

CODE OF CONDUCT TO PROTECT THE DIGNITY OF PEOPLE WHO STUDY AND WORK AT THE UNIVERSITY OF MESSINA (PROT. N. 0133066 DEL 23/12/2020)

Art. 1 – Scope of application

The University of Messina – having consulted the Joint Committee for Equal Opportunity (CUG) – referring to:

- the fundamental principles of the Italian Constitution set off in Articles 2, 3 and 32;
- Articles 1 (human dignity) and 21 (non-discrimination) of the Charter of Fundamental Rights of the European Union, proclaimed in Nice on 7 December 2000 and legally binding within the Union legal system according to the provisions of Article 6 of the Treaty of Lisbon;
- Recommendation 92/131/EEC on the protection of the dignity of women and men at work;
- Article 26 of the European Social Charter, revised, with annex, made in Strasbourg on 3 May 1996, ratified by Law no. 30/1999;
- to the national legislation on equal opportunities, also implemented by the latest CCNL of the University sector;
- to the concept of health understood, according to the World Health Organization, as a state of physical, mental, social well-being, and not simply as the absence of disease or infirmity, as implemented in paragraph 1 letter o) of art. 2 of Legislative Decree no. 81/08;
- to the Directive of the Ministry of Public Function of 24 March 2004 "Measures aimed at improving organizational well-being in Public Administrations";
- to Legislative Decree no. 215/2003, Implementation of Directive 2000/43/EC for equal treatment between people regardless of race and ethnic origin;
- to Legislative Decree no. 216/2003, Implementation of Directive 2000/78/EC on equal treatment in employment and working conditions;
- to Legislative Decree no. 5/2010, Implementation of Directive 2006/54/EC on the principle of equal opportunities and equal treatment between men and women in employment and working conditions;
- to the "European Pact for Gender Equality for the period 2011-2020", approved by the Council on 27 March 2011;
- to Law no. 190 of 6 November 2012, "Provisions for the prevention and repression of corruption and illegality in public administration";
- Legislative Decree no. 93 of 14 August 2013, converted by Law no. 119 of 15 October 2013, "Urgent provisions on safety and to combat gender-based violence (...)";

– Directive no. 2 of 26 June 2019 of the Minister for Public Administration and the Undersecretary delegated to equal opportunities “Measures to promote equal opportunities and strengthen the role of the Joint Committee for Equal Opportunities in public administrations”;

adopts this Code of Conduct to guarantee the inviolable right of those who study and, in any capacity, work at the University of Messina to be treated with dignity and respect, and, in particular, against any form of moral and/or sexual harassment and discriminatory acts.

Art. 2 - AIMS

The University of Messina aims to:

- draw attention to the problem of protecting the dignity of women and men in the workplace and in the study environment and indicate to the managers of the structures, the unions, the workers and the students of the University of Messina the legislation to which they should conform their action;
- ensure the effective exercise of the right of all workers and students to the protection of their dignity in the workplace and in the study environment as well as guarantee all those who work, in various capacities, in the University the opportunity to live in a peaceful environment, in which interpersonal relationships are based on the principles of organizational well-being;
- – promote awareness, information and prevention in the matter of harassment and/or discriminatory acts in the workplace and/or in the study environment, and adopt all appropriate measures to protect those who work and study at the University of Messina against such behavior;

– promote awareness, information and prevention in the matter of reprehensible or explicitly hostile or offensive acts repeatedly directed against any employee/student in the workplace or in the study environment and adopt all appropriate measures to protect against such behavior.

Therefore, the University:

- a) undertakes information and training initiatives to promote behaviors consistent with the protection of the dignity of the person, committing itself to organize awareness-raising activities on the issues referred to in this Code aimed at all those who, in any capacity, work or study at the University;
- b) encourages, as a preventive measure, the development and implementation of rules of conduct and practices aimed at creating a work and study environment free from harassing behavior and discriminatory acts and a climate in which the inviolability of the person is respected;
- c) guarantees every worker and student the right to protection from any act or behavior that produces a prejudicial effect and that discriminates on the basis of sex or sexual orientation, on the basis of religious beliefs or ideologies of another nature and/or because of ethnic origin, age and disability.

d) guarantees, subsequently, the immediate recourse to timely, simple and impartial procedures, aimed at resolving, with the utmost discretion, cases of harassing behavior and discriminatory acts and preventing their recurrence.

Art. 3 – Definition of sexual and moral harassment and discriminatory acts

1. Sexual harassment means any unwanted act or behavior, including verbal, with a sexual connotation, which, in itself or through its persistence, causes offense to the dignity and freedom of the person who suffers it, thus contributing to creating a humiliating, hostile or intimidating work or study environment.
2. Sexual harassment of particular gravity is any act or behavior that, implicitly or explicitly, tends to use for blackmail purposes, with the underlying aim of obtaining sexual favors, the decisions of the Administration regarding hiring, retention of the position, professional training, career, schedules, emoluments and any other aspect of working life, as well as the decisions of teachers regarding the passing of the profit or degree exams of female and male students.
3. Moral harassment means any act, attitude or behavior of moral or psychological violence in the workplace or at school, repeated over time in a systematic or habitual manner that leads to a deterioration in working or studying conditions that is likely to compromise the health, professionalism or dignity of workers or students.
4. Direct or indirect discriminatory behavior means any act, provision, criterion, practice or active or omitted behavior, apparently neutral, that may put some people in a position of particular disadvantage compared to others and this because of religion, personal beliefs, ethnic origin, disability, sexual orientation or age.

Art. 4 – Responsibilities

1. All those who study and work, in various capacities and with different legal status, at the University of Messina are required to comply with this Code and are subject to disciplinary measures pursuant to the provisions of the relevant legislation.
2. The Rector, the General Director, the Managers and the Heads of the central and decentralized structures guarantee the application of this Code.

Art. 5 – The Confidential Advisor (Consulente di Fiducia)

The professional figure of the Confidential Advisor is established, with the task of providing advice and assistance to those who are subjected to sexual or moral harassment or discriminatory acts and of contributing to the resolution of the case. The Confidential Advisor is a person external to the University appointed by decree of the Rector following the completion of a specific comparative evaluation procedure. The selection takes place through a comparative examination of the CVs and qualifications presented and will aim to ascertain the possession of documented professional preparation and experience, together with sensitivity and ability to listen and communicate. The

comparative evaluation is carried out by a Commission composed of three members, two designated by the Academic Senate and one designated by the CUG from among its members. At the end of the work, the Commission will propose to the Academic Senate a list of three names, from which the Confidential Advisor will be designated.

2. The assignment of this task will be regulated by a specific contract in which the methods with which the Confidential Advisor will carry out his/her functions will be specified and the related compensation will be indicated, which may be a flat rate and/or proportional to the activity performed and the availability given. The Confidential Advisor will remain in office for three years unless one of the two parties withdraws with at least three months' notice.

3. The University may withdraw without notice in the event of inability to perform the functions.

Art. 6 - Procedures

Without prejudice to civil and criminal protection, anyone who has been subjected to sexual or moral harassment or discriminatory acts may, within 60 days of their occurrence, alternatively activate: a) the informal procedure, referred to in the following art. 8, by contacting the Confidential Advisor; b) the formal procedure, referred to in the following art. 9.

Art. 7 Role and subjects of intervention

The Confidential Advisor, upon request of the interested individuals:

- takes charge of the case and provides information on the most suitable methods, including legal ones, to deal with it;
- intervenes, with broad discretion (through interviews, acquisition of any testimonies, conciliatory meetings between the victim and the perpetrator of the harassment, etc.) to ascertain the facts and to facilitate, in a reasonably short time, the overcoming of the situations of discomfort and the restoration of a peaceful working environment.

2. To this end:

- has the means and tools necessary to carry out his/her task;
- has access to the administrative documents relating to the case in question;
- can make use of internal consultants of the University;
- acts in compliance with the injured party and the accused and ensures absolute discretion on the facts, to protect all the subjects involved in ascertaining the matter, both to guarantee the right to confidentiality and to avoid any form of retaliation;
- participates in training activities promoted by the University and other bodies, in the field of equal opportunities, communication techniques, mobbing, self-esteem courses, counseling, etc.

3. The Confidential Advisor may be invited to participate in CUG meetings, as an expert and with an advisory vote, to suggest specific or general actions aimed at promoting a working climate that

ensures equal dignity and freedom of people. He/she is required to report on the activity carried out annually to the CUG and to the Rector.

Art. 8 – Informal procedure

1. The person who is the victim of behaviors that are harmful to his/her dignity may request the intervention of the Confidential Advisor with an informal procedure, which must be concluded within 90 days. The Confidential Advisor examines the case, committing not to take any initiative without first discussing it with the alleged victim of the harassment and receiving his/her express consent. In seeking, where possible, a conciliatory solution, he/she adopts, pursuant to art. 7, the most appropriate initiatives to restore a peaceful work and study environment.

Art. 9 – Formal procedure

1. If the interested party deems any attempt at an informal solution to the problem inappropriate or insufficient, or if, after such an attempt, the unwanted behavior persists, the injured party may file a formal complaint with the Director General, if the accused is part of the technical-administrative staff, or with the Rector, if the latter is a teacher or a student.

2. When the perpetrator of the act is a student, the Rector appoints a disciplinary commission composed of five members: the Rector or his delegate, a member chosen by the Rector, the Confidential Advisor and two members chosen by the CUG. The Disciplinary Commission, after having notified the author of the fact in writing and subsequently heard the same, having ascertained the validity of the complaint - also through the acquisition of information and/or testimonies - will propose to the Rector any actions to be taken (including written warnings, letters of warning, obligation to participate in awareness courses on the topic, requests for compensation for damages). The Rector will decide by decree within 90 days of the establishment of the Commission.

3. In all other cases, if the competent disciplinary body activated deems the facts reported during the relevant procedure to be well-founded, the Rector, in the case of a teacher, or the General Director, in the case of technical-administrative staff, may adopt, upon proposal of the Confidential Advisor, organizational measures suitable for the immediate cessation of the harassing behavior.

4. The complainant must have the opportunity to remain in his/her workplace, if he/she wishes, or to be transferred to another location that does not cause inconvenience.

5. If the report of illegal acts comes from a University employee, the Corruption Prevention Officer must be informed immediately, if this person is not the General Director. In this case, the identity of the complainant cannot be revealed without his/her consent and the related report is excluded from the access provided for by articles 22 and following of Law 7 August 1990, no. 241.

6. The Administration shall proceed to cancel, by way of self-protection and without delay, administrative acts that in any way worsen the subjective position, which derive from threats, blackmail, discrimination attributable to acts of sexual or moral harassment or discriminatory acts.

Art. 10 – Right to confidentiality and honorability

1. All persons responsible for the prevention and resolution of reported cases are required to maintain the utmost confidentiality regarding the facts and information they become aware of during the course of the case.
2. In the event that the complaint proves to be manifestly unfounded, the Administration must guarantee the rehabilitation of the accused person and reserves the right to initiate any disciplinary measures against the opposing party.

Art. 11 – Information

1. The Administration undertakes to ensure the widest possible dissemination of this Code and related initiatives in every University structure and to communicate the location and location of the Confidential Advisor.

TO CONTACT THE CONFIDENTIAL ADVISOR (CONSULENTE DI FIDUCIA) YOU SHOULD SEND AN E-MAIL TO consulente.fiducia@unime.it