

➤ [Original Decree 3184/2016 in Italian](#)

## THE RECTOR

**HAVING CONSIDERED** the fundamental principles of the Italian Constitution, international and European law;

**HAVING CONSIDERED** the national legislation on equality, equal opportunities, anti-discrimination law and organisational well-being, in particular Legislative Decree 198/2006, as well as Articles 7 and 57 of Legislative Decree 165/2001, according to which the public authorities are required to adopt regulatory acts in the form of codes of conduct, as well as all measures necessary to implement EU directives in the same area;

**HAVING CONSIDERED** national legislation on health and safety in the workplace, in particular Legislative Decree 81/2008 as amended and supplemented;

**HAVING CONSIDERED** the National Collective Bargaining Agreement for the University Sector signed on 16 October 2008, in particular Article 50, as subsequently amended and supplemented;

**HAVING CONSIDERED** the Code of Ethics of the University of Milano-Bicocca;

**HAVING CONSIDERED** the Code of Conduct of the University of Milano-Bicocca approved by the Board of Directors at its meeting of 24 November 2015;

**HAVING CONSIDERED** Law no. 240 of 30 December 2010;

**HAVING CONSIDERED** the University Statute, in particular Article 21;

**HAVING CONSIDERED** the "Regulations for the Functioning of the Equality Committee of this University";

**HAVING CONSIDERED** the resolution of the Academic Senate of 12/09/2016 and the Board of Directors of 20/09/2016 approving the "*Code to protect the dignity and well-being of individuals and the organization*"

## DECREES

The issuance of the "*Code to protect the dignity and well-being of individuals and the organization*". The text is attached and forms an integral and substantial part of the decree.

This Code shall enter into force on the day following the day of publication of this decree on the University's online notice board.

Milan, \_\_\_\_\_

**THE RECTOR**  
**Prof. Maria Cristina Messa**

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**ANNEX to Rector's Decree no. 3184/2016 of 2016/10/10**

## **CODE TO PROTECT THE DIGNITY AND WELL-BEING OF INDIVIDUALS AND THE ORGANISATION**

(Approved by the Academic Senate on 12/09/2016 and the Board of Directors on 20/09/2016)

### **Article 1 – Statement of Principles**

The University of Milano-Bicocca:

- a. refers to the fundamental values of the Italian Constitution and other Declarations of Rights as substantial elements of its Statute, Codes and Regulations and for the definition of its cultural, social and educational function;
- b. requires all the members of the University, in the performance of their activities and in relation to their roles and responsibilities – both individually and within collegiate bodies – to recognise the inalienable right to be treated with dignity and to live in a serene working and study environment conducive to interpersonal relations marked by mutual respect;
- c. pursues proven abusive or persecutory behaviour, such as harassment (sexual or moral) and mobbing, such as to cause discomfort and psychophysical discomfort in those subjected to it;
- d. is committed to promoting organisational well-being, i.e. to eliminate information and leadership gaps that can foster conflict and personal discomfort.

### **Art. 2 – Scope of application**

All those who work and study in any capacity at the University of Milano-Bicocca are required to comply with this Code.

### **Article 3 – Sexual harassment**

Sexual harassment is defined as any unwanted act or behaviour, including verbal, with sexual connotations that offends the dignity, physical integrity and freedom of the person subjected to it, or that is likely to create retaliation or a climate of intimidation against them.

By way of example, certain conduct that qualifies as sexual harassment is set out below:

- implicit or explicit requests for unwanted, improper or offensive sexual services;
- implicit or explicit promises of careers, benefits and privileges, including outside the sphere of work or study or research, in exchange for sexual services;
- any intentional unwanted and inappropriate physical contact;
- comments and insinuations about the body and sexuality;
- written/verbal messages or other forms of allusive communication that are harmful to the individual's dignity;
- pornographic or other similar materials displayed or disseminated in workplaces, study and research facilities, including by computer;
- threats, retaliation, blackmail or mistreatment in response to rejecting harassing behaviour with sexual connotations.

### **Article 4 – Moral harassment**

Moral harassment is defined as any hostile, physically or psychologically persecutory behaviour directed against an individual.

Discrimination on the grounds of gender, ethnicity, sexual orientation, age, different ability or political, religious or trade union opinion may also constitute moral harassment.

The following behaviour may constitute examples of moral harassment:

- damage to the individual's image, such as intimidation, slander and insults, dissemination of confidential information, insinuations about the individual's psychological or physical problems, and any other discrediting action that exposes the individual to unfounded criticism and damage to self-esteem;
- harm to the employee, such as threats of dismissal, forced resignation, unjustified transfers, wage discrimination, prejudice in career progression, unjustified removal from assignments that have

- already been entrusted, allocation of improper tasks and actions that create demotivation or mistrust in the individual, discouraging them from continuing their work;
- marginalisation and isolation with persecutory intent, unmotivated and unwanted change of tasks or work colleagues and restriction of the faculty of expression or excessive control;
  - comments on personal circumstances that are offensive or discriminatory.

#### **Art. 5 - Mobbing**

Mobbing refers to a form of moral or psychological violence perpetrated by the employer or employees against other staff of equal, lower or higher rank. Moral violence is exercised by means of attacks against the image of the person, the work performed, the position held and the status of the employee.

Mobbing consists of a series of persecutory acts, attitudes or behaviour, repeated and reiterated over time, with aggressive, denigrating and/or vexatious connotations, such as to cause the person who is the victim of it psychological and/or physical suffering that may compromise their dignity, professionalism and health, up to and including their exclusion from the workplace.

#### **Art. 6 – Duty to cooperate**

Persons who have knowledge of facts concerning the above-mentioned practices are required to cooperate, by means of reports and testimonies, with the consultants appointed by the Administration to deal with these issues. Failure to do so shall result in such persons being held liable for violation of this Code and, where applicable, subject to disciplinary proceedings, in accordance with the applicable legislation.

The governing bodies of the University, managers, and department heads have a duty, in particular, to prevent the occurrence of conduct that violates human dignity and the well-being of individuals and the organisation.

#### **Article 7 – Confidential Counsellor**

The Confidential Counsellor shall provide assistance and advice to anyone who complains of being subjected to sexual or moral harassment or mobbing within the University of Milano-Bicocca.

The Confidential Counsellor:

- reports harassing behaviour to the relevant institutional manager;
- provides guidance on the informal and formal procedures laid down in this Code and in the legislation in force;
- suggests the most appropriate measures to address the situation;
- assists, if requested, the person subjected to harassment or mobbing at all stages of the case.

The intervention of the Confidential Counsellor should be concluded in a reasonably short time in proportion to the complexity of the case being handled.

The Confidential Counsellor may be dismissed, at the request of the Equality Committee, by reasoned rector's decree, in cases of serious breaches of duty, omissions, delays or violations of the obligations of impartiality, fairness and confidentiality set out in this Code in the performance of their duties.

#### **Article 8 – Help Desk on harassment and mobbing**

The harassment and mobbing desk is established with the tasks of:

- advice and assistance to people who report cases of harassment and mobbing, or experience situations of psychological distress related to work, study and research;
- advice to the University bodies and offices to help resolve reported problems and prevent uncomfortable situations in the workplace.

The Help Desk is run by the Confidential Counsellor, who may be assisted by a psychologist. Both of the above-mentioned figures are selected by means of a public call for candidates from outside the Administration, in compliance with the current regulations on the conferral of external consultancy and appointments by public bodies. The selected candidates are appointed by Rector's Decree and hold office for three years with the possibility of confirmation for one further term.

The consultants entrusted with the management of the Help Desk act with complete autonomy, respecting the confidentiality of those involved, and are obliged to:

- immediately report the most serious cases of breach of this Code to the Equality Committee, the Rector and the Director General, and indicate the possible actions to be taken;
- provide, by February of each year, a report on the activities carried out in the previous year, the cases identified and the practices followed. This document shall be submitted to the Equality Committee, the Rector and the Director General.

The Confidential Counsellor and Psychologist will be paid a flat-rate fee in relation to their professional role. Moreover, the University must provide them with adequate means and resources and must guarantee free access to the records of the cases handled.

#### **Article 9 – Internal informal procedure**

A person who is the subject of conduct constituting harassment or mobbing and wishes to put an end to it may request the initiation of the informal internal procedure. To this end, the Confidential Counsellor can resort to the following courses of action:

- at the request of the person concerned, takes charge of the case and informs them of the most appropriate way to deal with it;
- interviews the perpetrator of the harassing behaviour and obtains any statements;
- seeks to promote joint meetings between the person subjected to harassment or mobbing and the perpetrator;
- may propose the transfer of one of the individuals involved to the relevant authority.

The Confidential Counsellor may not take any initiative without first discussing it with the applicant and receiving their express consent. At any time during the procedure, the individual concerned may withdraw the report.

Any action must be taken promptly and, in any case, no later than 30 days after knowledge of the fact.

The Confidential Counsellor shall consider refraining from any action in the event of anonymous complaints.

#### **Article 10 – Internal formal procedure**

If the person subjected to behaviour constituting harassment or mobbing considers attempts to solve the problem informally inappropriate, or if, after such intervention, the undesirable behaviour persists, they may resort to the formal procedure. This shall commence with a written complaint by the person concerned, including with the assistance of the Confidential Counsellor, to the Rector and the Director General, to the extent of their competence, without prejudice, in any event, to any other form of judicial protection which they may avail themselves of.

The Rector and the Director General, to the extent of their competence, with the assistance of the Confidential Counsellor, shall initiate preliminary investigations and, if sufficient evidence is found, shall commence disciplinary proceedings pursuant to the applicable legislation.

The interested parties shall be given the opportunity to be interviewed in order to state their case, possibly with the assistance of the Confidential Counsellor and/or the Trade Union Organisations and/or a lawyer to whom a mandate is given. The Rector and the Director General ensure, to the extent of their responsibility, that each stage of the proceedings initiated on an individual application is recorded.

If requested, the Confidential Counsellor assists the person at the receiving end of the offending conduct in the preliminary investigation stage of the initiated disciplinary proceedings.

Pending the conclusion of the disciplinary proceedings, at the request of one or both of the persons concerned, the Administration may adopt a temporary transfer measure in order to re-establish a serene working and study environment. The Administration, in consultation with the Confidential Counsellor, having ascertained the merits of the complaint, shall take care to protect the complainant from any form of retaliation or penalisation and shall ensure that the conduct detrimental to the individual is actually stopped.

Anyone who knowingly reports non-existent facts, with the aim of denigrating someone or obtaining advantages in work and study, is liable under the law.

#### **Article 11 – External formal procedure**

Any person subjected to harassment and/or mobbing may, in any case, and independently of the initiation of an informal or formal internal procedure, report the harassing event to the competent authorities, in order to initiate legal proceedings to ascertain any civil, criminal or other liability.

### **Article 12 - Retaliatory measures**

Direct and indirect retaliation against whistleblowers in cases of harassment and/or mobbing is considered misconduct, contrary to the duties of public servants and is also subject to disciplinary sanctions.

### **Article 13 - Confidentiality**

All situations provided for in this Code shall be handled in strict compliance with the legislation in force on the protection of confidentiality. In particular, any person who has suffered harmful acts or conduct is entitled to request that their name be omitted from any document. This is without prejudice to cases where knowledge of the name of the complainant is necessary for the accused's right of defence.

### **Article – Awareness-raising activities**

The Administration, with the support of the Equality Committee, is required to implement specific training measures on the protection of dignity, the well-being of individuals and the organisation in order to prevent the occurrence of behaviour that can be defined as harassment or mobbing.

The Administration will be responsible for promoting, in agreement with the Equality Committee, the dissemination of this Code and to prepare appropriate information material.

### **Article 15 – Final provisions**

The University undertakes to disclose the name, place, hours of availability and contact details of the Confidential Counsellor by means of subsequent Regulations.

### **Article 16 – Entry into force and repeals**

This Code shall enter into force on the day following that of its publication on the University's online notice board. From that date, the Code of Conduct for the protection of the dignity of persons studying and working at the University of Milano-Bicocca adopted by Rector's Decree registered under no. 27940 of 27/1/2010 is repealed.