

LUISS



# **Code of Conduct for the Prevention and Combating of Discrimination, Bullying and Sexual Harassment**

For the protection of the dignity and welfare of persons at Luiss  
University

June 2023

LUISS





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## Preamble

- Having regard to the Charter of Fundamental Rights of the European Union proclaimed in Nice on 7 December 2000.
- Having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.
- Having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.
- Having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.
- Having regard to Commission Recommendation 92/131/EC of 27 November 1991 on the protection of the dignity of women and men at work.
- Having regard to European Parliament Resolution A3-0043/94 on a new post of confidential counsellor in the workplace.
- Having regard to European Parliament Resolution A5-0283/2001 on harassment in the workplace.
- Having regard to the European Framework Agreement on Work-Related Stress of 8 October 2004 transposed in Italy on 9 June 2008.
- Having regard to Law No. 179 of 30 November 2017, "Provisions for the protection of whistleblowers in public or private workplaces".
- Having regard to Law No. 183 of 4 November 2010, "Delegation of power to the government in the field of demanding jobs, reorganization of institutions, leave of absence, welfare safety net measures, employment services, employment incentives, apprenticeships, women's employment, as well as measures against undeclared work and provisions on public sector employment and labor disputes".
- Having regard to Legislative Decree No. 198 of 11 April 2006, "Code of Equal Opportunities between Men and Women".
- Having regard to Legislative Decree No. 215 of 9 July 2003, "Implementation of Directive 2000/43/EC on equal treatment between persons irrespective of racial or ethnic origin".
- Having regard to Legislative Decree No. 216 of 9 July 2003, "Implementation of Directive 2000/78/EC on equal treatment in employment and occupation".



- Having regard to the Code of Ethics of Luiss University, issued by Rectoral Decree No. 67 of 23 April 2000.
- Having regard to Code of Conduct for Luiss University Students issued by Rectoral Decree No. 137 of 19 July 2022.



## Article 1 - Principles and Purpose

1. This Code is informed by the principles expressed in the Code of Ethics and complements the Student Code of Conduct.

Luiss University:

- categorically prohibits engaging in any conduct detrimental to personal dignity and integrity such as threats, harassment or violent and/or discriminatory behavior;
- recognizes and guarantees as fundamental values respect for the dignity of the person and fundamental human rights;
- pursues its goals in deference to the principle of integrity in its internal and external relations, protecting individual and collective welfare;
- recognizes and observes the principle of equality and nondiscrimination on the basis of religious beliefs, political opinions, social conditions, gender, sexual orientation, ethnicity and disability;
- recognizes and observes the principle of confidentiality in order to protect the physical and moral integrity of individuals, safeguarding their privacy.

## Article 2 - Scope of Application

1. The rules of conduct set out in this Code apply to the entire university community as defined in the Code of Ethics ("Addressees").

## Article 3 - Definitions

1. **Direct discrimination** is defined as any situation in which a person is treated less favorably on grounds of sex, race, ethnicity, religion, belief, disability status, age, nationality or sexual orientation than another person is, has been, or would be treated in a comparable situation.



2. **Indirect discrimination** is defined as any situation in which an apparently neutral provision, criterion or practice is likely to place persons at a particular disadvantage because of their sex, race, ethnicity, religion, belief, disability status, age, nationality or sexual orientation compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.
3. **Bullying** is defined as any unwanted behavior in the form of psychological persecution or duress occurring with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.
4. Gender-based discriminatory behavior and conduct based on racial or ethnic affiliation, religion, belief, disability status, age, nationality or sexual orientation may also constitute bullying.
5. Also included in the notion of bullying is any behavior detrimental to a person's image, such as offence, intimidation, threats, slander, insults, insinuations about aspects related to health and professional characteristics, dissemination of confidential news, and any other action intended to belittle a person.
6. Bullying also includes behavior detrimental to professionalism – such as threats of dismissal, removal from assignments, unreasonable transfers, forced resignations, assignment of improper duties, exclusion from institutional communications and in general actions that give rise to demotivation or a lack of belief in oneself – as well as attempts at marginalization and isolation, understood as restrictions on the opportunity to express oneself, excessive checks and frequent and unwarranted changes of duties with persecutory intent.
7. Any retaliation against anyone who reports bullying behavior or witnesses is itself to be considered as bullying.
8. **Sexual harassment** is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurring with the purpose or effect of violating the dignity of a



person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

## **Article 4 - University Confidential Counsellor**

1. With the aim of ensuring the effective application of this Code, the position of University Confidential Counsellor is established, as provided for in European Parliament Resolution A3-0043/94.
2. The Confidential Counsellor shall provide assistance and advice to members of the university community who are victims of discrimination, sexual harassment and bullying and shall contribute to the resolution of the case. The Counsellor's duties also include preventive measures as well as action to provide information and raise awareness in relation to the various forms of discrimination, bullying and harassment.
3. The Confidential Counsellor is appointed by the General Manager, acting on a proposal from the Rector's Advisor for Diversity and Inclusion, from among individuals outside the University with appropriate and proven experience as well as with specific training in the legal field. The Counsellor will preferably be female, as recommended by the aforementioned European Parliament Resolution.
4. The Confidential Counsellor's appointment lasts three years and may be renewed once. The appointment may be terminated by the General Manager, acting on a proposal from the Rector's Advisor for Diversity and Inclusion, on grounds of serious omissions, delays or violations of the obligations of impartiality, fairness and confidentiality in the performance of the duties assigned to the Counsellor.
5. In the course of the investigations necessary to resolve cases submitted for their examination, the Confidential Counsellor shall be assured the means necessary for the performance of their institutional duties, while respecting the utmost confidentiality with respect to the persons involved.



6. Subject to compliance with the principles of the laws and regulations on privacy, each year the Confidential Counsellor shall prepare a report on their work, including highlighting specific cases and making proposals. The report shall be submitted to the Director General, through the Social Innovation, Diversity & Inclusion Office, and to the Rector, through the latter's Advisor for Diversity and Inclusion,.

## **Article 5 - Informal Procedure**

1. In the event that an unwanted act or behavior occurs in the place of work or study that falls under the definitions in Article 3, the victim of that behavior may contact the designated Confidential Counsellor to initiate an informal procedure in an attempt resolve the case. In the event that the victim contacts Luiss Ti Ascolta (LTA) psychologists in the first instance, they will ask the victim to get in touch with the Counsellor.
2. To this end, the University shall provide the Confidential Counsellor with a dedicated e-mail address and a suitable place to ensure the confidentiality of the interviews.
3. The victim may informally approach the Confidential Counsellor, who, in order to put a stop to the hostile behavior, shall take up the case and inform the victim of the most appropriate ways to deal with it.
4. The Confidential Counsellor shall take steps to facilitate the resolution of the uncomfortable situation in order to restore a serene environment of coexistence. Where the victim of bullying or harassment so permits and where the Counsellor deems it appropriate, the Counsellor may question those involved in the behavior that could offend, create discomfort and interfere with work or study.
5. The Confidential Counsellor's intervention shall be done in a manner that maintains the confidentiality that the case warrants.
6. The Confidential Counsellor may not take any action without first discussing it with the aggrieved party and receiving the latter's express consent.





7. In order to restore a good environment and reestablish a proper relationship between the parties, the Confidential Counsellor may:
  - summon and hear the alleged perpetrator(s) of the bullying or harassment;
  - facilitate, through conciliation and mediation, joint meetings between the victim and perpetrator;
  - oversee the effective cessation of the bullying or harassment.
8. The Confidential Counsellor's intervention shall be concluded within a reasonably short time in relation to the sensitivity of the matter addressed.
9. Any action must be taken promptly, and the informal procedure must in any case be completed within 90 days of the signing of the relevant consent. At any time during the procedure, the aggrieved party may withdraw the complaint.
10. The above steps shall be without prejudice to the right to take legal action and protect oneself in the venues deemed most appropriate by the person who feels that he or she has been the victim of harassment, bullying or other behavior that could constitute wrongdoing or a crime. The Confidential Counsellor may also turn to affiliated specialized centers or may invite the victim to do so.

## **Article 6 - Formal Procedure**

1. In the event that a person who believes that he or she is a victim of discrimination, bullying or harassment falling within the definitions in Article 3 does not wish to opt for the informal procedure or in the event that said procedure has not achieved positive results, the said person may make a formal complaint to the Rector and/or the General Manager.
2. If the complainant deems it necessary, the complaint may also be formalized with the assistance of the Confidential Counsellor.
3. The Rector and/or the General Manager, taking into account the opinion of the Confidential Counsellor, shall adopt appropriate measures to bring the unlawful conduct to an end.



4. Without prejudice to any other heads of liability, conduct that merits disciplinary action shall be punished in the manner provided for in the regulations governing the persons concerned. When the perpetrator is a student, the provisions of the Student Code of Conduct shall apply.
5. In the event that the complaint is proven to be groundless, the University, within the limits of its powers, shall take steps with a view to restoring the accused person's good name.

### **Article 7 - Confidentiality**

1. Victims and accused persons have the right to confidentiality at every stage of the proceedings.
2. Those involved in resolving cases are bound to secrecy about the facts and information that they learn in the course of handling the matter.
3. Those who have experienced discrimination, bullying or harassment have the right to request the omission and/or deletion of their data from any documents liable to publication.

### **Article 8 - Duty to Cooperate**

1. The entire university community must act ensure a study and work environment in which people's dignity is respected and in which discrimination, bullying and harassment are not tolerated in any form.
2. In particular, the heads of units and offices must take steps to prevent discrimination, bullying and harassment and must support those who wish to react, including providing guidance and clarification about the procedures to be followed, while respecting confidentiality.



## **Article 9 - Information and Awareness Initiatives**

1. The University, by such means as it deems most appropriate, undertakes to:
  - provide members of the university community with information regarding the tools for preventing discrimination, bullying and harassment and the procedures that can be followed if such conduct occurs;
  - communicate the name, location, on-call times and contact information of the Confidential Counsellor;
  - give maximum visibility to this Code, including by posting it on notice boards and publishing it on the university website;
  - organize training for prevention and awareness on the issues covered by this Code aimed at students, staff and faculty in order to promote and spread a culture of respect for the individual;
  - include this Code in the information package given to students when first enrolling at the University and to staff and faculty when signing their employment contract;
  - devise information campaigns and set up cooperation networks with local entities that deal with issues similar to those of this Code (e.g. regional and municipal anti-violence centers);
  - monitor the effectiveness of the provisions of this Code based on the outcomes obtained.

# LUISS



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