

**PROTOCOL FOR THE PREVENTION OF AND ACTION
AGAINST SEXUAL HARASSMENT, HARASSMENT AT WORK
FOR ANY REASON AND HARASSMENT BASED ON SEX,
SEXUAL ORIENTATION, GENDER IDENTITY AND/OR GENDER
EXPRESSION.**

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EUNEIZ UNIVERSITY'S COMMITMENT TO SEXUAL AND WORKPLACE HARASSMENT.

With this protocol, UNIVERSITY EUNEIZ declares its zero tolerance to the occurrence of conduct constituting sexual or workplace harassment for any reason whatsoever in its organisation.

By adopting this protocol, UNIVERSITY EUNEIZ wishes to underline its commitment to the prevention of and action against sexual or workplace harassment in any of its manifestations, both for its own staff and those coming from other organisations, including people who, not having an employment relationship, provide services or collaborate with the organisation.

Likewise, EUNEIZ UNIVERSITY assumes the commitment to publicise the existence of this protocol, indicating the need for strict compliance with it.

When the alleged harasser is outside its power of management and, therefore, UNIVERSITY EUNEIZ cannot apply the procedure in its entirety, it will contact the competent organisation in order to adopt the appropriate measures to correct the situation of harassment.

The protocol shall apply to situations of sexual or workplace harassment that occur in the workplace, whether on company premises or in public or private spaces when they are a workplace, during travel or when carrying out social activities or work-related training and accommodation, and in work-related communications, including those made by means of information and communication technologies, and in any situation or circumstance that has any relation to work or people related to work.

With this protocol, EUNEIZ UNIVERSITY wishes to comply with these requirements:

1. Articles 46.2 and 48 of Organic Law 3/2007, of 22 March, for the effective equality of women and men.
2. Law 15/2022, of 12 July, on equal treatment and non-discrimination.
3. Legislative Decree 1/2023, of 16 March, approving the revised text of the Law for the Equality of Women and Men and lives free of male violence against women.
4. The Workers' Statute, insofar as it specifically provides for the right to respect for privacy and the consideration due to the dignity of all workers.
5. Royal Decree 901/2020 of 13 October, which regulates equality plans and their registration and amends Royal Decree 713/2010, of 28 May, on the registration and deposit of collective bargaining agreements.
6. Article 14 of Law 31/1995, of 8 November, on the prevention of occupational hazards.
7. Law 4/2023, of 28 February, for the real and effective equality of trans persons and for the guarantee of the rights of LGTBIQ+ persons.

8. Royal Decree 1026/2024, of 8 October, which develops the planned set of measures for equality and non-discrimination of LGTBIQ+ people in companies.
9. The applicable Collective Bargaining Agreement.

ARTICLE 1: STRUCTURE OF THIS PROTOCOL FOR THE PREVENTION OF AND ACTION AGAINST SEXUAL AND WORKPLACE HARASSMENT.

In order to comply with the commitment with which this protocol begins and in the terms set out so far, UNIVERSITY EUNEIZ implements a procedure for prevention and action against sexual harassment and workplace harassment, with the intention of establishing a mechanism that sets out how to act comprehensively and effectively in the face of any behaviour that may constitute harassment.

Based on the above, this protocol brings together the three types of measures established in section 7 of the Annex to Royal Decree 901/2020 of 13 October:

1. Preventive measures, with a statement of principles, definition of sexual harassment and harassment in the workplace and identification of conduct that could constitute harassment.
2. Proactive or procedural measures to deal with harassment in order to channel any complaints or denunciations that may arise and applicable precautionary and/or corrective measures.
3. Identification of reactive measures to deal with harassment and, where appropriate, the disciplinary regime.

1.1 SPECIAL PROTECTION FOR LGTBIQ+Q+ PEOPLE:

In special attention to the provisions of Law 4/2023, of 28 February, for the real and effective equality of trans people and for the guarantee of the rights of LGTBIQ+ people in order to guarantee LGTBIQ+ equality and non-discrimination in companies, special attention and rigour will be paid to the application of the provisions of this protocol to guarantee the real and effective equality of LGTBIQ+ people, in the face of any possible situation of harassment or violence against them.

ARTICLE 2: PREVENTIVE PROTECTION AGAINST HARASSMENT.

2.1. Declaration of principles: Zero tolerance for conduct constituting sexual and workplace harassment.

UNIVERSITY EUNEIZ formalises the following statement of principles to guide relations between its staff and conduct that is not tolerable in the organisation.

This procedure is applicable to any behaviour constituting sexual or workplace harassment that may occur in UNIVERSITY EUNEIZ.

UNIVERSITY EUNEIZ, by implementing this procedure, assumes its commitment to prevent, not tolerate, combat and prosecute any manifestation of sexual or workplace harassment in the organisation.

Harassment is, by definition, a multi-faceted act that affects several legal interests, including the dignity of the worker and his or her physical, psychological and moral integrity. Such acts may also involve damage to other legal interests such as:

- Equality.
- Non-discrimination.
- Honour.
- Self-image.
- Privacy.
- Health,
- etc.

Conduct that may constitute sexual or workplace harassment in any form shall not be permitted or tolerated within EUNEIZ UNIVERSITY.

The company will sanction both those who engage in offensive conduct and those who promote, encourage and/or tolerate it.

All staff are obliged to respect the fundamental rights of all those who form part of EUNEIZ UNIVERSITY, as well as those who provide services therein, and in particular, they shall refrain from behaviour that is contrary to dignity, privacy and the principle of equality and non-discrimination, always promoting respectful conduct.

Notwithstanding the above, any person assigned to the organisation, if they believe they are being harassed or become aware of a situation of sexual or workplace harassment, shall have the possibility of activating this protocol as an internal, confidential and rapid procedure in order to eradicate the harassment and remedy its effects.

Once the corresponding informative file has been carried out, if sexual or workplace harassment is confirmed, EUNEIZ UNIVERSITY will correct the situation, sanctioning the appropriate person if necessary, committing itself to use all its management power to guarantee a working environment free of violence and harassing behaviour, and in accordance with the principles of health and safety at work.

ARTICLE 3: VALIDITY AND SCOPE OF THE PROTOCOL.

The current Protocol, as an ordered set of measures aimed at achieving the objectives mentioned in it at UNIVERSIDAD EUNEIZ, is an instrument that will remain in force indefinitely, subject in any case to the logic of social evolution and the needs that are detected by the evolution of facts and reality.

This Protocol applies to all UNIVERSITY EUNEIZ workplaces and premises that in any way depend on it and, consequently, applies to all its staff and collaborators, and shall apply to any new legal entity resulting from a possible reorganisation of its current legal structure in the future, until said new legal entity approves a specific anti-harassment protocol.

ARTICLE 4: CONCEPT AND CONDUCT CONSTITUTING SEXUAL AND WORKPLACE HARASSMENT.

4.1 Definition of sexual harassment:

Without prejudice to the provisions of the Penal Code, for the purposes of this protocol, any verbal or physical behaviour of a sexual nature which has the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, degrading or offensive environment, constitutes sexual harassment.

Sexual harassment shall be deemed to constitute discrimination.

The conditioning of a right or an expectation of a right on the acceptance of a situation constituting sexual harassment shall also be deemed to constitute discrimination on grounds of sex.

4.2. Conduct constituting sexual harassment:

By way of example and without limitation, the conduct described below constitutes sexual harassment:

a.- Verbal behaviours:

- Alleged sexual advances, propositions or pressure for sexual activity.
- Offensive flirtations.
- Insinuating comments, hints or obscene remarks.
- Unwanted phone calls or social networking contacts.
- Jokes or comments about sexual appearance.

Sexist use of language

They undertake to avoid uses or expressions that may be considered sexist, pejorative and/or discriminatory to either sex. In this sense, and whenever grammatically possible, the positions and internal nomenclature of UNIVERSIDAD EUNEIZ will adopt the masculine or feminine form depending on the person who holds them. If necessary, signs, business cards or similar will be adapted gradually and progressively to make this commitment clear.

However, in order to avoid unnecessary repetition which may make it difficult to read a text or understand an oral communication, or which may undermine the logic of language or lead to ridiculous forms of expression, generic expressions may be used, which shall always be understood to include all women and men at EUNEIZ UNIVERSITY, unless otherwise expressly stated or clearly derived from the context.

b.- Non-verbal behaviours

- Display of sexually suggestive or pornographic photos, objects or writings, lewd looks or gestures.
- Offensive letters or e-mails or messages on social media with a clear sexual content.

c.- Physical Behaviours

- Deliberate and unsolicited physical contact, unwanted hugs or kisses, excessive and unnecessary physical contact.

d.- Quid pro quo" sexual harassment or sexual blackmail

- Among the behaviours constituting sexual harassment, it is worth mentioning "quid pro quo" sexual harassment or sexual blackmail, which consists of forcing the victim to choose between submitting to sexual demands, or losing or being harmed by certain benefits or conditions of work, affecting access to professional training, continued employment, promotion, remuneration or any other decision in relation to this matter.
- To the extent that it involves an abuse of authority, the harasser is a person who has the power, either directly or indirectly, to provide or withdraw a benefit or condition of employment.

e.- Environmental sexual harassment

- In this type of sexual harassment, the harasser creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim as a result of unwanted attitudes and behaviour of a sexual nature. They can be carried out by any person in the company, regardless of position or status, or by third parties located in any way in the work environment.

4.3.- Definition of workplace bullying:

Harassment at work is any behaviour carried out on the basis of a person's status, whether on grounds of sex, sexual orientation or status, race, religion, origin, geographical origin, physical appearance or condition, or any other personal characteristic or condition, with the purpose or effect of violating their dignity and creating an intimidating, degrading or offensive environment.

Specific reference to harassment on grounds of sex in the workplace:

Harassment on grounds of sex at work is harassment based on behaviour motivated by the inherent condition of being a woman or by circumstances that biologically can only affect women (pregnancy, maternity, breastfeeding); or that have to do with the reproductive and care functions that have been socially presumed to be inherent to women.

In this sense, harassment at work on grounds of sex can also be suffered by men when they work in environments occupied mainly by women or when they carry out functions, tasks or activities related to the role that has historically been attributed to women, such as caring for children or dependents.

The conditioning of a right or expectation of a right on the basis of a situation constituting harassment at work on grounds of sex shall also be considered an act of discrimination.

Specific reference to workplace harassment based on sexual orientation and gender identity:

Any behaviour based on a person's sexual orientation, gender identity and/or gender expression that has the purpose or has the effect of violating the dignity or physical or psychological integrity of that person or of creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment shall be considered as harassment on grounds of sexual orientation, gender identity or gender expression. This shall be considered as discriminatory conduct.

a.- Elementos necesarios para calificar una situación de acoso laboral:

- a) Harassment, understood as any intimidating, degrading, humiliating and offensive conduct that originates externally and is perceived as such by the person who suffers it.
- b) Objective attack on the victim's dignity and subjectively perceived by the victim as such.
- c) Pluriofensive result. The attack on the dignity of the person who suffers harassment does not prevent the concurrence of damage to other fundamental rights of the victim, such as the right not to suffer discrimination, an attack on the psychological and physical health, etc.
- d) That it is not an isolated incident.

b.- Conduct constituting harassment at work

By way of example and without limitation, the conduct described below constitutes harassment in the workplace:

i.- Attacks with organisational measures

- 1. Judging the person's performance in an offensive way, hiding his or her efforts and abilities.
- 2. Questioning and overruling the person's decisions.
- 3. Not assigning any tasks, or assigning meaningless or demeaning tasks.
- 4. Denying or withholding the means to do the job or providing wrong information.
- 5. Assigning work that is far beyond or below the person's competence or qualifications.
- 6. Orders that are impossible to carry out.
- 7. Theft of belongings, documents, work tools, deleting files from the computer, tampering with work tools causing damage, etc.
- 8. Threats or pressure on people who support the person being harassed.
- 9. Manipulation, concealment, return of the person's correspondence, calls, messages, etc.
- 10. Denial of or difficulties in accessing permits, courses, activities, etc.

ii.- Actions intended to isolate the targeted person

1. Changing the location of the person by separating them from their peers (isolation).
2. Ignoring the person's presence.
3. Not speaking to the person.
4. Restricting peers from talking to the person.
5. Not allowing the person to express him/herself.
6. Avoid all eye contact.
7. Eliminate or restrict the means of communication available to the person (telephone, email, etc.).

iii.- Activities that affect the physical or mental health of the individual

1. Threats and physical aggression.
2. Verbal or written threats.
3. Shouting and/or insults.
4. Frightening phone calls.
5. Provoking the person, forcing him or her to react emotionally.
6. Intentionally incurring expenses to harm the person.
7. Causing damage to the person's work place or belongings.
8. Requiring the person to perform work that is dangerous or detrimental to his or her health.

iv.- Attacks on private life and personal or professional reputation

1. Manipulating personal or professional reputation through rumour-mongering, denigration and ridicule.
2. Implying that the person has psychological problems, trying to get the person to undergo a psychiatric examination or diagnosis.
3. Making fun of gestures, voice, physical appearance, disabilities, name-calling, etc.
4. Criticisms of nationality, political or religious attitudes and beliefs, private life, etc.

It also covers any other type of harassment and discrimination that violates people's dignity.

The definitions set out in this protocol are without prejudice to the definitions provided for in other legislation, particularly in the Criminal Code.

ARTICLE 5: THE PROCEDURE FOR DEALING WITH A HARASSMENT SITUATION

5.1.- The complaint or report of harassment:

1. For the purposes of filing a complaint or denunciation regulated in this protocol, a person shall be a legitimate person:
 - Anyone who considers themselves to be a victim of harassment.
 - Anyone who witnesses or has evidence of harassment.
 - Anyone who receives any instruction that involves discrimination on grounds of sexual orientation, gender identity and/or gender expression.
2. EUNEIZ UNIVERSITY shall provide parties involved in complaints or allegations of harassment on grounds of sexual orientation, gender identity and/or gender expression with appropriate assistance.
3. The complaint or denunciation must in any case be made in writing, preferably in accordance with the format included as Annex I, and must be signed by the person making the complaint or denunciation.
4. If requested by the victim, the EUNEIZ UNIVERSITY will immediately provide medical and psychological support through its accident insurance company and/or its occupational risk prevention service.

5.2.- Procedure for action:

a.- La Comisión Antiacoso:

The Anti-Harassment Committee, as the investigating body in the informative files that are initiated, must investigate all cases in which there are indications of violent, discriminatory or harassing conduct. It must also monitor the implementation of corrective measures and control their effectiveness.

In the event of a complaint of harassment, the investigating body shall require the express written agreement of the person allegedly offended in accordance with the model in Annex II in order to continue with the procedure.

Composition of the Anti-Harassment Commission:

The Anti-Harassment Committee, in which the balanced participation of men and women shall be ensured, shall be composed of the following members, appointed by the Presidency:

- a. One person belonging to the group of deans or vice-deans.
- b. One person belonging to the PDI's collective.
- c. Two people belonging to the PTGAS group.

The person holding the position of Executive Director of the university is the person to whom any complaint or report regarding sexual or workplace harassment in the organisation shall be addressed, guaranteeing confidentiality at all times.

b.- Desarrollo del procedimiento:

Two procedures are established for complainants, one informal and the other formal, without prejudice to the victim's use of administrative, judicial or any other legally established channels that he/she deems appropriate.

i.- Procedimiento Informal Previo:

1. Antes de activar el procedimiento formal específico para tramitar las denuncias internas sobre conductas de acoso, la persona afectada podrá comunicar la situación a la persona que ostente la Dirección Ejecutiva, de palabra o por escrito, quien valorará la posibilidad y conveniencia de intervenir para poner fin a la situación no deseada de forma informal, tratando de que acabe el comportamiento lesivo y de recuperar la normalidad en el entorno laboral.
2. Siempre que sea posible, en primer lugar, se intentará utilizar la vía informal para intentar acabar con las conductas no deseadas.
3. La persona denunciante puede, en todo caso, utilizar el procedimiento formal directamente desde un primer momento o en cualquier momento posterior.

ii.- Procedimiento Formal:

1. Cualquier persona incluida dentro del ámbito de aplicación del presente protocolo en su artículo tercero, que considere que es objeto de conductas que puedan ser consideradas como acoso, o sea testigo de ellas, podrá ponerlas en conocimiento de la Dirección Ejecutiva, mediante escrito en el que deberá identificarse claramente al autor de las conductas denunciadas y describir con suficiente detalle los hechos concretos que se consideran constitutivos de acoso.

2. La Dirección Ejecutiva trasladará la denuncia a la Comisión Antiacoso que es el órgano competente para la tramitación y resolución de las denuncias presentadas formalmente.
3. En todos los casos, la presentación de una denuncia implica la aceptación y el consentimiento por parte del denunciante de que el expediente podrá ser aportado ante la Inspección de Trabajo o los órganos judiciales, en caso de que exista un proceso posterior por los mismos hechos.
4. Para facilitar la instrucción del expediente en caso de acoso sexual o laboral, se recomienda el siguiente contenido en el escrito de queja o denuncia:
 - a. Persona que informa de los hechos.
 - b. Datos de la persona que ha sufrido el acoso.
 - c. Nombre y apellidos
 - d. Grupo/categoría profesional o puesto:
 - e. Centro de trabajo:
 - f. Datos de contacto, Dirección de e-mail y teléfono.
 - g. Datos disponibles de la persona agresora.
 - h. Si se ha efectuado denuncia por los mismos hechos ante otro órgano judicial o administrativo.
 - i. Relato y descripción de los hechos denunciados, adjuntado las hojas numeradas que sean necesarias, incluyendo fechas y lugares en los que tuvieron lugar los hechos siempre que sea posible.
 - j. En caso de que haya testigos indicar nombre y apellidos.
 - k. Adjuntar cualquier medio de prueba que se considere oportuno.
 - l. En su caso, actuación o toma de medidas que se solicitan de la universidad.
 - m. Localidad y fecha Firma de la persona interesada.

La denuncia o queja deberá presentarse por vía telemática a la dirección denuncia@euneiz.com.

5.3.- Considerations:

I. When the Executive Directorate receives a formal complaint, it shall take the following steps:

- Acknowledge receipt of the complaint.
- At the discretion of the Executive Directorate, the complainant may be asked for clarifications or additions to his or her letter and will draw up a preliminary report opening the file, which will be forwarded to the Anti-Harassment Commission no later than 5 working days after receipt of the complaint.

II. The Anti-Harassment Committee shall meet within 5 working days of receipt of the complaint.

III. The Anti-Harassment Commission shall interview the person making the complaint and the person against whom the complaint is made in order to clarify the facts that are the subject of the complaint. Both persons may attend these interviews with witnesses, if they deem it necessary.

IV. The Anti-Harassment Committee may take further action, for example, by interviewing other persons who may be able to give evidence about the alleged facts or by visiting their workplace.

V. Attendance before the Anti-Harassment Commission of the reported persons or witnesses shall always be voluntary.

VI. If the complainant does not appear at the request of the Anti-Harassment Commission, the latter may consider the case to be dismissed.

VII. The actions of the Anti-Bullying Commission shall always respect the presumption of innocence of all persons involved and shall maintain due consideration for them.

VIII. The handling of complaints should be governed by a general principle of reserve and confidentiality.

IX. All actions or proceedings of the Anti-Harassment Committee must be decided and carried out with criteria of efficiency and speed in order to determine whether a situation of harassment has arisen.

X. During the processing of the case, the Executive Directorate shall take the necessary precautionary measures to make a possible situation of harassment unviable, without such measures entailing permanent and definitive damage to the working conditions of the persons involved.

XI. Apart from other appropriate precautionary measures as the case may be, the Executive Directorate of the university shall separate the alleged harasser from the victim, and if this is not possible, a decision shall be taken as quickly as possible.

ARTICLE 6: HARASSMENT AND FALSE ALLEGATIONS FILE

6.1.- The resolution of the harassment case.

The Anti-Harassment Committee shall issue a written report of conclusions, in which it shall assess all the procedures carried out and conclude on the existence and veracity of the facts reported, on whether they constitute harassment, and on their seriousness. It shall also decide on the disciplinary and/or organisational measures considered appropriate in each case.

The measures to be adopted may include, but are not limited to, the following:

1.- **Physically separate** the alleged aggressor from the victim, by means of a change of post and/or shift or timetable. Under no circumstances shall the victim of harassment be forced to change position, timetable or location within the university.

2.- **Sanction** the aggressor, if appropriate, depending on the results of the investigation, applying the table of offences and sanctions set out in the collective agreement applicable to the university, if applicable, and/or in article 54 of the Workers' Statute, without prejudice to the provisions of point 1 above.

Among other possible sanctions to be considered for the aggressor, the following will be taken into account:

- a. Transfer, displacement, change of post, working day or location.
- b. Suspension from employment and pay.
- c. Temporary limitation on promotion.
- d. Disciplinary dismissal.

3.- **Maintain active surveillance** of the harasser if he/she remains at the university, taking the necessary preventive measures to avoid a recurrence of the situation.

The report of the Anti-Harassment Commission's conclusions and resolution shall be submitted to the Executive Directorate for execution, which shall proceed in view of the same:

- 1.- Close the proceedings or take any other appropriate measures in accordance with the conclusions of the investigation phase.
- 2.- Communicate the resolution of the case to the person subjected to harassment and to the person complained of.

6.2.- Allegation of false denunciation:

In the event that the complainant is found to be manifestly untruthful and in bad faith in the facts reported, disciplinary action will be taken in accordance with the provisions of the Workers' Statute and the disciplinary regulations applicable in the university environment.

The parties to this procedure are

- **The complainant**, who is the person who, having knowledge of the facts, files the complaint
- **The victim**, who may or may not coincide with the complainant, who is the person who has suffered or is suffering the harassing behaviour.
- **The Anti-Harassment Commission**, which is the body established to deal with and investigate the complaint, as well as to take the corresponding measures.
- **The Executive Directorate of the university**, which is in charge of implementing the above-mentioned measures.

ARTICLE 7: DURATION, ENFORCEABILITY AND ENTRY INTO FORCE

The content of this protocol is mandatory for UNIVERSIDAD EUNEIZ and will come into force from the moment of its communication or publication, and will remain in force indefinitely, until, for any reason; organisational, efficiency or legal, it becomes necessary to carry out a review and adaptation of this protocol.

This protocol does not preclude the right of the victim to report, at any time, to the Labour and Social Security Inspectorate, as well as to the civil, labour or criminal jurisdiction.

ANNEX I

In order to facilitate the investigation of sexual harassment or harassment at work, the following content is recommended in the complaint or denunciation:

1.- Person reporting the facts.

2.- Details of the person who has suffered the harassment.

First name and surname

Professional group/category or position:

Place of work:

Contact details, e-mail address and telephone number.

3.- Available details of the aggressor.

4.- If a complaint has been made for the same facts before another judicial or administrative body.

5.- Account and description of the facts denounced, attaching the necessary numbered sheets, including dates and places where the facts took place whenever possible.

6.- If there are witnesses, indicate their names and surnames.

7.- Attach any means of proof that is considered appropriate.

8.- If applicable, action or measures requested of the company.

9.- Place and date Signature of the person concerned.

ANNEX II

Request for initiation of the formal harassment procedure.

EXPRESS CONSENT:

D./Mrs. gives his/her consent to EUNEIZ UNIVERSITY to initiate the formal procedure foreseen in the protocol for the prevention of and action against the harassment suffered, according to the complaint presented on of 20.....

Date and signature.

ANNEX III

ACKNOWLEDGEMENT OF RECEIPT:

Mr./Ms. , employee at **EUNEIZ UNIVERSITY**, hereby acknowledges having been informed that, in order to protect employees from any type of discrimination or harassment at work, the protocol for the prevention of and action against sexual harassment, harassment at work for any reason and for reasons of sex, sexual orientation, gender identity and/or gender expression has been implemented, the text of which is given to me in this same act.

Which I sign at..... on..... day..... of..... of 20.....