



**POLITECNICO**  
MILANO 1863

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**Title I Class 3**

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## POLITECNICO DI MILANO

### THE RECTOR

HAVING REGARD to Law No. 168 of 09.05.1989, 168 "Institution of the Ministry of the University and Scientific and Technology Research", and subsequent amendments;

HAVING REGARD to the Recommendation of the European Commission "On the protection of the dignity of women and men at work" of 27 November 1991, no. 92/131/EEC;

HAVING REGARD to Resolution A5-0283/2001 (2001/2339(INI)) adopted by the European Parliament on 20 September 2001 on harassment at the workplace;

HAVING REGARD to Legislative Decree 30/06/2003, no. 196 on the "Personal data protection code", as modified by (EU) Regulation 2016/679 of the European Parliament and of the Council of April 27 2016 on the protection of natural persons with regard to personal data processing and on the free movement of such data, and repealing Directive 95/46/EC (General Regulation on Data Protection);

HAVING REGARD to Legislative Decree 11 April 2006, no. 198 – "Code on equal opportunities for women and men, under article 6 of Law of 28 November 2005, no. 246", and subsequent amendments;

HAVING REGARD to Law 30.12.2010, no. 240 "Rules on the organisation of Universities, academic staff and recruitment, as well as delegation to the Government to promote the quality and efficiency of the university system" and subsequent amendments;

HAVING REGARD to Law 06.11.2012, no. 190 "Provisions for the prevention and suppression of corruption and illegality in public administration";

HAVING REGARD to Presidential Decree 16.04.2013, no. 62 "Regulation containing the behavioural code for public employees, in accordance with Article 54 of Italian Legislative Decree of 30 March 2001, no. 165";

HAVING REGARD to the National Collective Bargaining Agreement of 16 October 2008, relating to the staff of the university sector for the regulatory four-year period 2006-2009 and for the financial two-year period 2006-2007, and in particular articles 50 "Code of ethics and conduct regarding sexual harassment in the workplace" and 51 "Joint committee on bullying";

HAVING REGARD to the current Statute of the Politecnico di Milano;

HAVING REGARD to the current University General Regulation;

HAVING REGARD to Rectoral Decree no. 3183 of 19 April 2019, by which the Code of Ethics and Conduct of the Politecnico di Milano was issued;

HAVING REGARD to Rectoral Decree no. 1629 of 15 June 2010, by which the Politecnico di Milano's Code of Ethics and Conduct, for safeguarding personal dignity, and subsequent amendments was issued;

HAVING ACQUIRED the favourable opinions of the Academic Senate and the Board of Governors, in the respective meetings held on 16 and 17 December 2019, regarding the amendments made to the Politecnico di Milano's Code of Ethics and Conduct for safeguarding personal dignity, including the change of name to the Politecnico di Milano's Code for the Safeguarding of Personal Dignity, and having consulted the Guarantee Committee and the Confidential Counsellor;

RECOGNISING, therefore, the need to make provisions;

## HEREBY DECREES

### Art. 1

- 1) For all the reasons mentioned in the introduction, the Politecnico di Milano's Code of Ethics and Conduct for safeguarding personal dignity, issued under Rectoral Decree no. 1629/AG of 15 June 2010 and amended by Rectoral Decree no. 1698 of 14 April 2015, which changes its name to the Politecnico di Milano's Code for the Safeguarding of Personal Dignity, is further amended as detailed in the text, which is provided in full.
- 2) The changes made are marked in ***bold italics***.

### ***POLITECNICO DI MILANO'S CODE FOR THE SAFEGUARDING OF PERSONAL DIGNITY***

### Art. 1

#### **General principles and scope of application**

- 1) The Politecnico di Milano, referring to EEC Recommendation no. 92/131 of 27 November 1991 on the protection of the dignity of women and men in the workplace, must guarantee all those who work and study at the University a peaceful environment in which the interpersonal relationships follow an example of fairness, equality and mutual respect of personal freedom, dignity and inviolability.
- 2) ***The Politecnico di*** Milano undertakes to remove all obstacles to the exercising of these rights, as well as guaranteeing the right to protection from any act or behaviour that produces a prejudicial effect or that discriminates, even indirectly, against those working and studying within the University.
- 3) The Politecnico di ***Milano intends to foster a climate of wellbeing in terms of organisation and work and interpersonal relationships based on principles of equality and mutual fairness, as well as*** to prevent and combat the phenomena of discrimination, sexual, moral and psychological harassment, and bullying.
- 4) This Code is addressed to teaching, technical and administrative staff, to anyone who carry out research and teaching or service activities ***of any kind within*** the University, and to all students, including PhD students.

### Art. 2

#### **Discrimination**

- 1) The Politecnico di Milano intends to prevent and combat all types of discrimination, both direct and indirect, and therefore any provision, criterion, practice, act, agreement or behaviour that produces a prejudicial effect by discriminating against people on the ***basis of their gender, ethnic or national origin, sexual orientation, religion or beliefs, personal or political views, abilities, social conditions and age***.

### Art. 3

#### **Harassment and sexual harassment**

- 1) The Politecnico di Milano intends to prevent and combat harassment and sexual harassment, defined as any undesirable behaviour that occurs for reasons related to sex, or any undesirable behaviour with a sexual connotation, be it expressed in a physical, verbal or non-verbal form, which has the purpose or effect of violating personal dignity and creating an intimidating, hostile, degrading, humiliating or offensive climate. ***Harassment and sexual harassment are considered forms of discrimination.*** Harassment - that is, any undesirable behaviour that occurs for reasons related to sex which has the purpose or effect of violating the dignity of a worker/student and of creating an intimidating, hostile, degrading, humiliating or offensive climate.

**Art. 4**  
**Bullying**

- 1) The Politecnico di Milano intends to prevent and combat the phenomenon of bullying, understood as any form of moral or psychological violence within the workplace, committed by the employer or other people against other members of staff.

This is characterised by a series of different acts, attitudes or behaviours that are repeated over time in a systematic and habitual way, with aggressive, denigrating and oppressive connotations which lead to a work-related affliction likely to compromise the health and/or professionalism and dignity of the employee in the workplace, up to and including the possibility of excluding them from said workplace.

**Art. 5**  
**Moral and psychological harassment**

- 1) *The Politecnico di Milano intends to prevent and combat all forms of moral and psychological harassment and any hostile, aggressive, denigrating and oppressive behaviour directed at an individual which is physically or psychologically liable to create an environment that is disrespectful, humiliating or damaging to said person's psychological and/or physical integrity. Moral/psychological harassment includes any types of behaviour which could cause damage to the individual's self-image and/or their professionalism.*

**Art. 5bis**  
**Dysfunctions and critical issues in relationships**

- 1) *The Politecnico di Milano intends to prevent and combat any dysfunctions and/or critical issues in relationships that could cause discomfort and/or prejudice to a person or the organisation.*

**Art. 6**  
**Confidential Counsellor**

- 1) The figure of the Confidential Counsellor has been established, as provided for by European Parliament resolution A3-0043/94.
- 2) The Confidential Counsellor provides advice and assistance to anyone who reports having been a victim of discrimination, harassment, bullying, sexual harassment, moral and psychological harassment, or ***dysfunctions and critical issues in relationships that could cause discomfort and/or prejudice to a person or the organisation.*** The Confidential Counsellor is a person outside the University chosen from a pool of people in possession of the suitable human and professional experience for the position. They are designated by the Academic Senate from a list of names provided by the Guarantee Committee (CUG) and are appointed by the Rector.  
The Confidential Counsellor is a person outside the University chosen from a pool of people in possession of the suitable human and professional experience for the position. They are designated by the Academic Senate from a list of names provided by the Guarantee Committee (CUG) and are appointed by the Rector.
- 3) The Confidential Counsellor acts in full autonomy when performing their role. Their position lasts for **three** years and they may be reconfirmed for a second **three-year period**.
- 4) **The University undertakes to support the activities of the Confidential Counsellor from both an organisational and a financial perspective. In the context of the procedures set out in Art. 7 (below), the Confidential Counsellor may access the records and documents of the Administration. Specifically, the functions of the Confidential Counsellor are prevention, listening, informing and training to promote a suitable organisational climate that ensures equal dignity and freedom of the people within the University. The Confidential Counsellor formulates opinions and/or recommendations in relation to the issues which they become aware of in the performance of their role. Depending on the individual situations and the people involved, these recommendations must be addressed to the Rector, the General Management, or the Staff Management, or to other bodies**

**of the University. Should the issues regard matters that fall within the remit of the Guarantee Committee, the recommendations will also be addressed to the Committee itself.** In the context of the procedures set out in Art. 7 (below), the Confidential Counsellor may access the records and documents of the Administration.

5) Every year, the Confidential Counsellor submits a report on their activity to the Rector, the Academic Senate, the Guarantee Committee (CUG) and the parties involved in decentralised collective bargaining.

6) Upon their own request or at the invitation of the Guarantee Committee (CUG), the Confidential Counsellor may participate in the Committee's meetings.

7) The Confidential Counsellor will receive appropriate remuneration for their professional role and the duties they perform.

#### Art. 7

#### **Procedures for the protection of the persons subject to reported behaviours**

1) Without prejudice to the possibility of requesting the initiation of disciplinary proceedings or the opening of legal proceedings, any person who **is the subject of or who has become aware of discrimination, bullying, harassment, sexual harassment or moral and psychological harassment, dysfunctions or critical issues in relationships**, may apply, within 12 months from the occurrence of the last episode, to the Confidential Counsellor, who, once all the relevant information has been collected and in accordance with the procedure for informed consent, will provide the most comprehensive possible advice in order to adopt the most appropriate procedure to protect the person who is the subject of the aforementioned behaviour.

A. Informal procedure

**1A. Should the person who approached them consider it appropriate, the Confidential Counsellor may intervene in order to help to overcome the situation of discomfort or the critical issue with a view to restoring a peaceful working and studying environment.**

2A. The Confidential Counsellor may not take any action without the express consent of the person **who approached them about the matter**. The complaint may be withdrawn by the complainant at any point during the informal procedure.

3A. At the end of the informal procedure, the Confidential Counsellor will draw up a report which must be submitted to the relevant parties **and the person who approached them**.

B. Internal formal procedure

1B. Should the **person who approached the Confidential Counsellor** find that the informal procedure is unsuitable or that the results it has produced are unsatisfactory, they may, within 180 days of the occurrence of the last episode, make use of the formal procedure for reporting the damaging events to the Administration by way of a written report addressed to the Rector.

2B. The Rector, within 15 days, must appoint an investigatory committee formed of five members: the Rector or a representative thereof, a member chosen by the Rector, the Confidential Counsellor, and two members chosen by the Guarantee Committee (CUG), **of which one must be a student if the person subject to the discrimination, harassment, sexual harassment or moral and psychological harassment is a student**.

3B. The investigatory committee has the task of verifying the validity of the complaint, having consulted the parties involved.

4B. Pending the internal formal procedure, the investigatory committee will ensure that the complainant receives adequate protection from any forms of retaliation or persecution.

5B. At every stage of its work, the investigatory committee is required to operate in the utmost confidentiality.

6B. Upon completion of its task, the investigatory committee will draw up a report to be submitted to the Rector and the concerned parties.

7B. Should the complaint be found to be valid, the Rector will call upon the parties responsible for disciplinary proceedings and sanctions to act in accordance with the regulations in force **for each of the parties mentioned in Art. 1, paragraph 4 above**.

8B. Should the complaint be found to be invalid, the Rector will also take steps to clear the name of the person accused and to put in place measures aimed at re-establishing a suitable working and studying environment.

#### **Art. 8 Confidentiality**

- 1) During the investigation, the parties involved are guaranteed complete and total confidentiality.
- 2) The dissemination of information will be considered as a violation of professional ethics, which can be prosecuted under **EU Regulation 679/2016 on data processing**.
- 3) The person **subject to** discrimination, bullying, harassment, sexual harassment or moral and psychological harassment, **dysfunctions or critical issues in relationships** has the right to request the omission of all their data from any document due to be published.
- 4) Any form of retaliation against anyone who reports prohibited behaviour is forbidden. Similar guarantees are also extended to any witnesses. Any cases of direct or indirect retaliation can also be considered a disciplinary matter.

#### **Art. 9 Training and information**

1) The University undertakes to:

- a) ensure the widest possible promotion and communication of this Code to the persons referred to in Article 1;
- b) ensure that the parties concerned are aware of the name of the Confidential Counsellor as well as their location, hours of availability, telephone number and email address;
- c) implement prevention and training projects regarding the issues covered by this Code, with particular attention to the heads of the University facilities, who should promote and spread the culture of personal respect with a view to preventing bullying and sexual or moral/psychological harassment;
- d) define an annual budget that is suitable for supporting the aforementioned projects;
- e) promote an annual monitoring action in order to assess the effectiveness of this Code in preventing and combating discrimination, bullying, harassment, sexual or moral/psychological harassment **and/or critical issues with relationships and organisation**. To this end, the Confidential Counsellor, in agreement with the Guarantee Committee (CUG), will release a specific report on the results of this monitoring to the University's governing bodies and the parties involved in decentralised collective bargaining.

#### **Art. 10 Duty of collaboration**

- 1) **All the parties mentioned in Art. 1 - paragraph 4 of this Code are asked to cooperate with the Confidential Counsellor in order to ensure that there is a working and studying environment in which personal dignity is respected, including reporting any cases of bullying, harassment, sexual harassment, moral and psychological harassment, and/or critical issues with relationships and organisation that they have directly witnessed.**
- 2) **The managers of the facilities and offices have a duty to foster the prevention of discrimination, bullying, harassment and/or critical issues with relationships and organisation in the context of the working and studying environments that they oversee. The University's directors, Heads of Facilities, and central and peripheral bodies are directly responsible for disseminating and ensuring compliance with the Code for the Safeguarding of Personal Dignity, and have a duty to support anybody who intends to make a complaint about the behaviours listed in articles 2, 3, 4 and 5 of this Code, providing guidance and clarification regarding the procedures to be followed.**

**Art. 11**

**Final provisions**

- 1) The Rector undertakes to start the procedure for the appointment of the Confidential Counsellor within 30 days from the date on which the position becomes vacant.
- 2) ***The Politecnico di Milano's Code for the Safeguarding of Personal Dignity is issued by rectoral decree and enters into force on the thirtieth day from the date of registration of the measure, posted in the section <http://www.normativa.polimi.it/>.***

THE RECTOR

Prof. Ferruccio Resta

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