22 MADRID

situation of psychosocial risk, it may in its report propose measures aimed at resolving the situation, and may also request any necessary expert advising.

The proposed action plan, once approved, will be sent to the head of the affected Unit, Service or Department, together with a summary of the Committee's report. That person must, within a maximum period of 30 calendar days from receipt, respond to the Committee in writing to inform of the actions taken. The parties involved shall also be informed of this communication.

If it is not possible to ascertain the facts of the case, the reporting party will not be penalised unless it can be reliably demonstrated that the accusations are false, in which case this information will be shared and the relevant disciplinary record initiated.

If the Committee finds that the report of misconduct was made in bad faith, or that the details given or testimonies are false, it may propose the initiation of the pertinent disciplinary record.



ESCUELA UNIVERSITARIA
DE ARTES @ *taiarts.com*
RECOLETOS-22 MADRID

Review of the Protocol

The head of the Human Resources Department, together with the head of the Students Department will, on a yearly basis, assess the completion of the aims of this Protocol, and the usefulness and results of the various measures it includes, based on statistical data disaggregated by gender. This report will be presented to the Senior Management of the School. The Human Resources Department, Students Department or the Committee may duly propose amendments to this Protocol if any faults in its application were found to have reduced effectiveness in the fulfilment of its objectives.

First additional provision

To make the content of this Protocol accessible to all of the members of the university community and facilitate knowledge of the same, the School will employ the available dissemination media such as data transmission resources and the publication of informational documents in print form.

The means used will include, among others, electronic mails to all of the members of the university community, to inform them individually, and the TAI School of the Arts website for the permanent publication of such documents.

Second additional provision

The implementation of this Protocol does not prevent a victim of bullying or harassment from, at any time, instituting legal proceedings exercising their right to effective judicial protection. Thus, should it become known that any other legal or administrative proceedings on the same matter exist, the application of this Protocol will be suspended.

Final disposition

This Protocol will remain valid for four years from the date of its entry into force upon its approval by TAI School of the Arts Senior Management.

The Committee on bullying and harassment misconduct will be formed within a period of two months from the date the Protocol's entry into force.

The Committee on bullying and harassment misconduct will draft internal operating regulations within a period of one month from the date of its formation and present them to the Board for approval, if necessary.



Annex

<i>Bullying and harassment reporting form</i>	
N.º	RECEPTION. HEAD OF THE EQUALITY UNIT
<i>Reporting party</i>	
FIRST AND LAST NAMES: PHONE NO.: WORK CENTRE:	
PAS* <input type="checkbox"/> PDI** <input type="checkbox"/> STUDENT <input type="checkbox"/> AREA, FACULTY, DEPARTMENT: PROFESSIONAL CATEGORY: POSITION:	
<small>* Administrative and Services Personnel ** Research and Teaching Staff and Collaborators</small>	
<i>Reported Party</i>	
FIRST AND LAST NAMES: PHONE NO.: WORK CENTRE:	
PAS <input type="checkbox"/> PDI <input type="checkbox"/> STUDENT <input type="checkbox"/> AREA, FACULTY, DEPARTMENT: PROFESSIONAL CATEGORY: POSITION:	
<small>* Administrative and Services Personnel ** Research and Teaching Staff and Collaborators</small>	
<i>Description of the incident(s)</i>	