

22-23

MÁSTER UNIVERSITARIO EN UNIÓN
EUROPEA

GUÍA DE ESTUDIO PÚBLICA



CHILDREN'S E-RIGHTS IN THE EUROPEAN UNION INFORMATION SOCIETY

CÓDIGO 26602552

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22-23

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UNION INFORMATION SOCIETY

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Nombre de la asignatura	CHILDREN'S E-RIGHTS IN THE EUROPEAN UNION INFORMATION SOCIETY
Código	26602552
Curso académico	2022/2023
Título en que se imparte	MÁSTER UNIVERSITARIO EN UNIÓN EUROPEA
Tipo	CONTENIDOS
Nº ETCS	5
Horas	125.0
Periodo	SEMESTRE 2
Idiomas en que se imparte	INGLÉS

PRESENTACIÓN Y CONTEXTUALIZACIÓN

Presentation

“CHILDREN’S E-RIGHTS IN THE EUROPEAN INFORMATION SOCIETY” is a part of LLM in European Union Law, which is a distance learning programme offered by one of the leading law universities in Spain, the UNED-Spain.

This LLM pathway provides in-depth and up-to-date knowledge of the most important theoretical and practical aspects of EU law focusing on the “Digital Agenda for Europe” within the European Commission Programme titled “Europe 2020” (COM (2010) 245 final) and on the “European Strategy for Better Internet for Children” (COM (2012) 196 final).

“Digital Agenda for Europe” is one of the seven initiatives foreseen in the “Europe 2020 Strategy” to achieve a single digital market. Therefore, it sets out to define the key enabling role that the use of Information and Communication Technologies (ICT) will have to play if Europe wants to succeed in its ambition for 2020. The Commission has identified the seven most significant obstacles to reach this goal (fragmented digital markets, lack of interoperability, rising cybercrime and risk of low trust in networks, lack of investment in networks, insufficient research and innovation efforts, lack of digital literacy and skills and missed opportunities in addressing societal challenges). They have proposed, within the action areas of Digital Agenda concerning “Building digital confidence” not only the review of the EU Data Protection regulatory framework but also the issue of a Code of EU Online Rights by 2012. This Code will summarize existing digital user rights in the EU in a clear and accessible way (Key Action 4).

Although the right to privacy and the protection of personal data are fundamental rights in the EU, and will be included and taken into account in the above mentioned Key Action 4, other specific actions were prepared in parallel, such as the “EU Agenda for Rights of the Child” [(COM (2011) 60 final] because children have specific needs and vulnerabilities and this difference has to be recognized and a proper strategy should be developed.

Based on this Agenda, the latest Communication from the Commission to other institutions, “European Strategy for a Better Internet for Children”, deals with the particular risks of children in ICT and proposes a new Eco-system to support their needs in order to create a safer, enriching environment for all EU children online. This system will ensure the enforcement of existing EU rules and stimulate further self-regulatory measures. Despite the fact that children are “digital natives”, they are not aware of the potential consequences of their everyday actions, such as putting photos on the network or of the actions of others, for

instance, distributing child sex abuse images. Both legislative approaches will be studied on this course.

Both, rapid technological developments and globalization have brought new challenges for data protection and differences in the way that each EU country implements the law, mainly, the centrepiece of existing EU legislation on personal data protection, Directive 95/46/EC, the new “General Data protection Regulation” or REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, that It shall apply from 25 May 2018 (Article 99); some of its rules are special rules for minors and because of this new legislative instrument shall be binding in its entirety and directly applicable in all Member States, the minors' digital ecosystem will be more harmonized. The rules of this contest will be analyzed in this programme.

Context

The topic aims to provide students and professionals with in-depth and up-to-date knowledge of child protection in the field of Information and Communication Technology (ICT) as the most important theoretical and practical aspect of EU law, by focusing on Safer Networking. The programme will deal in general with the freedom to provide services in the information society; covering also the Directives of data protection and telecommunications and like the form of achieving a single digital market in EU; it concludes with the judicial review of EU law, including the liability of EU industrial self-regulations and the enforcement of both hard and soft-law with regard to the protection of children's rights in national courts and the applicable procedures.

The syllabus covers: an introduction to child protection in safer networking including not only existing EU rules but also the EU legislation made by the industry and the EU: self-regulations, such as *The Safer Social Networking Principles for EU* or the *Direct Marketing: The European Code of Practice for the use of Personal Data in Direct Marketing (FEDMA Code's Annex)*.

REQUISITOS Y/O RECOMENDACIONES PARA CURSAR ESTA ASIGNATURA

Previous Knowledge

- 1) The basic requirements for admission to the LLM programme.
- 2) The English language entry requirements specified in the LLM programme. In order to analyse foreign documents and to follow our programme successfully, knowledge of **French or Spanish** could be useful.
- 3) Students must be computer users. The basic book is in digital support and other didactic material will be available in the online course. The “alf platform” will allow interactive student

contact, (such as forum, chats...), asking questions on module topics and other activities and tests for student evaluation.

EQUIPO DOCENTE

Nombre y Apellidos
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HORARIO DE ATENCIÓN AL ESTUDIANTE

Tutorials and Monitoring

For any enquiries related to the programme or admission, please click https://portal.uned.es/portal/page?_pageid=93,635287&_dad=portal&_schema=PORTAL

For more specific enquiries related to this module please contact

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COMPETENCIAS QUE ADQUIERE EL ESTUDIANTE

COMPETENCIAS BÁSICAS Y GENERALES:

CG01 - Saber resolver problemas en entornos multidisciplinares relativos a la Unión Europea.

CG02 - Saber comunicar ideas y opiniones basadas en conocimientos específicos y avanzados sobre Unión Europea y emitir juicios razonados sobre las mismas.

CG03 - Interpretar el contenido de los textos y documentos de la Unión Europea de forma que el alumno sea capaz de adoptar decisiones y formular opciones sobre ellos en el

entorno complejo de la estructura y ordenamiento de la Unión Europea.

CB6 - Poseer y comprender conocimientos que aporten una base u oportunidad de ser originales en el desarrollo y/o aplicación de ideas, a menudo en un contexto de investigación

CB7 - Que los estudiantes sepan aplicar los conocimientos adquiridos y su capacidad de resolución de problemas en entornos nuevos o poco conocidos dentro de contextos más amplios (o multidisciplinares) relacionados con su área de estudio

CB8 - Que los estudiantes sean capaces de integrar conocimientos y enfrentarse a la complejidad de formular juicios a partir de una información que, siendo incompleta o limitada, incluya reflexiones sobre las responsabilidades sociales y éticas vinculadas a la aplicación de sus conocimientos y juicios

CB9 - Que los estudiantes sepan comunicar sus conclusiones y los conocimientos y razones últimas que las sustentan a públicos especializados y no especializados de un modo claro y sin ambigüedades

CB10 - Que los estudiantes posean las habilidades de aprendizaje que les permitan continuar estudiando de un modo que habrá de ser en gran medida autodirigido o autónomo.

COMPETENCIAS ESPECÍFICAS:

CE04 - Encontrar, analizar y aplicar la legislación emanada de las diferentes instituciones y órganos de la Unión Europea, así como la de los Estados Miembros que se refiera o esté implicada en el sistema europeo.

CE05 - Encontrar, analizar y aplicar la jurisprudencia de los Tribunales que componen la jurisdicción de la Unión Europea así como la jurisprudencia de cualquier orden y nivel de los estados miembros que se refiera o que estén implicadas con el sistema de la Unión Europea.

CE06 - Elaborar proyectos en el ámbito del sistema integrado por los ordenamientos de los Estados Miembros y de la Unión Europea.

CE07 - Elaborar propuestas, informes y dictámenes sobre materias propias del sistema integrado de la Unión Europea.

CE08 - Integrar la perspectiva institucional en el análisis de las normas y políticas de la Unión Europea.

RESULTADOS DE APRENDIZAJE

Learning benefits

The module gives an in-depth insight into European Union Law, principles, self-regulation, jurisprudence and practice in child protection in the field of ICT.

CONTENIDOS

Module One: Status quo of the Children as a data subject

The core content of the subject matter encompasses the study of two main rules:

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), which applies from 25 May 2018 (hereinafter, "GDPR"); and

Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y garantía de los derechos digitales, which aims to adapt the domestic rules on this matter (hereinafter, "LOPD") (<https://www.boe.es/eli/es/lo/2018/12/05/3>).

Having said that, Module One looks into the *status quo* of children within ICT environment. Therefore, the study of certain European Union documents and pieces of international legislation is required, namely:

- Introduction on single digital market: "Digital Agenda for Europe" in the "Europe 2020.
- A strategy for smart, sustainable and inclusive" and "European Strategy for Better Internet for Children".
- "European Protection Children's Policies and Rules and Modernization of the Council of Europe Convention 108 on Data Protection Principal Rules on EU".
- Children's protection on Information and Communication Technologies (ICT) in Europe: existing EU rules, European Programmes Groups and Forums on Safer Internet such as *Safer Internet Plus Programme*, WT-29 on personal data protection or Forum on Safer-Networking.
- Children's protection on Information and Communication Technologies (ICT) in Spain: existing Spanish rules (statutory rules and autonomous rules) and Spanish Agency on Data Protection and other groups.
- Agenda for the Rights of the Child [COM (2011) 60 final
- NU Convention on the rights of the child
- Directives concerning audiovisual media services and information society services
- Principal self-regulations in Europe: -Internet and mobile technologies areas: *Safer Social Networking Principles for EU* 2009, and *European Framework for Safer Mobile use by Young Teenagers and Children* 2007, *Code of conduct Safer use of mobile phones and services by younger teenagers and children* 2008 and *Statement of Purpose "A better Place for kids "*2011 and the *Principles for the Safer Use of Connected Devices and Online Services by Children and Young People in the EU* 2012; Direct and Interactive Marketing area: *European Code of Practice for the use of Personal Data in Direct Marketing (FEDMA Code* 2002 (2010); Interactive software Products area: *Code of Conduct for the European Interactive Software Industry regarding Age rating Labelling, promotion and Advertising of*

Interactive software products (PEGI Code).

•*Self-regulations in Spain:* -General publicity area: *Código de Conducta Publicitaria y Código Ético de Comercio Electrónico y Publicidad Interactiva* of AUTOCONTROL and AECEM; Specific publicity areas: *Código Ético de Publicidad en Cine 2000*, *Directrices buenas Prácticas Publicidad de Productos software interactivo*, *Código de Autorregulación de la publicidad de alimentos dirigida a menores, prevención de la obesidad y salud (PAOS Code)*; Audiovisual area: *Código de Autorregulación sobre contenidos televisivos e infancia 2003 (2010).*

Module Two: ARCO Children's e-Rights I

The scenario that has been illustrated in Module One allows for delving deeper into the issues of digital native. There is a variety of mechanisms to combat serious threats to minors posed by certain practices as advertising child pornography or encouraging child sexual abuse, amoral games, even spam e-mail or unsolicited advertising: setting a minimum age for surfing the Internet, development of devices designed to enable proper parental monitoring and providing information that is easily understandable on processing of personal data. The agreement by industry is capital, including codes of conduct or self-regulation, which are further promoted by the GDPR.

In this context, a central place must be given to ARCO's rights, i.e., right of access, right to rectification, right to erasure or to be forgotten and right to object, in relation to certain sectors where minors participate as users or consumers of audiovisual and Internet services. Special consideration is given in Module Two to Internet access, since, for the first time, a minimum age is set in this particular by the new Regulation. Indeed, in relation to the direct offer of information society services, processing of personal data shall be lawful only if it has been consented by an individual over the age of sixteen or has been authorized by the holder of parental responsibility over the child. However, Member States may set a lower age for those purposes, provided that such lower age is not below 13.

Module Three: ARCO Children's Rights II

In addition to the above, Module Three focuses on the right to erasure, or right to be forgotten. The reason for the specific study of this subject is twofold: on the one hand, such a right has been regulated for the first time by GDPR, following the jurisprudence of the European Court of Justice (ECT) on data protection, services information society and individual's e-rights; on the other hand, according to paragraph (65) of GDPR, the right to erasure is relevant in particular where the data subject has given his or her consent as a child without being fully aware of the risks involved by the processing, and later wants to remove such personal data, especially on the internet. The data subject should be able to exercise that right notwithstanding the fact that he or she is no longer a child.

METODOLOGÍA

Methodology

The module will be taught following the non presential method of the Open-University. In the online course students will find videos, radio and other interactive activities, such as forums, chats...

SISTEMA DE EVALUACIÓN

TIPO DE PRUEBA PRESENCIAL

Tipo de examen

No hay prueba presencial

CARACTERÍSTICAS DE LA PRUEBA PRESENCIAL Y/O LOS TRABAJOS

Requiere Presencialidad

No

Descripción

The evaluation will be carried out via the aIF platform in June and, for those who do not pass this exam, in September. It will be necessary to access the application by clicking the "Tareas" icon that will appear from 9:30 to 13:30.

The exam will consist of two short questions (to be answered in no more than fifteen lines) and a third question where the student must develop one of two proposed topics. Here there is no limit to the length of the student's answer. The exam will last 90 minutes. It is calculated that 15 minutes are needed to answer each of the short questions and 60 minutes to develop the chosen topic.

Criterios de evaluación

For all three questions a reference to the chapter or summary of the basic book where they can be found will be given. In this way, if the short questions and/or the topic to be developed are worded in a different way from that used in the title of the chapter where they can be found, they can be easily identified at the time of answering.

Ponderación de la prueba presencial y/o los trabajos en la nota final

Fecha aproximada de entrega

Comentarios y observaciones

PRUEBAS DE EVALUACIÓN CONTINUA (PEC)

¿Hay PEC?

Si,PEC no presencial

Descripción

COMPLEMENTARY ACTIVITY:

A complementary activity is proposed as a substitute for part of the exam, which will consist of recording a mini-video on one of the topics that will be proposed during the course on aIF Platform.

Criterios de evaluación

This mini-video if positively evaluated will represent the 40% of the final score.

In addition, the student will not have to answer the two short questions of the exam but rather the long question.

Ponderación de la PEC en la nota final

This activity will also count for 40% of the final score only if it is positively evaluated.

Fecha aproximada de entrega

The mini-video must be sent before April 30 and may not be longer than ten minutes.

Comentarios y observaciones

The details of this activity will be specified on the platform.

OTRAS ACTIVIDADES EVALUABLES

¿Hay otra/s actividad/es evaluable/s?

No

Descripción

Criterios de evaluación

Ponderación en la nota final

Fecha aproximada de entrega

Comentarios y observaciones

¿CÓMO SE OBTIENE LA NOTA FINAL?

To pass the subject, students must achieve a minimum of 5 points out of 10, which will only be obtained if the two short questions are correctly answered. If one of these questions remains unanswered or is answered incorrectly, the topic to be developed will not be evaluated. The answer to the chosen topic will only serve to increase the student's mark if he has already achieved a pass mark with his answer to the two short questions.

For those students whose complementary activity has been positively evaluated, the value of the exam will be 60%.

BIBLIOGRAFÍA BÁSICA

ISBN(13):9788436265019

Título:SELF-REGULATION: AN OPTION FOR PROTECTION OF ¿DIGITAL NATIVES¿/ LA AUTORREGULACIÓN: UNA ALTERNATIVA PARA LA PROTECCIÓN DE LOS ¿MENORES DIGITALES¿ (1)

Autor/es:Bendito Cañizares, M.^a Teresa ;

Editorial:U N E D

Basic Bibliography

1. BENDITO CAÑIZARES, *Self-regulation: an option for protection of "digital natives"/ La autorregulación: una alternativa para la protección de los "menores digitales"*, ISBN 978-84-362-6501-9, Código 2660255MR01L01, e-book, Editorial UNED, noviembre 2012.
2. BENDITO CAÑIZARES, "¿Nuevos avances en la ponderación de los intereses legítimos del nativo digital y del responsable en el tratamiento de datos?", *Revista Aranzadi de Derecho y Nuevas Tecnologías*, núm. 39, septiembre-diciembre 2015, págs. 105-168.
4. BENDITO CAÑIZARES, "Self-regulation in the General Protection Data Regulation as a solution to a fragmented digital market: the child and the Registries" *Revista Crítica de Derecho Inmobiliario (RCDI)*, 770, 2018, págs. 193-245.
5. EU existing and other EU documents that will be schematised online course and links in order to quick-searching.

Obligatory reading:

Collective books:

1. La adaptación al nuevo marco de protección de datos tras el RGPD y la LOPDD, Coor. José López Calvo, Bosch, 2019:
 - REVUELTA DE ROJAS, *Principales hitos en la tramitación de la LOPDPGDD*.
 - BARRIO ANDRÉS, *Cap. 2. Garantía de los derechos digitales en la LOPDGDD (Título X): 3.6. Protección de los menores en Internet (art. 84); 3.14. Protección de datos de los menores en Internet (art.92); 3.15: Derecho al olvido en búsquedas de Internet (art. 92) y 3.16. Derecho al olvido en servicios de redes sociales y servicios equivalentes (art. 93)*
 - MARTOS DÍAZ, *Cap. 8. Principios (arts. 6-11 RGPD. Arts. 4-10 LOPDGDD): 3. Condiciones aplicables al consentimiento del niño en relación con los servicios de la información*
 - APARICIO SALOM, *Cap. 9. Derechos del interesado (arts. 12-19 RGPD. Arts. 11-16 LOPDGDD): 3.3.4: Derecho al olvido.*
2. Códigos de conducta y actividad económica: una perspectiva jurídica, libro colectivo de los I y II Congresos Internacionales "Códigos de Conducta y Mercado", organizado por la

Facultad de Derecho de la Universidad Complutense de Madrid, Coord. Alicia Real Pérez, Pons, 2010:

- PIÑAR MAÑAS, *Códigos de conducta y espacio digital. Especial referencia a la protección de datos.*
- RODOTÀ, *Códigos de conducta: entre hard law y soft law.*
- FLESCHER, *On line Privacy and Code of Conduct.*
- MASSAGUER, *Aproximación a la autorregulación publicitaria*
- RODRIGUEZ DE LAS HERAS BALLELL, *Espacio Digital y Autorregulación.*

3. Redes sociales y privacidad del menor, Fundación Solventia, Madrid, 2011:

- MURILLO DE LA CUEVA, *Observaciones sobre la privacidad del menor ante las nuevas tecnologías, instrumentos jurídicos y competencia judicial.*
- RODOTÀ, *Sociedad contemporánea, privacidad del menor y redes sociales.*

3. Las actas del VII Congreso Internacional Internet, Derecho y Política (IDP 2011): *Neutralidad de la red y otros retos para el futuro de Internet:*

- BURNIK, Jelena, *Behavioural Advertising in electronic communications: a benefit to electronic communication development and an intrusion of individual's right to privacy and data protection.*
- PERE SIMÓN CASTELLANO, *El régimen constitucional del derecho al olvido en Internet.*
- ORZA LINARES Y RUIZ TARRÍAS, *El derecho al olvido en Internet.*

4. Contenidos y mercado en la regulación de la comunicación audiovisual, El nuevo marco normativo de la Ley 7/2010, General de Comunicación Audiovisual, Coord. Belando Garín, Montiel Roig, Tirant lo Blanch, Valencia, 2011:

- VIDAL BELTRAN, *Regulación y realidades de autorregulación de contenidos audiovisuales en España*
- PERALES ALBERT y PASTOR PEREZ, *La protección del menor a través de sistemas de regulación voluntaria: El caso del Código de Autorregulación de Contenidos Televisivos e Infancia.*

5. Monográfico sobre Protección de datos, Anuario de la Facultad de Alcalá de Henares II, 2009: e_Buah: Biblioteca Digital de la Universidad de Alcalá de Henares:

- ARTEMI RALLO LOMBARTE, *La protección de datos en España. Análisis de actualidad.*
- ESTHER MITJANS PERELLÓ, *Impacto de las redes sociales en el derecho a la protección de datos personales.*
- PÉREZ LUÑO, *La protección de los datos personales del menor en Internet.*
- REBOLLO DELGADO, *La imagen como dato. imagen_rebollo_AFDUA_2009.pdf.*
- SÁNCHEZ CARAZO, *La protección de datos personales de las personas vulnerables.*
- DAVID LÓPEZ JIMÉNEZ, *La protección de datos personales en el ámbito de las redes sociales electrónicas: el valor de la autorregulación.*

- MÓNICA ARENAS, *El valor de la información personal: protección de datos personales y la sociedad del espectáculo*.

Books and articles by individual authors

1. AIDA KISUNAITÉ, Children's Rights Protection in the EU: The Need for a Contextual Perspective, *Peace Human Rights Governance*, PHRG, 3(2), 2019, 171-192.
<https://phrg.padovauniversitypress.it/system/files/papers/PHRG-2019-2-1.pdf>
2. ARTEMI RALLO, *The right to be forgotten on the Internet: Google v. Spain*, Electronic Privacy Information Centre, Washintong, DC, traducción al inglés por Frutos Miranda Traductores, 2018.
3. LUCAS MURILLO, *El derecho a la autodeterminación informática o informativa*, Tecnos, Madrid, 1990.
4. REBOLLO DELGADO, *El derecho fundamental a la intimidad*, Dykinson, Madrid, 2005.
5. LUENGO, *Glosario*, En busca del éxito educativo: realidades y soluciones, Fundación Antena 3, Madrid, 2010.
6. CAVANILLAS MUGICA, *La responsabilidad civil en Internet y su problemática actual*, 2008, <https://vlex.com/vid/responsabilidad-civil-internet-41265155> (19/12/2011).
7. ROSEMBERG HOLCBLAT Y SANCHEZ SANZ, *El Derecho a la Privacidad en Internet*, AR: Revista de Derecho Informático, Nº 037- Agosto del 2001.
8. OTERO GARCÍA-CASTRILLÓN, *Autorregulación y establecimiento de estándares en los contratos internacionales*, AEDIPr, Tomo VIII, 2008.
9. ROSELLÓ MALLOL, *Marketing y protección de datos: últimas novedades normativas y autorregulatorias en el marketing online*, Noticias Jurídicas, diciembre 2010:
<https://noticiasjuridicas.com/extras/print.php?doc=../articulos/15-Derecho%20Admini> (12/04/2011).
10. MADRID PARRA, *Contratación electrónica y protección de datos personales*, Revista de contratación electrónica nº 94, junio 2008.

BIBLIOGRAFÍA COMPLEMENTARIA

Complementary Bibliography

All studies, reports and statistics sources, guides, videos, and documents in the above mentioned e-book above in Annexes I and II.

Existing legislation and self-regulations mentioned in Annex III.

RECURSOS DE APOYO Y WEBGRAFÍA

Study resources

LAST RADIO BROADCASTS

Click on the title below to access the audio file player.

Derecho al olvido digital y el menor

CANALUNED:

<https://canal.uned.es/mmobj/index/id/48129>

YOUTUBE:

<https://www.youtube.com/watch?v=RM1auL2MQYc&index=1&list=PLi9PNP9OSGkYpzzrZJLWdO2rjsb3GoVOq>

Menor digital y contenidos audiovisuales

CANALUNED:

<https://canal.uned.es/mmobj/index/id/46890>

YOUTUBE:

<https://www.youtube.com/watch?v=yLV0tWUCLUM&index=3&list=PLi9PNP9OSGkYpzzrZJLWdO2rjsb3GoVOq>

Los derechos ARCO y el menor digital

CANALUNED:

<https://canal.uned.es/mmobj/index/id/47669>

YOUTUBE:

<https://www.youtube.com/watch?v=H2gkEatROkE&list=PLi9PNP9OSGkYpzzrZJLWdO2rjsb3GoVOq>

WEBSITES

<https://codigosdeconducta.com/portal/index.php>

<https://www.privacyrights.org>

https://kidshealth.org/parent/en_espanol/seguridad/

<https://www.margen.org/ninos/derech4a.html>

<https://www.privacyrights.org/spanish/pi21.htm>

<https://seguridad.internautas.org/>

<https://www.seguridadenlared.org/es/index.php>

<https://www.unicef.org/spanish/childsurvival/>

<https://www.inhope.org/gns/home.aspx>

<https://www.globalprivacybook.com/chapters/table-of-chapters>

VIDEO

Click on the play icon to watch the video. *A new Ecosystem online for supporting the*

Children's needs.

IGUALDAD DE GÉNERO

En coherencia con el valor asumido de la igualdad de género, todas las denominaciones que en esta Guía hacen referencia a órganos de gobierno unipersonales, de representación, o miembros de la comunidad universitaria y se efectúan en género masculino, cuando no se hayan sustituido por términos genéricos, se entenderán hechas indistintamente en género femenino o masculino, según el sexo del titular que los desempeñe.