



UNIVERSIDAD POLITÉCNICA DE MADRID

GUIDELINES FOR THE PREVENTION OF SEXUAL HARASSMENT, HARASSMENT ON GROUNDS OF SEX AND PSYCHOLOGICAL HARASSMENT



CAMPUS DE EXCELENCIA
INTERNACIONAL



1. LEARN ABOUT

WHAT IS SEXUAL HARASSMENT?

The Spanish Equality Law defines **sexual harassment** as any form of verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, degrading, or offensive environment. Spanish Equality Law (article 7.1)

Environmental sexual harassment exists when working or academic life becomes intimidating, hostile or humiliating for the victim, without any appreciable direct link between the sexual requirement and a possible consequence related to working or academic matters such as a promotion, a failing grade, etc.

Sexual blackmail (or *quid pro quo*) is considered the more severe form of sexual harassment. It exists when someone in a senior position, or whose decisions may affect the work or studies of someone else, uses the resistance or submission of the person being harassed to his sexual proposals in order to base determinations which have an effect on any aspect of the workplace or studies, for instance, salary conditions, contract renewal, etc.



1. LEARN ABOUT

WHAT IS HARASSMENT ON GROUNDS OF SEX?

According to the Spanish Equality Law, **harassment on the grounds of sex** is any behaviour prompted by a person's sex with the purpose or effect of violating his or her dignity, creating an intimidating, degrading or offensive environment. Spanish Equality Law (article 7.2)

In addition, the Equality Law recognizes as **direct discrimination on grounds of sex** any less favourable treatment of women relating to pregnancy or maternity. Spanish Equality Law (article 8). Direct discrimination on grounds of sex is explicitly prohibited by the Spanish Constitution and the European legal framework.



1. LEARN ABOUT

WHAT IS PSYCHOLOGICAL HARASSMENT?

Psychological harassment -also known as mobbing, workplace harassment or moral harassment- is a continuous and deliberate verbal or modal mistreatment on a person, with a view to psychologically subdue, suppress, intimidate or destroy him or her. It consists of **frequent, recurrent and systematic bullying behaviour** against the victim. (I. Piñuel)

It is the **abusive conduct** expressed in **gestures, words, behaviours or attitudes** which, through **repetition and systematicity**, makes an attack on someone's **dignity or physical or mental integrity**, endangering his or her employment or degrading the work environment. (M.F. Hirigoyen) Psychological harassment is established in the reform of the Spanish Criminal Code.



2. DETECT

EXAMPLES OF SEXUAL HARASSMENT

- Use and display sexist, pornographic or provocative material in workplaces or academic spaces.
- Comments, jokes or pranks of sexual nature which are disagreeable and offensive.
- Receiving deliberate comments of sexual nature about the physical appearance which are intimidating.
- Gestures and looks which are intimidating and uneasy.
- Unwelcome and uneasy deliberate touching, unnecessary caresses or physical contact.
- Corner, excessive physical approach, seek any occasion to stay alone with the victim.
- Repeated invitation to initiate a sexual relationship, despite expressing rejection.
- Clandestinely watch other people in reserved places such as toilets, changing rooms, etc.
- Compromising invitations, insistence that the person participates in unwelcome conversations, pranks or jokes of sexual nature.
- Leave notes, send emails, messages or letters of sexual nature which are offensive and intimidating.
- Insinuate improvements in working or academic issues in exchange for sexual intercourse.
- Threats to working or academic reprisals as a means of pressure for unwelcome dating or sexual encounters.

2. DETECT

EXAMPLES OF HARASSMENT ON GROUNDS OF SEX

- Systematically ignore any women's contribution, their work, knowledge, expertise or skill, by the fact of being women.
- Discredits, taunts or offensive comments of a sexist nature by the fact of being a woman.
- Require pregnant women to find their own replacement in order to take maternity/breastfeeding leave.
- Treat women on maternity/breastfeeding leave differently than other leave-takers.
- Discourage from taking legally protected maternity/breastfeeding leave.
- Penalization, discrimination or mockeries for taking maternity/breastfeeding leave, reduced working hours or stop the clock.
- Deny pregnancy, maternity or breastfeeding leaves.
- Discrimination or penalization for having children or other dependant persons.
- Express gender prejudices such as:
 - *“Women should be in charge of the household and have shorter working hours than men”*
 - *“Fathers should not take paternity leave or spend time taking care of children and other domestic burdens”*
 - *“Female workers, faculty members or students who decide being a mother are less competent and committed at work/studies”*
 - *“Men who take paternity leave or shorter working hours are feminine and useless for work, research and studies”*

2. DETECT

EXAMPLES OF PSYCHOLOGICAL HASSMENT

- **Ignoring, isolation and exclusion**
 - Deliberately ignoring or avoiding an employee, workmate or student.
 - Purposefully excluding someone from meetings, discussions or decisions.
 - Intentionally making someone feel isolated from the team.
- **Minimization and invisibilization**
 - Discounting or diminishing someone
 - Making someone else feel useless or underused
 - Only delegating the worst of tasks or responsibilities.
- **Create hostile environment**
 - Purposefully causing hostile competition between employees and students
 - Intentionally creating conflict or backstabbing among employees, workmates or students.
- **Undue criticism**
 - Continuous unreasonable or non-constructive critiques
 - Fostering feelings of shame or guilt among employees or students.
 - Making someone feel as if he/she does not deserve or is inadequate for a position or responsibility.
- **Projection of blame and taking credit**
 - Using someone else as a scapegoat for one's own mistakes.
 - Assuming credit for work that is not their own.
- **Deception**
 - Lying or deceiving employees or students
 - Wilfully omitting or giving incorrect information.
- **Manipulation of employees' work and rol**
 - Purposefully blocking progress of work
 - Falsely promising a promotion or removing responsibilities without justification.
 - Shifting expectations or guidelines without cause.

3. TAKE ACTION

IF YOU ARE HARASSED

• WRITE ABOUT IT AND GATHER EVIDENCES

- Write as soon as possible a personal list of issues which describe that incident or continuous behaviour. Include details such as the date, place and name of people who were witnesses or may be aware of the situation
- Do not answer any message, email or comments on social networks. Instead, save them and show them when you inform about your experience in order to support your defence.

• TELL SOMEONE

- Tell your experience to a reliable person. Facing harassment is exhausting and uneasy, seek help.
- Talk to your line manager, the person in charge of your programme or your professor.

• TAKE MEASURES

- Inform about your situation to the people in charge of dealing with harassment issues in the University. You can write to: unidad.igualdad@upm.es, or to your corresponding Vice-Rectorate. It is very important to address the situation in the initial stage of the harassment. Do not put it off.
- If you feel capable, face the harasser. In a strong, firm tone of voice and with serious face, tell the person to stop and point out exactly what behaviour needs to stop. Let the harasser know that he has crossed the line.
- If you find it hard to discuss the matter face to face, write a letter to the harasser describing the way you are experiencing the situation.
- Find out if others where you work or study had similar experiences. It is quite usual that the same person harasses several people.

3. TAKE ACTION

IF YOU ARE RESPONSIBLE FOR SOMEONE BEING HARASSED

- **LEARN ABOUT AND UNDERSTAND YOUR RESPONSABILITIES**
 - Faced with a harassment situation, you have the legal responsibility of dealing with the situation.
 - You must know that harassment cases at workplaces and academic sphere are better address from senior positions.
 - The example given by managers is essential for eradicating harassment. It has been proven that it is much more complicated to mobilise university members if people from senior positions tolerate harassment or do not confront it.
 - Learn about harassment work and academic contexts. Get acquainted with the legal framework and the internal protocols of the University. Identify the people responsible for dealing with harassment issues within the University.
- **ADDRESS THE SITUATION**
 - Immediately initiate a thorough investigation. Make sure the whole process is strictly confidential.
 - Organize separate and discreet meetings with the parties.
 - Report the entire process, including the meeting and, if appropriate, inform about the situation to your line manager or the people in charge of dealing with harassment issues in the University.
 - Undertake the actions established by the law and the University. Impose the appropriate sanctions.
- **THINK AHEAD**
 - Include harassment in the agenda of the department you are in charge of.
 - Establish clear rules among your subordinates and provide information about harassment (training, dissemination materials, resources, etc.)
 - According to your area of responsibility:
 - Launch awareness-raising campaigns about these topics
 - Appoint somebody responsible for dealing with harassment issues and provide resources.
 - Organize training about harassment addressed to administrative staff, faculty members and students.

3. TAKE ACTION

IF YOU ARE A TEACHER AND A HARASSMENT CASE OCCURS AMONG YOUR STUDENTS

• LEARN ABOUT AND BE AWARE

- Learn about harassment in educational spheres. Get acquainted with the legal framework and the internal protocols of the University. Identify the people responsible for dealing with harassment issues within the University.
- Become an example of model behaviour, this is the best way a teacher can prevent harassment situations. A respectful behaviour with students and a zero-tolerance policy towards harassment create a code of conduct to be followed by the rest of the group.
- Pay attention to possible cases and to contexts where harassment situations may occur among your students.

• TAKE ACTION

○ IF A STUDENT TELLS YOU ABOUT A HARASSMENT CASE:

- Take into account that she has trusted you and your possibilities to act consequently.
- Listen to her carefully and respectfully. Avoid voicing judgements or using victim-blaming language.
- Advise her to write her experience down, including as many details as possible, listing anyone who saw the incident or is aware of it. Offer to transcribe what she needs to express.
- If necessary, assist her to deal with the protocols established by the University and to report the case to those who are competent.

○ IF YOU HAVE WITNESSED A HARASSMENT CASE:

- Address the harasser, name the behaviour and state that it must stop immediately.
- Suggest an appropriate alternative to an offensive word or phrase and advise students to express always respectfully.
- Use the incident to talk to students about harassment. Explain what it is and why it cannot be accepted.
- Follow the protocols established by the University and report the case to the people in charge of dealing with harassment issues in the University.

4. RESOURCES

LEGAL FRAMEWORK

- **Spanish Constitution.** Article 14
- **Organic Law for Effective Equality between Women and Men.** L.O 3/2007.
- **Basic Law Statute of Public Employment.** L.O 7/2007. Article 95
- **Criminal Code.** L.O 5/2010. Preamble XI
- **Statute of Workers Rights.** R.D 1/1995

INTERESTING LINKS

- **Spanish Government Office for Gender-based Violence:** <http://www.msssi.gob.es/ssi/violenciaGenero/home.htm>
- **Spanish Institute for Women's Affairs:** www.inmujer.gob.es
- **UPM Equality Unit:** www.upm.es/institucional/upm/politicasingualdad
- **UPM University Defense Office:** www.upm.es/institucional/estudiantes/defensoruniversitario
- Piñuel, Iñaki, 2014, *Por si acaso te acosan: 100 cosas que debes saber para salir del mobbing*
- Hirigoyen, Marie France, 2001, *El acoso moral en el trabajo. Distinguir lo verdadero de lo falso*, Paidós

MORE ABOUT THE TRIGGER PROJECT

The European project **TRIGGER-Transforming Institutions by Gendering Contents and Gaining Equality in Research** aims to contribute to the necessary structural change for transforming STEM institutions in more egalitarian environments for both men and women. We try to introduce gender in research and academic contents, as well as make more visible and provide further representation to all female members of our University.

Visit our blog: www.triggerprojectupm.wordpress.com

Write us: ines.novella@upm.es or unidad.igualdad@upm.es

AGAINST HARASSMENT

Learn about
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