

UNIVERSITY OF BASQUE COUNTRY

POLICY TO ADDRESS GENDER-BASED VIOLENCE

NATIONAL CONTEXT



In Spain, gender-based violence (GBV) has been addressed institutionally by higher education institutions (HEIs) for over a decade, fundamentally as a result of the obligations created in this regard by various national laws, such as Organic Act No 3/2007 on Effective Equality between Women and Men, Act No. 14/2011 on Science, Technology and Innovation, and Law 1/2004 Comprehensive Protection Measures against Gender Violence. Although this act does not make specific detailed reference to universities, it does raise the issue of education and awareness and establishes that both the State and the Autonomous Communities, within the scope of their respective powers, will adapt their regulations to the provisions contained in the Law. As a result, all Autonomous Communities have adopted their own laws against GBV. Only the Law 17/2020 of the Autonomous Community of Catalonia mentions specifically GBV in Universities.

In the past five years, however, the treatment of GBV has been marked by a surge in awareness of its structural rather than individual nature and has therefore seen the further adoption and/or renewal of institutional policies aimed at addressing GBV in an integrated manner through measures of prevention, detection, investigation, prosecution, partnership, protection, and service provision.

The most common instruments used to address GBV in HEIs (prescribed by law) are Institutional Equality Plans, which increasingly include GBV among their other equality aims, and dedicated Protocols, which address one or more forms of GBV.

Over the past five years there has also been a proliferation of other types of action to address GBV at the institutional level in HEIs. Examples are the creation of specialised units, the integration of GBV into university curricula and research, the development of awareness-raising and training, the publication of statements, and the creation of protection mechanisms, services, and partnerships designed to promote an equal and non-violent environment and prevent and combat GBV in HEIs. In addition, GBV has been increasingly addressed by umbrella organisations such as the Network of Gender Equality Units (RUIGEU) and the Conference of Rectors (CRUE), which have issued statements to show their commitment to the elimination of GBV in HEIs. A defining feature of all these is that they have widened their subjective and material scope beyond the earlier focus on women and sexual and sex-based harassment. There is now a focus on other vulnerable groups, especially gender and sexual minorities, through the increasing adoption of an intersectional perspective, and on other forms of GBV, most notably online forms of GBV and sexual violence.



INSTITUTIONAL POLICY



The University of Basque Country, or Universidad del País Vasco / Euskal Herriko Unibertsitatea (UPV/EHU), currently has two policies that address GBV at the institutional level. The first policy is the Third Plan for the Equality of Women and Men 2019-2022, which is a more general document that addresses gender-based violence (GBV) among other equality aims. The second institutional instrument is the Protocol against Gender Violence, which addresses gender and sexual violence and harassment specifically.

URLs



- › Third Plan for the Equality of Women and Men 2019-2022:
<https://www.ehu.eus/documents/2007376/12033413/III-Plan-de-igualdad-de-mujeres-y-hombres-de-la-UPV-EHU.pdf/b973cf8e-0644-1a32-1d65-80e74c7b9951?t=1580989388000>
- › Protocol against Gender Violence:
<https://www.ehu.eus/documents/2007376/9945919/Protocolo-UPV-EHU-contra-las-violencias-de-genero.pdf/c2c299d3-c2da-8707-d8ad-dca5cbc1e015?t=1543407042000>

Entry into force: The Protocol against Gender Violence entered into force in 2018 and the third Plan for Equality of Women and Men in 2019.

TRAINING



There are two programmes for the prevention of GBV that were developed by the Directorate of Equality and that have been run annually since 2019: the INDARTU Programme, which is for female students and seeks to foster their empowerment, and the ERALDATZEN Programme, which is for male students and aims to foster their awareness and responsibility. Each programme consists of eight 2-hour sessions and 10 hours of individual work and participation in a discussion forum, which are evaluated. Participants who attend all the sessions and participate weekly in the forum receive a participation certificate and recognition of 1.5 ECTS. The content of the programmes changes every year but tends to be the same for both programmes and includes an intersectional perspective (e.g. the 2021 programmes address gender and sexual diversity). Participation in both programmes is increasing (facilitated by having been organised online during the pandemic); for example, 247 women signed up for the programme in 2021 compared to the 66 who attended in 2020. However, out of the 247 women who registered, 133 were admitted and only 69 finished the programme. In 2020, 66 men registered, 46 were admitted and 13 finished the programme.

In addition, the Directorate for Equality, as part of the agreement between the UPV/EHU and the Basque Women's Institute (Emakunde), organises a free online course on Violence against Women that is open to the entire academic community. Here again the main aim is prevention, as the course addresses different forms of GBV, the contexts in which they occur, the factors that reproduce them, and available resources. This is a one-month 25-hour course provided in the form of lessons consisting of reading materials and a discussion forum. In the last edition of the course (the 8th edition, as the 9th edition is currently finishing) 200 places were offered, 212 people signed up (more than 90% were women), and 115 earned accreditation (UPV, 2021).



ROLE IN KNOWLEDGE PRODUCTION



GBV is included in the curricula, especially the postgraduate studies dedicated to gender equality, such as the masters in gender equality and in feminist and gender studies.

CONTENT OF THE POLICY



Forms of gender-based violence: The two policies combined address **seven** forms of violence out of 11:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Gender-Based Violence | <input type="checkbox"/> Economic and Financial Violence |
| <input checked="" type="checkbox"/> Physical Violence | <input type="checkbox"/> Stalking |
| <input checked="" type="checkbox"/> Psychological Violence | <input type="checkbox"/> Organisational Violence |
| <input checked="" type="checkbox"/> Sexual Violence | <input checked="" type="checkbox"/> Online Violence |
| <input checked="" type="checkbox"/> Sexual Harassment | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Gender-Based Harassment | |

While the third Plan for Equality of Women and Men addresses GBV in general terms, the Protocol against Gender Violence applies to cases of physical violence, psychological violence, sexual violence, sexual harassment, and gender harassment, and the online forms of this violence and harassment.

7Ps covered: Together the two policies cover all **7Ps** – prevalence, prevention, protection, prosecution, provision of services, policy, and partnership. The third Plan for Equality focuses on prevention, protection, and partnership. The Protocol against Gender Violence covers all Ps except for partnership.



UniSAFE has developed the 7P model as a basis for analysing policies on GBV. For more information, see the deliverable report D3.1 Report on the conceptual and theoretical state of the art: <https://unisafe-gbv.eu/project-public-deliverables/>

The P for policy is considered in place if the institution has a GBV-focused policy or more general policies that have a procedure for reporting and investigating.



Target groups: The two policies combined address academic staff, non-academic staff, and students. The Protocol against Gender Violence also includes other actors such as external companies hired by the university to provide services, and people who are not part of any of the previous groups but who are users of the services provided by the UPV/EHU or who carry out activities within its campuses.



mentions staff with temporary contracts.

Specific vulnerable groups: The two policies combined address **four** vulnerable groups: LGBTQIA+ staff and students, staff with temporary contracts and women as a specific group. Both policies equally address LGBTQIA+ staff and students. The Plan mentions vulnerable groups due to gender (women) and the Protocol



women and other non-normative subjects of all ages, cultures, social classes, and education levels in multiple and varied contexts.

Intersectionality addressed: Yes, both the policy documents address intersectionality. The third Plan for Equality of Women and Men mentions the importance of diversity and difference and specifically refers to gender diversity and sexual orientation. The Protocol specifies that various forms of gender violence affect

Bystanders addressed: No.

Role of perpetrators addressed: Yes. The Protocol mentions aggressors, in particular in relation to the need to ensure no further contact between them and victims, the precautionary measures that can be applied to them, and the filing of academic and/or disciplinary reports.

IMPLEMENTATION OF THE POLICY



Indicators: Yes. The third Plan for the Equality of Women and Men includes a list of indicators including the number of interventions made under the UPV/EHU's Gender Violence Protocol.

Monitoring: Yes. The Protocol against Gender Violence monitors the number of cases, results of the institutional procedure, and follow-up with the victim after a defined period of time.

As part of its measures on prevention, the protocol requires a report to be drawn up that includes information on the number of cases of gender violence, the intervention strategies proposed, and what procedures were undertaken. Art. 15 of the protocol stipulates that the Directorate for Equality must follow up on a case until the required remedial measures and actions have been carried out by the Commission or, where appropriate, the sanctions proposed by the investigating person have been imposed by the Rector and any academic or disciplinary measures have been taken.

Evaluation: Yes. The Protocol calls for the evaluation of data as part of the measures on prevention. In practice, a work environment questionnaire is fielded that contains questions that can help detect possible situations or behaviours that can involve different forms of gender violence. In addition, the questions that can help detect possible situations or behaviours described in the Protocol are included in the teacher assessment questionnaires.

INSTITUTIONAL PROCEDURE



Yes. The Protocol against Gender Violence sets out a step-by-step procedure that applies to everyone – **one procedure for all**.

The policy defines: who to contact, how to report, description of the procedure, responsible persons, protection measures for the victims, outcomes, sanctions.

The protocol establishes an institutional procedure for reporting, investigating, and sanctioning forms of GBV. Worth mentioning in this regard is that the procedure sets that victims are accompanied throughout the process by an expert in GBV who acts as an intermediary with other relevant actors. While not specifying concrete aims or indicators, the protocol sets out monitoring and evaluation mechanisms, albeit in very general terms.

Responsible persons: The main actor responsible is the Directorate of Equality of the UPV/EHU, which was established in 2006. In addition, the Commission for Attention to Cases of GBV, created within the Directorate in 2018, plays a central role in relation to the 2018 Protocol against Gender Violence as the main body in charge of implementing the Protocol and in particular its protection measures, together with the Rector of the university, who is in charge of deciding on and applying the sanctions it foresees.

How to report: The protocol establishes that a claim or complaint can be lodged by the following persons: a) a member of the university community who considers himself or herself to have been a victim of harassment, b) anyone, who has knowledge of harassment having been committed and reports it with the express and written consent of the alleged victim, and c) trade union and student organisations with representation at the UPV/EHU, which can report with the express and written consent of the alleged victim. The consent of the represented person can be revoked at any time during the procedure.

In the event that it is not the affected person who reports an incident of violence, the express consent of the affected person must be included with the report to initiate the actions this Protocol provides for. Only in especially serious cases or when there is more than one person affected is their consent not necessary. Complaints without the consent of the affected person and anonymous complaints will not be processed. If a person who is part of the university community reports an incident as a bystander, asks for a consultation or requests guidance from the Directorate for Equality without the consent of the person affected, all of these requests must be rejected by the Directorate for Equality and the procedure linked to the Protocol cannot be launched.

Time frame: Any case that has happened within the past five years can be reported. During the investigation and sanctioning processes, the UPV/EHU will try to collect information and establish the necessary measures as quickly as possible. During this process, the victim's wishes and time will be respected and the process will proceed at the victim's preferred pace.

Who to contact: Complaints should be directed to the UPV/EHU Directorate for Equality. When a case of violence is reported to another authority, professional, or person who is part of the university community, the complaint must be referred to the Directorate for Equality.

Description of the investigation, outcome, sanctions: The Directorate for Equality, after collecting information, hearing the affected parties, and making the decision to accept the complaint, will prepare a report that must contain all the information on the incident and recommendations on what action is to be taken, which is submitted to the Commission for Attention to Cases of Gender Violence. After receiving the report prepared by the Directorate for Equality, the Commission for Attention to Cases of Gender Violence will resolve the complaint of the person or persons affected, and in the resolution, it writes up it will record the remedial measures and actions that it considers appropriate and proportionate to the circumstances of the case. The resolution also outlines the measures of protection or psychological assistance that are to be provided to the victims. The persons involved and the Rector's team will also be notified of this resolution.

This document reflects the situation as of April 2022.

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