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## **PREAMBLE**

The entry into force of Law 3/2022, of February 24, on university coexistence, has involved not only regulating and updating a disciplinary regulation for university students but also drawing up university rules on coexistence agreed upon by the community itself as a tool for improving the university system.

With regard to state and autonomous region regulations, Organic Law 1/2004, of December 28, on comprehensive protection measures against gender-based violence; Law 5/2008, of April 24, on the right of women to eradicate gender-based violence; Organic Law 3/2007, of March 22, for the effective equality of women and men; Law 29/2007, of 11 July, against violence, racism, xenophobia and intolerance; Law 4/2023, of February 28, for the real and effective equality of trans people and to guarantee the rights of LGBTI people, and Royal Legislative Decree 1/2013, of November 29, which approves the revised text of the General Law on the rights of people with disabilities and their social inclusion, establish that the education system must include respect for fundamental rights and freedoms, remove obstacles that hinder the exercise of tolerance and freedom as part of the democratic principles of peaceful coexistence, prevent conflict and find peaceful solutions.

In terms of its own regulations, and despite its young age, the Universitat Rovira i Virgili has made very clear for several years now that it is committed to the need for coexistence. Article 5 of the Statute describes the recognition of freedom, pluralism, respect for human rights and education for peace as its missions, and made coexistence a fundamental value by approving the Code of Ethics, in 2020, which aims to "inspire an coexistence framework that encompasses the whole of the university, in all its areas of competence and in relations with society and the region"; the Action Protocol in cases of possible harassment, in force since 2013; the Code of Good Practices (2016) to prevent harassment at the URV and the FURV, which aims to "prevent harassment of any kind in the workplaces of the URV and the FURV"; and the Prevention and Action Protocol in the field of sexist and LGBTI violence for URV students (2019), which aims to: i) prevent the occurrence of physical, psychological, sexual and sexist violence and violence against the LGBTI members of the university community; ii) act against violent behavior, investigate it, monitor it, determine responsibilities and, if necessary, propose disciplinary measures, and, iii) accompany the victim throughout the process, seeking preventive measures for purposes of protection and the information for purposes of defence.

The URV Regulations on coexistence are drawn up in 25 articles, which are divided into three titles:

The preliminary title contains the general provisions, it establishes the object and purpose of the regulations, the scope of application and the principles and definitions that can

make the regulations more understandable. It also provides for the creation of a mailbox to report the behaviours that are to be eradicated.

The first title regulates the prevention and response measures against gender-based violence, discrimination or harassment, makes references to the regulations, codes and protocols that have already been approved, and obliges the URV to draw up and approve further regulations and protocols to ensure that other behaviours that can affect coexistence are combatted, such as discrimination due to racism, xenophobia and intolerance in sport, culture, participation and volunteering, and discrimination against disability at university.

The second title regulates the URV's Coexistence Commission, the members of which have been drawn equally from among the three sectors of the university community. It has the functions described in article 15 of the Regulations and is the driving force behind them. It processes complaints and facilitates the peaceful resolution of conflicts through alternative mechanisms, among which mediation plays a major role.

With regard to the resolution of conflicts, it mentions the figure of the URV ombuds officer, who maintains his/her powers. Although the ombuds officer is not a member of the Coexistence Commission, as an independent body he/she can engage in mediation, conciliation and other collaborative work, if appropriate.

The Regulations Governing Coexistence are the result of the consensus of the whole university community in a process that went through three phases. In the first, the initial draft, a working group of people from the different URV sectors participated. In the second debate phase, the whole university community was publicly informed. Finally, in the third, the Regulations were approved by the Governing Council, the governing body of the University on which the whole community is represented.

## **PRELIMINARY TITLE. GENERAL PROVISIONS**

### *Article 1. Object*

The purpose of these regulations is to promote understanding and coexistence at the Universitat Rovira i Virgili. They also aim to promote and guarantee respect for democratic values, fundamental rights and public freedoms in the university environment.

### *Article 2. Purpose*

The purpose of the Universitat Rovira i Virgili's Regulations Governing Coexistence is to promote and guarantee the following principles:

- a) Respect for diversity, tolerance, equality and inclusion, and the adoption of positive measures in favour of vulnerable groups.
- b) Freedom of expression; the right to assembly, association, protest, strike and academic shutdown; teaching and academic freedom.
- c) The elimination of all forms of violence, discrimination or harassment for reasons of sex, sexual orientation, identity, gender expression or sexual characteristics; of national origin; of ethnic group; of disability, age, state of health, social class, religion or convictions, language, or any other personal or social condition or circumstance.
- d) Transparency in the conduct of university activity.
- e) The use and conservation of the assets and resources of the University in compliance with its function as a public service.
- f) Respect for communal spaces, including digital ones.
- g) The use of the university's name and symbols in compliance with established protocols.

#### *Article 3. Scope of application*

1. Personal scope: all members of the university community – that is to say, all teaching and research staff (PDI), administration and services staff (PAS) and students – must comply with these regulations.
2. Territorial scope: these regulations are applicable to all of the URV's physical or online spaces, as long as the facts are clearly connected to university activity.
3. Material scope: the URV has bodies to ensure the rights and duties of the people who are part of the university community, such as the Ombuds Officer, which maintains the powers granted to it by the University Statute.

Likewise, the powers of the faculties, schools and departments in terms of conflicts associated with academic regulations remain unaltered.

#### *Article 4. Definitions and principles*

1. The measures provided for in these regulations are applicable to the primary, secondary and tertiary phases of prevention, and also to the corresponding procedures and the disciplinary process.

a) The measures of primary prevention are designed for the whole of the university community and aim to raise awareness about discrimination, harassment and other behaviours before they occur.

b) The measures of secondary prevention are designed for those collectives and situations in which there is a greater risk of these behaviours, and they aim to identify the underlying factors.

c) The measures of tertiary prevention are adopted when harassment, discrimination or damage have already taken place. They aim to minimise the negative effects both for the person who commits the acts and the victims.

d) The support measures are designed exclusively for protecting and supporting the victim.

2. In the application of these regulations, the URV must ensure that any action in response to situations of violence, discrimination or harassment for the causes mentioned in article 2 conforms to the following principles:

a) Gender approach: the interpretation and application of these coexistence regulations include a gender approach that requires an understanding of gender stereotypes and relations, their roots and the consequences they have on applying and assessing the impact of the provisions of this law. This gender approach also incorporates an intersectional perspective to ensure the rights of people with disabilities or any other social inequality.

b) Respect and protection for people: the people who take part in the process must act with the necessary discretion to protect the privacy and dignity of the people affected, who can be assisted by a representative or another companion of their choice.

c) Confidentiality and data protection: the people who take part in the process are obliged to maintain strict confidentiality and reserve and cannot disclose information about the content of the complaints submitted, resolved or in progress of which they have knowledge. They must also comply with the current Data Protection Regulations.

d) Diligence, non-revictimization and speed: the behaviour reported must be investigated and resolved diligently and without unjustified delay, so that the process can be completed in the shortest possible time while respecting the guarantees. In particular, special care must be taken not to duplicate actions and avoid any intervention that may involve or generate a process of revictimization.

e) Hearing, impartiality and contradiction: the process must ensure an impartial hearing and fair treatment for all the persons affected. All the people who intervene must act in good faith in the search for truth and clarification of the facts reported.

f) Prevention and prohibition of reprisals: while the process lasts, the necessary measures must be taken to avoid any kind of reprisal against people who make a complaint, appear as witnesses or participate in an investigation.

*Article 5. URV coexistence mailbox*

1. Complaints, communications and information related to conflicts of coexistence at the Universitat Rovira i Virgili can be deposited in the mailbox that the URV will set up for this purpose, alongside the other specific channels established by the procedures and protocols mentioned in articles 8 to 11.
2. The person in charge of equality, diversity and well-being is responsible for managing this mailbox and must ensure that procedures and actions are initiated as soon as possible. Confidentiality and compliance with the Data Protection Regulations must be guaranteed for all the information received.
3. This function maintains the powers of the various bodies with regard to conflicts of coexistence, situations that may involve breaches of discipline, and prevention, evaluation and intervention in situations of violence, discrimination or harassment that occur within the institution.

**TITLE I. MEASURES OF PREVENTION AND RESPONSE TO VIOLENCE, DISCRIMINATION AND HARASSMENT**

*Article 6. Preventive measures*

1. It is the responsibility of all sectors of the university community to prevent conflicts and create an environment of respect, tolerance and preservation of equality. This duty also extends to any other person who takes part in the activity of the institution.
2. It is the responsibility of the academic bodies, services and administrative units that have competence in each of the areas described in article 2 to coordinate:
  - a) Actions for the primary prevention of conflicts, such as awareness-raising, and training to encourage the recognition and respect for diversity and equity at University.
  - b) Actions for the secondary prevention of conflicts, such as work on contexts, circumstances and risk factors in order to prevent situations of violence, discrimination or harassment from occurring.

*Article 7. Information on the rights of all the people affected*

1. The units or services of the University that have authority on the issues listed in article 2 of these regulations must provide information to the university community about their rights in the case of complaints or reports about misconduct in these areas.
2. As well as the points mentioned above, the University must seek the best psychological and legal tools for the people affected.

*Article 8. Sexual harassment and sexism, sexual orientation, gender identity and gender expression*

In the case of sexual harassment or sexism when the victim is a student, the Prevention and Action Protocol in the field of gender violence and against LGTBIQ+ will be applied to prevent and act against gender-based violence, sexual harassment and sexism, sexual orientation, gender identity and gender expression. Other protocols may also be applicable at any given time. When the victim is PDI or PAS, the protocol or regulations approved for that purpose will apply.

*Article 9. Discrimination for reasons of racism, xenophobia and intolerance in sport, culture, participation and volunteering*

In the case of acts of discrimination for reasons of racism, xenophobia and intolerance in activities organized by the University related to sport, culture, participation and volunteering, the corresponding regulations will apply.

*Article 10. Discrimination for reasons of disability at university*

In the case of acts of discrimination for reasons of disability in the university environment, the protocol in force at any given time will be applied.

*Article 11. Moral harassment at work*

In the case of moral harassment at work, the Protocol for prevention and action in the event of possible harassment of URV or FURV personnel in the workplace will be applied. Other protocols may also be applicable at any given time.



*Article 12. Measures to support the victim*

1. The University must establish the support measures it deems appropriate in each case, in compliance with the current legal framework, in order to facilitate the recovery of the victim
2. A resolution by the rector, or the vice-rector in whom he delegates, at the proposal of the Coexistence Commission, must establish these measures.

**TITLE II. COEXISTENCE COMMISSION AND THE PROCEDURE OF MEDIATION**

**CHAPTER 1. Commission of Coexistence**

*Article 13. Creation and composition*

1. The Universitat Rovira i Virgili Coexistence Commission has been created. It is made up of a representation of six people, two each from the various sectors of the university community, and seeking a balance between men and women. Its action is governed by the principles of independence, autonomy and confidentiality.
2. The Senate must elect these people at the proposal of the rector. The agreement of the Senate requires a majority of three-fifths of the members present at the session in which they are elected.
3. The representatives are elected in the following way.
  - Two representatives of the teaching and research staff with permanent ties to the University.
  - Two representatives of the administration and services staff with permanent ties to the University.
  - Two representatives of the student body, one of whom should preferably be a doctoral student.
4. Once they have been elected, they will be appointed by the rector.
5. The Coexistence Commission has the same number of substitute members, which guarantees that it can always function.
6. The members of the Coexistence Commission are appointed for a period of four years, except for the students, who are appointed for two.
7. Members of the Coexistence Commission can be removed on the following grounds:
  - a) The end of the period for which they have been appointed.
  - b) The end of the employment or academic relation with the University.

- c) Voluntary resignation.
- d) Non-compliance with the Commission's functions and principles.

*Article 14. Communications to the Coexistence Commission*

Communications cannot be anonymous and must be sent to the electronic mailbox of the Coexistence Commission provided for in Article 5 of these regulations.

*Article 15. Functions of the Coexistence Commission*

The Coexistence Commission has the following functions:

- a) Promote activities designed to prevent conflicts within the University.
- b) Channel the initiatives and proposals of the different sectors of the university community to improve coexistence at the University, and formulate proposals in this area.
- c) Determine the procedure to follow in each case depending on the nature of the conflict.
- d) Use mediation to respond to any conflicts that arise between members of the university community as a result of infringements of the regulations governing coexistence.
- e) Apply, where appropriate, mediation as an alternative to disciplinary action.
- f) Designate the mediator in each case.
- g) Submit to the University Senate, at the request of the rector, a report on all action taken.
- h) Any other function attributed to it by these regulations or delegated or entrusted by the governing bodies of the University.

*Article 16. Organisation and operation*

1. The members of the Coexistence Commission must appoint a chairperson and a secretary, both of whom must be members of PDI and PAS.
2. The Coexistence Commission is governed by its internal regulations, which must be proposed by the Commission itself and approved by the competent body. Decisions are adopted by a majority of the members, and in the event of a tie, the president has the casting vote.
3. The Coexistence Commission can invite university officers or experts from inside or outside the university community to meetings or work sessions.

*Article 17. Rights, duties and incompatibilities of the members*

1. The members of the Coexistence Commission cannot be appointed to instruct disciplinary proceedings.
2. The members of the Coexistence Commission are subject to the rules of recusal and abstention established in Law 40/2015, of October 1, on the Legal Regime of the Public Sector. It is the responsibility of the rector to decide on whether any overlapping of functions has occurred.
3. The members of the Commission and other participants in the sessions must respect the secrecy and confidentiality of the matters discussed. This respect must be maintained even after the mandate expires and regardless of the statutory or employment situation in which they find themselves.

**CHAPTER 2. Mediation**

*Article 18. Scope of mediation*

1. For the purposes of this regulation, mediation is understood as a non-judicial process of a voluntary and confidential nature that aims to facilitate communication between people, so that they can find solution to the conflicts that affect them by themselves with the assistance of an impartial and neutral mediator
2. Mediation is not considered to be an option in situations of violence or harassment, in cases relating to academic fraud or deterioration of the patrimony of the Universitat Rovira i Virgili, and in any other case excluded by current legislation.

*Article 19. Principles of mediation*

The principles of mediation are those of voluntariness, confidentiality, fairness, impartiality, good faith and mutual respect, prevention and prohibition of reprisals, flexibility, clarity and transparency, and any others set out in the laws on this matter.

*Article 20. Mediators*

1. For the purposes of these regulations, mediation can be exercised by any suitably trained person who belongs to the university community and is appointed by the Coexistence Commission. Mediation can also be carried out by a person external to the University when the Commission deems it to be appropriate.
2. When the circumstances so require, the University's ombuds officer may engage in conciliatory action or other forms of conflict resolution unrelated to disciplinary procedures.
3. The mediator may be advised by experts, who must adapt the intervention to the principles of mediation.

*Article 21. Beginning of the process*

1. The mediator must call the parties to an initial meeting to explain the procedure, the principles and the scope of the mediation. In particular, they must be told that they have the right to terminate the process at any time.
2. At the first meeting, the mediator and the parties must agree on the issues to be examined and plan the sessions that may be required.
3. If all parties agree to initiate mediation, a voluntary and confidentiality agreement will be drawn up and signed.

*Article 22. Action taken during the mediation process*

During the mediation process, the necessary action must be taken in each case. In addition, for anything that is not covered by these regulations, the current laws on mediation must be applied.

With the prior authorization of the Commission, the mediation can be extended to those people who, without having initiated it, appear and demonstrate a legitimate interest

*Article 23. Duration of the mediation*

Mediation must last as little as possible and any action taken must be concentrated in the minimum number of sessions, depending on the nature and complexity of the conflict. Whatever the case may be, the duration cannot exceed sixty working days, counting from the day of the initial meeting. Should the mediator and the parties submit a reasoned request, the Coexistence Commission can extend the duration for a maximum of thirty

more working days, because of the complexity of the conflict, the number of people involved or any other reason justified by law.

*Article 24. End of the mediation process*

1. If the parties involved reach an agreement, a written document must be drawn up, signed by all parties, with the approval of the mediator, and registered by the Coexistence Commission.
2. When a disciplinary procedure has been suspended, the instructor must be notified so that the case can be closed.
3. All agreements reached are confidential.
4. If the agreement requires preventive, corrective or protective measures to be implemented, the Coexistence Commission must notify the people who are responsible and ensure the principle of data protection.
5. If the parties involved do not reach an agreement, the process can be continued or another one can be started. When the process derives from disciplinary proceedings, the instructor will be notified and the agreed suspension will be lifted.

**FIRST ADDITIONAL PROVISION. PROTOCOL TO PREVENT AND ACT AGAINST DISCRIMINATION FOR REASONS OF RACISM, XENOPHOBIA AND INTOLERANCE IN SPORTS, CULTURE, PARTICIPATION AND VOLUNTEERING**

It is the responsibility of the rector, or the person in whom he/she delegates, to advise the Governing Council to approve a protocol to prevent and act against discrimination for reasons of racism, xenophobia and intolerance in sport, culture, participation and volunteering. International standards must be used to prepare this protocol, in particular, those established by the European Commission against Racism and Intolerance (ECRI) of the Council of Europe.

**SECOND ADDITIONAL PROVISION. PROTOCOL TO PREVENT AND ACT AGAINST DISCRIMINATION FOR REASONS OF DISABILITY AT UNIVERSITY**

It is the responsibility of the rector, or the person in whom he/she delegates, to advise the Governing Council to approve a protocol to prevent and act against discrimination for reasons of disability at university. This protocol must follow current regulations on people with disabilities and their social inclusion.



**FIRST TRANSITORY PROVISION. PROCEDURE APPLICABLE TEMPORARILY IN CASES OF DISCRIMINATION FOR REASONS OF RACISM, XENOPHOBIA AND INTOLERANCE IN SPORTS, CULTURE, PARTICIPATION AND VOLUNTEERING, AND IN CASES OF DISCRIMINATION FOR REASONS OF DISABILITY AT UNIVERSITY**

Until the protocols mentioned in the first and second additional provisions are approved, the criteria established in Law 19/2020, of 30 December, on equal treatment and non-discrimination, or other applicable legislation, will be applied to all that does not apply to the specific case.

**SECOND TRANSITORY PROVISION. PROTOCOL FOR PREVENTION AND ACTION IN CASES OF POSSIBLE HARASSMENT OF URV/FURV PERSONNEL IN THE WORKPLACE**

Until the protocol referred to in article 8 of these regulations is approved, the Protocol for prevention and action in the event of possible harassment of URV/FURV staff in the workplace when the conduct and actions mentioned in this article occur will be applied to the URV's teaching and research staff and administrative and service staff.

**THIRD TRANSITORY PROVISION. PROCEEDINGS INITIATED PRIOR TO THE ENTRY INTO FORCE OF THE URV COEXISTENCE REGULATIONS.**

The procedures derived from any informative or disciplinary proceedings that were in progress before the entry into force of the URV's coexistence regulations must be adapted.

**SINGLE FINAL PROVISION. ENTRY INTO FORCE**

These regulations will enter into force the day after they are published by the URV's electronic office.