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SAPIENZA
UNIVERSITÀ DI ROMA

CODE OF CONDUCT FOR THE PROTECTION OF HUMAN DIGNITY AND THE PREVENTION OF HARASSMENT

Article 1 – Fundamental principles

1. This Code, adopted in accordance with the provisions of current supranational and national regulations, is based on the following principles:

a) any act or behaviour that constitutes sexual or moral harassment is unacceptable;

b) persons who study or work at Sapienza University, in any capacity, have the right to be treated with dignity and to have their individual freedoms protected;

c) persons who study or work at Sapienza University, in any capacity, have the right to report any intimidation or retaliation suffered at their place of study or work as a result of harassing acts or behaviour;

d) current legislation provides for disciplinary measures to be applied to individuals engaging in sexual or moral harassment. If such behaviour is exhibited by management personnel, this shall also be taken into account during the assessment, in accordance with the provisions set out in the current *Contratto Collettivo Nazionale di Lavoro.*

Article 2 - Scope of application

1. All persons who study or work at Sapienza University, in any capacity, even occasionally, are required to comply with this Code.

2. The code applies to the conduct referred to in Articles 3, 4 and 5, wherever it occurs, including outside Sapienza's premises, and in any form, including online (i.e. online meetings, emails, text messages, etc), if related to study or work.

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Article 3 - Sexual harassment

1. 'Sexual harassment' means any unwanted act or behaviour, including verbal behaviour, of a sexual nature that offends the dignity, physical integrity and freedom of the person subjected to it, or that is likely to create retaliation or an intimidating environment for that person.

By way of example only, and without claiming to be exhaustive, certain types of behaviour may be classified as sexual harassment:

- comments and innuendo about the body and sexuality;
- implicit or explicit requests for unwanted, inappropriate or offensive sexual services;
- implicit or explicit promises of career advancement, benefits and privileges, even outside the workplace or study or research environment, in exchange for sexual services;
- any intentional physical contact that is unwanted and inappropriate;
- inappropriate and/or violent behaviour of a sexual nature;
- written or verbal messages, or other forms of suggestive communication of a sexual nature that are detrimental to the person's dignity;
- pornographic or similar materials displayed or distributed in workplaces, study and research environments, including online;
- threats, retaliation, blackmail or mistreatment for rejecting sexually harassing behaviour;

2. The existence of a position of disadvantage, imbalance and hierarchical subordination between the person who has been harassed and the person who committed the act constitutes an aggravating circumstance of sexual harassment.

Article 4 - Moral harassment

1. 'Moral harassment' is any hostile behaviour, physically or psychologically persecutory, directed against a person.

By way of example, without claiming to be exhaustive, moral harassment includes:

- harassing or persecutory acts;
- reprimands delivered in an offensive manner or in a way that is humiliating to the person's dignity;
- offences against dignity, humiliation and disparaging acts;
- delegitimisation of one's personal or professional image, including in front of third parties, through insinuations about psychological or physical problems, including through the dissemination of personal information;
- marginalisation and isolation with persecutory intent, unjustified removal from duties already assigned, restriction of freedom of expression or excessive control;
- assigning inappropriate tasks or engaging in behaviour aimed at discriminating against, discrediting or damaging anyone's career or status;
- unjustified threats of dismissal or exclusion from duties, activities or rights, as provided for by current legislation;
- discriminatory attitudes towards those who are pregnant or on parental leave;
- unjustified exclusion or marginalisation from ordinary communications;
- marginalisation and isolation with persecutory intent;
- systematic underestimation of results not justified by poor performance or failure to complete assigned tasks;

2. Any form of retaliation against anyone who reports or witnesses harassment is also considered harassment.

3. The existence of a position of disadvantage, imbalance and hierarchical subordination between the person who has been harassed and the person who committed the act constitutes an aggravating circumstance of harassment.

Article 5 - Discriminatory acts

1. 'Moral harassment' also includes discriminatory conduct and verbal expressions based on gender, parental status, sexual orientation, gender identity, ethnic origin or geographical origin, religion, disability, age, different political or trade union opinions, economic and social status.

2. Discriminatory behaviour occurs when a person is treated less favourably than another person is, has been, or would have been treated in a similar situation.

Article 6 - Procedures for reporting harassment

1. Without prejudice to civil and criminal protection within the prescribed legal time limits, and within the same time limits, any person who is the subject of sexual or moral harassment may contact, alternatively:

a) the Confidential Counsellor, in accordance with the provisions of Article 9;

or

b) the Rector or the Director General, based on their respective disciplinary responsibilities, in accordance with the provisions of Article 10.

2. The Rector or Director General shall also consider informing the head of the structure to which the reporting person belongs, also with a view to the possible adoption of provisional and urgent measures to protect the reporting person, where necessary and urgent.

3. The person who has been harassed remains free to contact the Confidential Counsellor at any time, without any time limit, to request assistance or advice on any decisions to be taken or actions to be taken with regard to the harassment to which they have been subjected.

Article 7 - Appointment and dismissal of the Confidential Counsellor

1. In order to ensure the effective application of this Code, the position of Confidential Counsellor is established, as provided for in European Parliament Resolution A3-0043/94 of 11 February 1994.

2. The Confidential Counsellor is a person responsible for providing advice and assistance to anyone studying or working at Sapienza University who has been subjected to sexual harassment, moral harassment or discriminatory acts, as defined in Articles 3, 4 and 5.

3. The Confidential Counsellor is appointed by the Rector, upon recommendation by the *Comitato Unico di Garanzia* (hereinafter referred to as CUG), from among individuals outside Sapienza University who possess adequate and proven competence and experience.

4. To this end, a call for expressions of interest in the position is published on the Sapienza website. Interested parties must apply by a specified deadline via certified email (PEC), accompanied by their curriculum vitae and all relevant qualifications and documents.

5. The CUG examines the expressions of interest received and selects the candidate with the most suitable curriculum vitae, communicating the outcome of the selection to the Rector, normally within twenty days of the deadline indicated in paragraph 4.

6. The decree appointing the Confidential Counsellor is published on the Sapienza website. Sapienza University communicates the name and contact details of the Confidential Counsellor to staff and students.

7. Sapienza University undertakes to support anyone within its organisation who makes use of the services of the Confidential Counsellor, or who reports conduct falling under Articles 3, 4 and 5 of this Code, providing clear and comprehensive guidance on the procedure to be followed, maintaining confidentiality and preventing any possible retaliation.

Similar guarantees are extended to any witnesses.

8. The term of office of the Confidential Counsellor shall be two years and may be renewed. The term of office may be revoked by the Rector, upon the recommendation of the CUG, in cases of serious omissions, delays or violations of the obligations of impartiality, fairness and confidentiality in the performance of the duties assigned to the Confidential Counsellor.

9. The Confidential Counsellor shall be provided with the necessary means to perform their institutional duties and shall receive remuneration, the gross annual amount of which shall be indicated in the call for expressions of interest in taking on the role.

Article 8 - Functions and methods of intervention of the Confidential Counsellor

1. The Confidential Counsellor is responsible for collecting reports of sexual or moral harassment or discriminatory acts and providing assistance and advice to persons who report having been subjected to sexual or moral harassment or discriminatory acts.

2. They also propose training initiatives and informational meetings in order to prevent the occurrence of behaviour that could be construed as sexual or moral harassment or discriminatory acts.

In particular, the Confidential Counsellor has the following duties:

a. providing advice and assistance to persons who have been subjected to harassment;

b. contribute to the resolution of cases brought to their attention;

c. suggest the most appropriate measures to address the situation;

d. report the harassing behaviour to the Rector or the Director General, in accordance with the provisions of Article 10, for subsequent decisions.

3. In order to carry out the above tasks, the Confidential Counsellor shall collaborate, where deemed necessary, with Sapienza's Student Ombudsperson, and may avail themselves of the advice or collaboration of specific professionals from among those offered by Sapienza's academic and technical-administrative staff.

4. The professionals consulted must ensure compliance with the obligations set out in Article 11, paragraph 1. Violation of these obligations may result in disciplinary proceedings in accordance with Sapienza's current regulations.

5. The Administration guarantees the Confidential Counsellor free access to the documents relating to the case in question and provides the information necessary for its resolution.

Article 9 - Informal procedure for reporting sexual harassment, moral harassment or discriminatory acts

1. If, in the workplace or place of study, or in any case in the context of a study or work relationship, as provided for in Article 2 of this Code, conduct occurs that falls within the definitions set out in Articles 3, 4 and 5, the person who has suffered the harassment may contact the Confidential Counsellor to initiate an informal reporting procedure.

2. To this end, Sapienza provides the Confidential Counsellor with a specific email address and a suitable room to ensure the confidentiality of the interviews.

3. The Confidential Counsellor will not take any action without the express and prior consent of the person who has experienced sexual, moral or discriminatory harassment.

4. The Confidential Counsellor shall have the following powers of action:

a) agrees with the person who has been harassed on the most appropriate course of action to permanently stop the harassing behaviour;

b) may invite the person identified as the perpetrator of sexual harassment, moral harassment, or discriminatory acts to an interview;

c) acquires the information necessary to carry out their duties, including by gathering testimony from informed persons—in which case, the latter are required to maintain absolute confidentiality regarding the facts they learn in the course of the case—and may access the relevant records and documents relating to the case in question;

d) in order to attempt reconciliation between the parties, the Confidential Counsellor may organise meetings or carry out activities aimed at promoting such reconciliation, provided that the person who has suffered harassment expressly requests or expressly consents to this;

e) proposes to the Administration, with the consent of the reporting person, the organisational measures deemed most appropriate to stop the harassing behaviour and prevent its recurrence;

f) ensures that the harassing behaviour has effectively ceased.

5. During the investigations necessary for the resolution of the cases submitted for examination, the Confidential Counsellor shall ensure the absolute confidentiality of data relating to the persons involved.

6. The report may be withdrawn by the person who submitted it at any time during the informal procedure, subject to verification by the Confidential Counsellor – through a specific meeting – of the genuine desire to discontinue the procedure.

7. The informal procedure must be completed within a reasonable time frame, depending on the complexity of the case in question; however, the deadline of sixty days may not be exceeded, except in particularly complex cases, where an extension of a further thirty days may be granted. The deadlines may be suspended in the cases provided for by current legislation.

8. If the reporting person does not wish to use the informal procedure, or if this procedure has not achieved a positive outcome, the Confidential Counsellor shall suggest to the person concerned the possibility of using the formal procedure referred to in Article 10 of this Code, or the most appropriate course of action for taking the necessary administrative and/or legal measures.

Article 10 - Formal procedure for reporting sexual harassment, moral harassment or discriminatory acts

1. If the person reporting the conduct does not wish to use the informal procedure or if this procedure has been unsuccessful, they can use the formal procedure to report harassment to the Administration by sending a written report directly to:

a) the Rector, if the harassment is attributable to teaching or research staff, or members of the student community;

or

b) the Director General, if the harassment is attributable to technical-administrative or managerial staff.

2. The report may be submitted in person or with the assistance or representation of a person trusted by the complainant or a trade union organisation.

3. Following the report, the Rector or the Director General, within the scope of their respective responsibilities, shall assign the CUG, in its 'restricted' composition, the task of verifying that the report is 'not unfounded'.

The composition of the 'restricted' CUG varies depending on the status of the reported individual.

In particular, if the person reported belongs to:

a) teaching or research staff or is a member of the student community, the Committee shall consist of two CUG members with teaching status and one CUG member from the technical-administrative staff;

b) technical-administrative or managerial staff, the Committee shall consist of two CUG members from the technical-administrative staff and one CUG member who is a lecturer.

Both the President of CUG and the Confidential Counsellor are necessary members of the 'restricted' CUG, whose contribution will be limited to merely illustrating the reported case, where this has already been investigated in an informal procedure, in accordance with the provisions of Article 9.

Where necessary, the ‘restricted’ CUG may seek the advice of a person within

Sapienza University with specific technical and legal expertise.

4. Once the ‘restricted’ CUG has ascertained that the report is ‘not unfounded’, it shall forward the outcome of the investigation to the Rector or the Director General, according to their respective responsibilities.

5. The Rector and the Director General shall forward the documents relating to the report and the outcome of the assessment carried out by the ‘restricted’ CUG to the bodies or offices responsible for the proceedings within their remit, in accordance with the regulations in force.

6. The person reported as allegedly responsible for the harassment must be informed of the subject of the report in order to defend themselves personally or through a person they trust.

7. During the formal procedure, Sapienza University undertakes to protect the reporting person from any form of retaliation or persecution.

8. If the report is deemed ‘manifestly unfounded’ by the ‘restricted’ CUG, the Rector or the Director General, within the scope of their respective responsibilities and at the request of the person reported, may take steps to rehabilitate the accused person and take action against the person who made the report.

9. Assessments of ‘manifestly unfounded’ made by the CUG in its ‘restricted’ composition with reference to violations of this Code do not exclude the possible relevance of the conduct reported as an ethical violation or other disciplinary violation. In such cases, the Rector or the Director General shall forward the documents relating to the report and the outcome of the CUG's assessment to the bodies or offices authorised to carry out such an investigation, in accordance with the regulations in force.

10. Anyone who knowingly reports non-existent facts for the purpose of making false accusations, denigrating someone or otherwise obtaining advantages in work, study or research shall be subject to disciplinary action, without prejudice to any criminal and/or civil liability.

11. The ‘restricted’ CUG, is required to operate with the utmost confidentiality at every stage of its activity. To this end, any person who claims to have been subjected to harassment has the right to request that their name be omitted from all documents

Article 11 - Confidentiality obligation

1. All situations covered by this Code must be handled in full compliance with legal and ethical rules on confidentiality and personal data protection.

2. Persons who, by virtue of their role, function or position, including any witnesses, become aware of facts, acts or information in the context of the proceedings governed by this Code, are bound by the strictest obligation of confidentiality.

3. All persons involved in the report have the right to have their names omitted from any document that is subject to publication or dissemination for any reason.

4. Personal data collected in the context of the procedures governed by this Code are processed by Sapienza University in compliance with Regulation (EU) 2016/679 (GDPR), Legislative Decree No. 196/2003 as amended by Legislative Decree No. 101/2018, and the principles of lawfulness, fairness, transparency, purpose limitation, data minimisation, integrity and confidentiality. They may be used or disclosed to third parties exclusively for institutional purposes and within the limits permitted by current legislation.

Article 12 - Duty of cooperation

1. All those to whom this Code applies must contribute to ensuring a study and work environment in which human dignity is respected.

2. Without prejudice to the reporting obligations established by law, persons who are aware of facts relating to sexual harassment, moral harassment or discriminatory acts are required to testify and cooperate with the Administration.
In the event of failure to cooperate, they shall be held liable for violations of this Code and, where applicable, subject to disciplinary proceedings in accordance with current legislation.

3. Any form of direct or indirect retaliation against persons who report cases of sexual or moral harassment or discriminatory acts, as well as against witnesses, even if only potential ones, shall be subject to disciplinary action, without prejudice to the possibility for the person who suffers such retaliation to seek legal protection.

Article 13 - Duties of Persons in Charge

Faculty Deans, Department Directors or Directors of Areas/Centres, and Programme Coordinators are responsible for promoting awareness and understanding of this Code and ensuring compliance with its provisions.

They are obliged to:

a) report any cases of harassment that may occur in the facilities for which they are responsible;

b) cooperate with the Administration in ascertaining the facts;

c) support and assist persons who have been harassed, directing them to the reporting mechanisms provided for in this Code;

d) ensure that the harassing behaviour that has been ascertained effectively ceases.

Article 14 - Monitoring activities

1. The CUG, in collaboration with the Administration Services, carries out monitoring activities in order to assess the effectiveness of this Code and to make any additions or amendments.

2. The CUG's annual report, together with that of the Confidential Counsellor, will be included in the records of the *Servizio di prevenzione e protezione*, to be discussed at the scheduled periodic risk prevention and protection meeting with the Workers' Safety Representatives (*Rappresentanti dei lavoratori per la Sicurezza* - RLS) and forwarded to the University Bodies for their decisions.

Article 15 – Information, awareness-raising and training activities

Through the CUG and other relevant offices or bodies, and in agreement with the trade unions, Sapienza University undertakes to:

a) organise specific awareness-raising initiatives for the entire university community on the protection of personal freedom and dignity, in order to prevent behaviour that could be construed as sexual or moral harassment or discriminatory acts;

b) include in the training programmes for all staff and Persons in Charge the interpretative guidelines adopted regarding the prevention of sexual harassment, moral harassment or discriminatory acts;

c) ensure, on an annual basis, based on the proposals developed, refresher training modules aimed at developing a culture of organisational well-being and a positive working environment;

d) communicate to all those who study or work at Sapienza University the name, location, contact details and email address of the Confidential Counsellor;

e) ensure the widest possible dissemination of this Code by displaying it in the workplace and publishing it on the Sapienza website;

f) implement prevention and training projects relating to the issues covered by this Code;

g) promote monitoring activities in order to assess the effectiveness of this Code.

Article 16 - Transitional and final provisions

1. This Code, approved by the Academic Senate and issued by Rector's Decree, is published on the Sapienza website and sent via newsletter and email by the relevant offices to all persons working at Sapienza University, to holders of consultancy or collaboration contracts of any kind with Sapienza University, to affiliated bodies and to companies providing services to Sapienza University.

2. This Code shall enter into force on the day following the date of publication of the Rector's Decree enacting it and shall apply to violations committed after its entry into force.

3. For matters not expressly covered by this Code, reference should be made to the relevant legislation in force, the Statute, the Code of Ethics and Conduct, and all Sapienza Regulations.

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