

Anti-harassment protocol

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BLANQUERNA FOUNDATION

April 2021

Contents

DECLARATION OF PRINCIPLES	2
SECTION I: PREVENTING, DETECTING AND ACTING IN CASES OF SEXUAL HARASSMENT ON THE GROUNDS OF SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION	
1. AIMS	4
2. SCOPE OF APPLICATION	4
3. LEGAL FRAMEWORK	4
4. DEFINITIONS	5
5. PRINCIPLES AND GUARANTEES	7
6. PREVENTIVE ACTION	8
7. INFORMATION AND CIRCULATION	8
SECTION II: ABOUT THE RESOLUTION PROCEDURE	
1. PERSONS RESPONSIBLE FOR THE PROCEDURE	10
2. PROCEDURE	11
3. MONITORING AND ASSESSING THE PROTOCOL	15
4. DISCIPLINARY MEASURES	15
Appendices	16

Declaration of principles

Being treated with dignity is a universal right. The Blanquerna Foundation does not stand for any type of discriminatory, abusive or offensive behaviour whatsoever and is committed to working to ensure that the university community can grow and interact in safe spaces free from harassment and abuse, guaranteeing the principles of human dignity and liberty while ensuring the health and well-being of students and employees.

In line with this commitment and in observance of the legislation and regulations in force, the Blanquerna Foundation has drawn up this Anti-Harassment Protocol.

This Protocol contains the tools and mechanisms required to eradicate all types of discrimination and harassment among members of the university community, on the grounds of sex, sexual orientation, gender identity and gender expression as well as in the working environment. These tools and mechanisms are based on two key strategic dimensions: prevention and action.

The effectiveness of this Protocol also depends on the involvement of the whole university community, both individually and as a group. For this reason, it has been drawn up alongside and agreed to by the workforce of the Blanquerna Foundation. A special emphasis is placed on its circulation and communication among workers and students alike. As an affiliated organisation, this text embraces much of the content of the Ramon Llull University protocol updated in February this year.

SECTION I.

Preventing, detecting and acting in cases of sexual harassment on the grounds of sex, sexual orientation, gender identity or gender expression

1. Aims

The aims of this Protocol are:

- To inform, train and raise awareness among all the members of the Blanquerna community about what sexual harassment on the grounds of sex, sexual orientation, sexual identity or gender expression is and means.
- To establish preventive measures to stop incidents of harassment.
- To offer a mechanism for acting and providing support in these situations, so that they are resolved in a way that guarantees that the dignity of the affected persons, the confidentiality and the fulfilment of the terms established in the procedures are all protected.

2. Scopes of application

This protocol is applicable to:

The members of the Blanquerna university community (teaching staff, administration and services staff, students, exchange students and research staff) and, if applicable, all staff from external partner companies, whenever one of the persons involved is a member of Blanquerna university community.

Pursuant to the obligations established for the coordination of business activities required by Spanish Act 31/1995 and Spanish Royal Decree 171/2004 of 30 January, implementing Article 24 of the aforementioned Act, external works and services companies contracted by the University shall be informed of the existence of this protocol.

In all those situations that occur in the face-to-face or in the virtual environment of the Blanquerna facilities, either in their own rooms or others, when the conduct takes place as part of a service or professional or academic activity organised by Blanquerna or a third party (conferences, congresses, trips and travel, internships, participation in external events, etc).

3. Legal framework

The Blanquerna Foundation founded this Protocol on the basis of the relevant legal

framework: The Spanish Constitution, Articles 14, 15, 18 and 35.

Spanish Organic Act 1/2004 of 28 December on Integrated Protection Measures Against Gender Violence.

Spanish Organic Act 3/2007 of 22 March for Effective Equality Between Men and Women.

Spanish Royal Decree 901/2020 of 13 October, which regulates equality plans and their registration and which modifies Spanish Royal Decree 713/2020 of 28 May on the registration and filing of collective employment agreements and collective bargaining agreements.

Act 17/2015 of the Parliament of Catalonia of 21 July, on the Effective Equality of Men and Women.

Act 5/2008 of the Parliament of Catalonia of 24 April on a woman's right to the eradication of gender-based violence, which includes acts concerning sexual harassment and harassment on the grounds of sex in the workplace and social setting.

Act 11/2014 of the Parliament of Catalonia of 10 October, to guarantee the rights of lesbians, bisexuals, and transgender and intersex people and to eradicate homophobia, biphobia and transphobia.

Act 1/2003 of the Parliament of Catalonia of 19 February, on universities in Catalonia.

Article 15 of Act 31/1995 of 8 November on Prevention of Occupational Risks includes the general principles, particularly prevention planning, that should inspire organisations to take preventive action.

4. Definitions

This section contains the key definitions to help correctly identify abusive situations or harassing behaviour that, should it occur, would lead to this Protocol being activated.

• **Sexual harassment:** any unwanted verbal, non-verbal or physical sexual behaviour that aims to or has the effect of attacking a person's dignity or creating an intimidating, hostile, degrading, humiliating, offensive or annoying atmosphere.

The follow examples illustrate some of the behaviour considered to be sexual harassment:

- Spreading rumours, asking questions or explaining details about a person's sex life.
- Making offensive sexual comments or jokes.
- Making rude comments about a person's body or physical appearance.
- Insisting on setting dates or participating in unwanted leisure activities.
- Looking at a person's body in a lewd way and making obscene gestures.
- Asking for sexual favours.
- Excessive physical contact and imposing unsolicited physical contact.
- Causing someone to be left alone unnecessarily with a person.
- Forcing the harassed person to choose between giving in to sexual demands or losing certain benefits or conditions (sexual blackmail).

• **Harassment on the grounds of sex:** Undesired behaviour relating to a person's gender: undesired behaviour related to a person's gender when it comes to accessing paid work, workplace promotions, an occupation or training, which aims to or has the effect of attacking a person's dignity and creating an intimidating, hostile, degrading, humiliating, offensive or annoying atmosphere. In this regard, any unfavourable treatment of women related to pregnancy or motherhood constitutes direct discrimination on the grounds of sex. The following examples illustrate some of the types of behaviour that are considered to be harassment on the grounds of sex:

- Taking a condescending or patronising attitude towards someone.
- Insulting someone based on their gender.
- Discriminatory conduct on the grounds of sex.
- Using offensive manners to address the person.
- Ridiculing, underestimating a person's abilities, skills and intellectual potential because of their sex.
- Making sexist jokes.
- Ignoring the contributions, comments and actions of a person because of their sex.

Treating a right or the entitlement to a right as acceptance of a situation of sexual harassment or sexual harassment based on sex is also considered an act of discrimination on the grounds of sex.

• **Harassment due to sexual orientation, gender identity or gender expression:** any behaviour based on a person's sexual orientation, gender identity or gender expression which aims to or has the effect of attacking a person's dignity or creating an intimidating, hostile, degrading, humiliating, offensive or annoying atmosphere.

- Sexual orientation: emotional, romantic and/or sexual attraction towards people of the same or the opposite sex.
- Gender identity: makes reference to how we feel, that is to say, if we feel like a man, woman or another option.
- Gender expression: a form and way of expressing oneself, tastes and behaviour expected of a certain gender, which is imposed.

The different types of harassments defined can occur systematically or on a one-off basis and can be **horizontal** (between work colleagues or classmates), **descending vertical** (giving orders to subordinates or lecturers to students) or **ascending vertical** (by a subordinate to a person at a higher hierarchical level, or from a student to a lecturer). Descending vertical harassment can be an aggravating factor in the assessment of the case.

For the purposes of this Protocol, the following definitions are considered:

- **Protected person:** The whole group included in point 2 of this Protocol.
- **Complainant:** Anyone, does not have to be the protected person, who has made a complaint or filed a report pursuant to this Protocol.

- **Respondent:** Any person about whom a complaint has been made or who has been reported for any reason set out in this Protocol.

5. Principles and guarantees

The protocol guarantees compliance with the following principles:

- **Respect and protection** for the privacy and dignity of the persons concerned, who have to have the necessary advice and support throughout the whole process.
- **Strict confidentiality** as soon as the protocol is activated. Blanquerna guarantees that all the information collected is confidential and it can only be accessed by those involved in the procedure, who also commit to the principle of confidentiality. Information about state of health, if any, will be processed specifically, and shall only be incorporated into the file with the express consent of the person concerned.
- **Fair and impartial treatment** during the whole procedure and the right to a due process of all people concerned. Every person who takes part in the procedure must do so in good faith, seeking the truth and clarifying the reported acts.
- **Right to information about the rights and duties** of the persons involved in the procedure, about the stage the procedure is currently at and about the outcomes of the various closed phases.
- **Diligence and speed** in the procedures and compliance with the terms set out. The procedure will not take more than one month for all its stages to be executed, except in cases where the inquiry (e.g., gathering witness statements) requires more time.
- **Protection against potential retaliation** so that nobody suffers the negative consequences derived from their participation in the inquiry, either as a complainant or as a witness. The personal files on the accused individuals should only include the outcomes of the complaints investigated and proven. If it is proven that the complainant has acted in bad faith (false accusation), the case and the disciplinary measures taken will be listed in their file.
- **The cooperation** of all persons who are summoned as part of the procedure.
- **Application of cautionary measures**, at any time of the procedure, if those in charge of the process deem them necessary. The measures may include a change of workplace, working hours or class for the complainant, etc. They will be implemented as quickly as possible. These measures must be accepted by the complainant.
- **Respecting the principle of the presumption of innocence** of the alleged harasser.

- **Looking out for the health** of all the members of the university community who detect a situation of harassment.

6. Preventive actions

The preventive actions that the Blanquerna Foundation encourages and applied to avoid incidents of gender-based and sexual harassment on the grounds of sex, sexual orientation or gender expression are planned as part of its Gender Equality Plan in force at all times. As an example, taking into account that where a concrete action should be planned in detail and its implementation will be part of the Equality Plan, we find:

- Making this Protocol available to the whole university community (see point 7) and circulating it among its members.
- One-off or structured acts to raise awareness (specific campaigns with informative material, such as making leaflets or flyers or arranging talks or conferences to promote, insofar as possible, awareness for the topic in university courses, etc).
- Scheduling an informative lesson and/or training for the whole university community on the topic of gender equality, particularly gender-based violence.
- Creation of an internal record of all the steps taken in relation to activating this Protocol and enabling it to review, enhance or correct the actions defined in Blanquerna's Equality Plan. This record can be summarised in an anonymous database that contains the number of complaints, reports, resolutions, typology of the persons who have activated the protocol (PAS, PDI or student) and any other information considered relevant to a sustained analysis of the situation in each centre and, at the same time, to monitoring and assessing this Protocol.

7. Information and circulation

The members of the Blanquerna community should be informed of this Protocol at the appropriate time, particularly new students and newly incorporated members of the workforce. External partner companies, visiting lecturers and exchange students should also be made aware of it.

The protocol must feature on a visible place on the Blanquerna website and must be available in Spanish, Catalan and English.

SECTION II.

About the resolution procedure

1. Persons responsible for the procedure

Throughout the discrimination or harassment case inquiry and resolution, there will be two figures in charge of the Procedure: the mediator and the Investigation Committee. The persons chosen to take on these tasks must be sensitive to the subject, have the trust and respect of the people within the organisation and be available to represent all the members of the organisation.

The **Mediator** is the **reference person** in each centre, who has been appointed by the institution, in communication with the workers' representatives, to deal with and support the first stage of a case of discrimination or harassment as set out in this Protocol. They will be appropriately trained in dealing with these subjects and have the power to act in this area and may not have any work, personal, family, professional or other involvement in the case.

Their roles are:

- Analysing the case in an objective and neutral way, with discretion and confidentiality.
- Informing and advising the affected person on the internal channels at their disposal.
- Supporting the person concerned throughout the process. Guiding them to other support and reference channels (e.g. medical, legal, etc).
- Taking over the mediation and resolution of cases filed as Complaints.
- Convening the opening of an Investigation Committee in cases filed as Reports according to the procedures described in sections 2.2 B 1 and 2 of this Protocol.
- Proposing, if necessary, cautionary or preventive measures during the initiation of proceedings phase.
- Monitoring, inspecting and safekeeping of all the complaints or reports filed at the centre for monitoring and updating this Protocol.

The **Investigation Committee** is the body formed by members of the Blanquerna centre where the possible case of discrimination or harassment takes place. It is formed in order to investigate the facts and issue a decisive report pertaining thereto, which it will submit to the centre's Management so it can execute it. The Committee will meet within three working days of the mediator communicating with them. The Committee will be formed by:

- **Chairperson:** a person representing the centre's management team.
- **Secretary:** a person representing the Human Resources Department or nominated by the institution if a worker is involved or a member of the faculty's Quality Department if the case only affects students. The secretary of the Committee is in charge of convening the meetings and taking the minutes.

- **Spokesperson:** the mediator and member of the Works' Council or a student representative, depending on the parties involved in the case.

In especially difficult or complex cases, the Investigation Committee may ask for expert advice from a member of the Blanquerna Personal Guidance Service (SOP).

In the event of a conflict of interest (e.g., a close friendship with the complainant or the respondent, working or academic relationship with the complainant or the respondent), the members of the Committee must abstain from taking part in the procedure. The Dean of the Faculty or the person responsible for the centre will nominate a substitute in these cases.

The members of the Committee will have a 4-year mandate, which may be renewed for a further two years only, if they request so. The Committee must have parity of representation. The Blanquerna Foundation's Management will make available to the mediator and the Investigation Committee the resources necessary to perform their responsibilities.

2. Procedure

When faced with a situation of harassment, the person concerned is entitled to choose between two courses of action: internal (within the context of the institution) and external (reporting it to the Labour Inspectorate, work-related complaint or criminal action). The aim of this Procedure is the instrumentation of internal resolution procedures.

This Protocol considers two internal courses of resolution: a Complaint and a Report. The mediator will inform the person who brings to light the facts pertaining to the two procedures and works with them to make a decision on which course to take. They will always respect the personal decision that is taken by the allegedly aggrieved person.

If the facts set out are not believed to be serious but significant enough to be put on record, a **Complaint** will be initiated. The Complaint is resolved by mediation undertaken by each centre's Mediator.

When the facts set out are considered serious, a **Report** procedure will be initiated. A report involves the Investigation Committee opening an exhaustive investigation into the facts of the case. At the end of it, a decisive report is issued and intervention measures are proposed.

The mediator may ask for expert advice from a member of the Blanquerna Personal Guidance Service (SOP) to discern the difficulty of the case.

The following phases of action will be applied to both courses:

1. Initiation of proceedings.
2. Procedure inquiry and resolution.

2.1. Initiation of proceedings

Any person who is aware of or affected by conduct defined in the description in part 4 of sections I and II of this Protocol may initiate the procedure with a statement of facts before the Mediator appointed to the Blanquerna centre where they work or study, in writing or verbally.

If the procedure is initiated in writing, the form in Appendix III should be used to do so and it is expected to be carried out by email—warning of the confidential nature of the text—or by letter, in a sealed envelope which should be handed to the Reference person, or by filling out the document in Appendix III and handing it to them.

If the complainant prefers an oral statement of the facts, and notwithstanding that it has been communicated to someone else (faculty, PAS or student), they must offer their witness statement to the Mediator in an appropriate space that guarantees the necessary confidentiality. The Mediator will take minutes of the meeting, which must be signed off by the complainant and the mediator themselves (see Appendix III).

The statement of facts subject to investigation may be given by the person concerned but also by any member of the university community who has witnessed them or is aware, either directly or indirectly, of conduct likely to be deemed as harassment, whether they are a student, teacher, administration or services staff or staff from partner companies.

Once they are aware of the case, the Mediator or Reference Person will inform the Dean of the Faculty or head of the centre and initiate the inquiry phase, for either a Complaint or a Report.

2.2. Procedure inquiry and resolution

2.2.A. Complaint

2.2.A.1. Inquiry into a Complaint

Concerning a Complaint, the complainant can choose from two courses of action:

- Address the person who committed the act leading to the complaint to request that they rectify or correct the situation. In this case, the mediator should be informed of the outcome of the discussion.
- Request intervention from the Mediator.

In this case, the Mediator will contact the person who appears to be causing the situation subject to the complaint to get their opinion on the facts and come to an agreement. The terms for the mediation procedure must not exceed 5 working days.

If, for whatever reason, the complainant does not wish to formalise the complaint but based on the information received the mediator believes that the situation needs to be put right, they will inform the centre's management—respecting the right of confidentiality of those involved—so that the company can adopt preventive measures,

raise awareness, do training or take the actions it considers necessary to deal with the signs detected.

If at the time of receiving the complaint, the Mediator then believes it necessary, they will be given the support of the Personal Guidance Service (SOP), who will help to provide corrective solutions.

2.2.A.2. Complaint resolution

In the event that mediation is requested and if the reported behaviour is indeed inappropriate with regard to the rules of this Protocol, the mediator will explain to the perpetrator the need to correct it and will inform them of the consequences should their behaviour persist. Within a period not longer than 10 days, the mediator will speak to the complainant to check that the situation has ceased and will consider the Complaint to be closed.

The mediator will put this paperwork on record as well as what the complainant can do in discussion with the person who committed the act leading to the Complaint (Appendix III) and will send this document to the parties involving, specifying the resolution.

If the verification concludes that the problem leading to the Complaint is persisting, the Mediator will inform the Dean or the Head of the Centre, who will act in accordance with the section on the Disciplinary Measures in this Protocol.

If, however, at the time of analysing the case, the Mediator and, if they have intervened, the SOP conclude that the Complaint has no grounds, they will archive it, inform the complainant and state the grounds that led to this conclusion.

2.2.B Report

2.2.B.1 Inquiry into a formal internal Report

A formal internal report occurs when, given the seriousness of the facts, which is decided on by the complainant, any person who has knowledge of the facts or the Mediator themselves acts of their own accord.

To initiate the inquiry procedure the Mediator will study a formal Report document (see Appendix II) and will inform the centre's management, who will then convene the Investigation Committee, which must meet within a maximum period of 3 working days.

Once the Investigation Committee has been set up, it will take the pertaining actions aimed at clarifying the facts, interviewing the complainant, the respondent and the witnesses, if there are any, and gathering all the information required as soon as possible. All members of the Blanquerna community have a duty to lend their collaboration in clarifying facts, if required.

This process must be undertaken with maximum respect for the principles of confidentiality and dignity towards those involved. The case investigating officer can order cautionary measures to be adopted during the Inquiry phase if they deem it appropriate.

The person who files the report has to provide signs or evidence stemming from a situation of discrimination or harassment, and the respondent has to prove their absence, according to the procedural process of the burden of proof.

To avoid situations of defencelessness, the respondent can receive – if they request it – assistance from a representative of the Works Council if they are a worker or the Student Council if they are a student. The persons concerned can bring someone with them to the interviews.

During the inquiry period, the Chairperson of the Committee is in charge of ensuring the safekeeping and custody of the documentation collected.

2.2.B.2. Resolution of a formal internal report

If, at the end of the inquiry period, which shall not exceed 15 working days from its initiation, the Investigation Committee believes that there is not enough evidence or proof that a situation of harassment exists, they will archive the report and this will be stated in the report sent to management.

However, in these situations a decision may be made to take measures to minimise contact between the persons involved or to propose, if it has not been done before, that a mediation process is initiated.

The Faculty may open disciplinary proceedings against anyone who files a harassment complaint that is completely false or carried out in bad faith, in accordance with the stipulations of Section V of the Collective Agreement and the Student Disciplinary Measures Regulations, as appropriate.

Nevertheless, if, once the facts have been assessed, the Investigation Committee sees that there is a proven case of harassment, it will draw up a report that proposes the corrective, protective and restorative measures it considers suitable within a period of no more than 5 days following the inquiry's conclusion and it will send them to the Dean or head of the centre, which is the body responsible for issuing a ruling in the case.

The members of the Committee will work with a view to adopting rulings unanimously. In the event that votes are tied, the Chairperson of the Committee will have the ruling vote. The complainant and the respondent will be informed of the measures decided on in writing, as will the Works Council when a worker is concerned. The principle of confidentiality will always be respected.

In the event that a report concludes that the conduct constitutes a criminal offence, Blanquerna can file a complaint with the corresponding judicial authorities or even recommend that the harassed person does so, accompanying them, if necessary, to file the complaint.

With a view to combatting harassment and the will to work transparently on this social commitment, Blanquerna will make public the minimum and necessary information on the number of cases resolved by the Investigation Committee in the Foundation's annual report.

3. Monitoring and assessing the Protocol

Blanquerna is committed to regulate monitoring of this Protocol and how it works in order to evaluate its actions and effectiveness and introduce the necessary modifications to improve it. A review will be conducted by the Heads or Mediators of the centres along with the Management Teams with participation from staff.

Likewise, content will be modified whenever the legislation or regulations in force require so. Depending on the scope of the modification, an assessment will be made on whether the Blanquerna Joint Commission needs to re-approve the document or not. In any case, if a modification is made to the Protocol, the date that the document was reviewed must be indicated and placed on the front cover.

4. Disciplinary measures

In the ranking of offences and sanctions that Blanquerna Foundation workers may face, the reference will be that which at all times is found in the Offences and Sanctions Section of the Blanquerna Foundation Collective Agreement Offences and Sanctions, its regulations of supplementary application and the Workers' Statute.

With regard to the student body, the stipulations of the Student Disciplinary Measures Regulations will apply.

**APPENDIX I: INVESTIGATION COMMITTEE
MEMBER NOMINATION FORM**

INVESTIGATION COMMITTEE MEMBER NOMINATION

Workplace or faculty where they study:

Department or course they study:

In addition to the Anti-Harassment Protocol, an investigation committee is form and the following members are nominated:

Name	Position	Signature

Committee nomination date:

Worker/student representative:

Mr/Mrs/Ms

DNI

Signature

Mr/Mrs/Ms

DNI

Signature

Institution representative:

Mr/Mrs/Ms

DNI

Signature

Mr/Mrs/Ms

DNI

Signature

APPENDIX II: COMPLAINT/REPORT FORM

COMPLAINT/REPORT FORM

Complaint no:	____/____
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Report no:	____/____
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Complainant					
<input type="checkbox"/>	Person concerned	<input type="checkbox"/>	Health and Safety Committee	<input type="checkbox"/>	Human resources
<input type="checkbox"/>	Prevention Officer(s)	<input type="checkbox"/>	Others:		

Type of harassment					
<input type="checkbox"/>	Moral/Occupational	<input type="checkbox"/>	Sexual	<input type="checkbox"/>	Gender-based
<input type="checkbox"/>	Sexual orientation-based	<input type="checkbox"/>	Other type of discrimination (please specify):		

Information about the person concerned			
Name and surname:			
Tax ID no:			
Age:		Contact telephone number:	
Workplace or faculty where they study:	Department or course they study:		
Place of work or academic year:	Contract type:		
Time in job:	Time at company:		

Respondent information	
Name and surname:	
Tax ID no:	
Workplace or faculty where they study:	Department or course they study:
Place of work or academic year:	Contract type:
Time in job:	Time at company:

Description of the incidents
(Please include a description of the incidents, dates, places, possible witnesses, etc.)

Documentation attached			
<input type="checkbox"/>	Yes (please specify)	<input type="checkbox"/>	No

Application	
<input type="checkbox"/>	Application to initiate the anti-harassment protocol

Place and date

Signature of the interested party

APPENDIX III: REPORT INVESTIGATION FORM

Report no:	_____ / _____		
<input type="checkbox"/> Complaint		Report <input type="checkbox"/>	
Type of harassment			
<input type="checkbox"/>	Moral/Occupational	<input type="checkbox"/>	Sexual
<input type="checkbox"/>	Sexual orientation-based	<input type="checkbox"/>	Other discriminations (please specify):
<input type="checkbox"/>		<input type="checkbox"/>	Gender-based

Information about the person concerned			
Name and surname:			
Tax ID no:			
Age:		Contact telephone number:	
Workplace or faculty where they study:		Department or course they study:	
Place of work or academic year:		Contract type:	
Time in job:		Time at company:	

Respondent information			
Name and surname:			
Tax ID no:			
Workplace or faculty where they study:		Department or course they study:	
Place of work or academic year:		Contract type:	
Time in job:		Time at company:	

Report assessment (mediator)

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Conclusions

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Proposals

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Should an investigation committee be appointed?	<input type="checkbox"/>	Y es	<input type="checkbox"/>	No
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Date of committee appointment:	
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Date and signature of the mediator:

Investigation committee inquiry

Investigation committee conclusions

Corrective/preventive actions proposed

Date report was drawn up:	
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Signature of participants:

Mr/Mrs/Ms	Mr/Mrs/Ms	Mr/Mrs/Ms
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Signature	Signature	Signature
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Mr/Mrs/Ms	Mr/Mrs/Ms	Mr/Mrs/Ms
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Signature	Signature	Signature
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