

Within the framework of its autonomy and the principles of its Charter having regard to EEC Recommendation No. 92/131 of 27 November 1991 on the proposal of the Equal Opportunities Committee Ca' Foscari University of Venice approves:

CA' FOSCARI UNIVERSITY OF VENICE

***CODE OF CONDUCT
AGAINST SEXUAL HARASSMENT***

***For the prevention of sexual harassment
and the protection of the dignity
of workers and students
at Ca' Foscari University of Venice.***

In order to affirm the dignity of the individual and prevent behaviour that could be construed as sexual harassment in the workplace, as well as for the successful resolution of any proceedings, Ca' Foscari University of Venice hereby issues this Code of Conduct.

ART. 1
PRINCIPLES AND PURPOSES

Studying and working in a serene environment in which interpersonal relations are based on fairness and mutual respect for personal freedom and dignity is a fundamental right of all workers and students at Ca' Foscari University of Venice.

The Administration hereby undertakes to remove all obstacles to the exercise of these rights, so as to provide a working environment in which men and women respect the inviolability of the individual.

Sexual harassment damages the health, confidence, morale and work motivation of the person subjected to it. It also seriously damages the functioning, working environment and image of this University.

It is inadmissible for anyone to take advantage of their position of hierarchical seniority or the vulnerable situation – whether personal, family or social – of any other person to engage in discriminatory or harassing acts or behaviour. Perpetrators of sexual harassment in the work and study place violate a specific duty of office¹.

Any infringement of the dignity and freedom of workers/students shall constitute a disciplinary offence and must be sanctioned in accordance with the Disciplinary Code of the category to which the harasser belongs.

Anyone who witnesses harassment or discrimination must be supportive with the victim and testify if necessary.

Victims of sexual harassment at this University shall be entitled to have the unwanted behaviour stopped through appropriate procedures aimed at removing the discomfort.

Any unsolicited change in the subjective position of a person who has complained of sexual harassment or has testified in conformity with the complaint which is adopted within one year of the complaint shall be presumed to be discriminatory in nature.

No one may take advantage of their position to eliminate or reduce the guarantees of this Code.

ART. 2
DEFINITION AND CRITERIA FOR ASSESSING SEXUAL HARASSMENT

Sexual harassment is defined as any unwanted act or behaviour – whether physical, verbal, non-verbal – with a sexual connotation or based on sex, which offends the

¹ Article 40 of the Disciplinary Code for Technical and Administrative Staff. Disciplinary Code for Teaching Staff, Student Conduct Regulations. Being treated with respect and fairness is a right, treating others with respect and fairness is a duty, failing to do so may result in the application of the sanctions governed by the various disciplinary codes active within Ca' Foscari University of Venice.

freedom, dignity and inviolability of the person to whom it is directed, either in the work or study environment.

Those subjected to harassment determine what behaviour they can tolerate and what they consider offensive or improper. In fact, it is the unwanted and/or repetitive nature of sexual harassment that distinguishes it from friendly behaviour, which is welcome and reciprocal.

Sexual harassment shall be considered more serious if it is on the grounds of decisions related to employment, access to scholarships and PhDs, access to vocational training, job retention, promotion, remuneration or any other decision pertaining to employment or termination of employment and/or creates an intimidating, hostile or humiliating work or study environment.

Sexual harassment by teaching staff towards students, scholarship holders and assignees shall also be considered more serious.

The following behaviour may constitute sexual harassment:

- sexist behaviour and verbal comments aimed at conveying hostile, patronising or offensive attitudes, implying perceived inferiority of the opposite sex or of the sexual orientation of the person to whom they are addressed;
- inappropriate and offensive conduct aimed at obtaining unwanted physical contact;
- inappropriate and offensive behaviour aimed at proposing sexual services, as exacerbated when occurring through threats of sanctions, punishments, negative consequences on one's job or university career as well as with the promise of rewards and/or advantages in the context of one's job or university career;
- posting or displaying pornographic material on University premises, including in electronic format;
- adoption of sexist criteria in any kind of interpersonal relations.

ART. 3

SCOPE OF APPLICATION

This Code shall apply to all those who study and work in the University, namely students, teaching and technical-administrative staff, holders of scholarships and research grants, visitors or guests, trainees holding a grant or contract, outsourced staff, staff with 'atypical' contracts, conscientious objectors, volunteers, consultants, PhD students and graduates.

In view of the different areas of work within the University, this Code provides for different protection actions depending on the particular nature of the relationship between the subjects concerned.

ART. 4

TRUSTED ADVISOR

Trusted Advisor is the person assigned to provide advice and assistance to persons subjected to sexual harassment.

On the recommendation of the Equal Opportunities Committee, the Rector chooses Trusted Advisors from among persons with the moral qualities and professional experience needed to perform the assigned task. Given the peculiar role of this figure, it is advisable for two Trusted Advisors to be appointed, one with experience in the psychological field, the other in the legal field, preferably from outside Ca' Foscari University of Venice.

Trusted Advisors shall be preferably female, as recommended by the European Parliament Resolution.

Their appointment shall last three years and may be renewed once.

The Administration shall provide Trusted Advisors with adequate means and human resources, as well as free access to documents and information, and shall grant them the possibility of availing themselves of consultants inside and outside the Administration.

Trusted Advisors shall receive remuneration in proportion to the activity rendered and the availability given.

At the end of their term of office, and in any case every year, Trusted Advisors shall report to the Equal Opportunities Committee on their work, suggesting actions aimed at promoting an organisational climate that may ensure the equal dignity and freedom of people.

They shall be entitled to participate in the meetings of the Equal Opportunities Committee in a propositional capacity.

ART. 5

INFORMAL PROCEDURE

At the written request of the person concerned, the Trusted Advisor shall take charge of the harassment case and agree with the harassed person on the actions most suitable to put an end to the harassing behaviour.

The actions that can be taken may include carrying out investigations to assess the case – up to conducting an interview with the perpetrator of the harassing behaviour –, attempting to reconcile the parties and any other action suitable for resolving the case.

At the end of the informal procedure, the Trusted Advisor shall provide the parties and the Administration with proposals regarding the measures deemed most appropriate to put an end to the harassing behaviour and prevent its recurrence.

In serious cases, or in cases where the harasser persists in the same behaviour despite having been informed of its impropriety, the Trusted Advisor may refer the matter to the competent bodies, which shall adopt measures appropriate to the seriousness of the behaviour (verbal or written reprimands, shift or departmental transfers, etc.) to be incorporated in the internal regulations.

Trusted Advisors may not take any action without speaking to the aggrieved party and receiving their express consent.

The informal procedure shall be concluded within 90 days.

The report may be withdrawn by the complainant at any time during the formal procedure.

It is advisable to always resort to the informal procedure, even when wishing to proceed with a formal complaint, either internally or externally.

ART. 6 FORMAL INTERNAL PROCEDURE

If the results of the informal procedure are not deemed satisfactory by the victim of harassment, a formal internal procedure shall follow to provide appropriate closure.

The formal procedure shall begin with a written complaint of the harassing behaviour addressed to the Administrative Director or the Rector by the harassed party or Trusted Advisor.

A Commission shall be set up, consisting of two representatives of the Administration, one trade union representative, and two persons appointed by the Equal Opportunities Committee, all appointed by rectoral decree on the recommendation of their respective bodies. Three alternate members shall be appointed to replace the full members in the event of their inability to participate or in the event of incompatibility caused by direct involvement in the matter under investigation or by friendship or kinship relations with the complainant/complaine (in which case the incompatibility shall be declared directly by the member themselves)

The Commission's term of office shall be three academic years; its members may be confirmed once.

The Commission shall appoint its chairperson. In exercising its functions, it may call on the services of experts.

The minutes and documentation shall be kept at the Rector's Office and entered in the confidential protocol.

The Commission shall receive the complaint, notify the Administration at the competent levels and proceed in compliance with the provisions of the various regulations of

the staff involved on the subject of disciplinary sanctions; moreover, it shall promptly inform the person to whom the complaint is addressed, warning them that this procedure shall absorb the disciplinary one.

The Commission shall resolve the matter promptly, as the procedure shall be concluded within 45 days; said term may be extended by the Commission after giving the parties reasoned notice.

The members of the Commission shall maintain the necessary autonomy, objectivity and confidentiality, under penalty of forfeiture, and shall not be involved in any way whatsoever in the testimonies.

The facts that are the subject of the complaint shall be contested in writing, and the investigations shall be carried out in full compliance with the rights of defence of all those involved.

Investigations shall be covered by absolute confidentiality, even and especially if it is necessary to obtain testimonies, and must focus on the facts, with a complete record of all meetings and elements collected.

Those accused of sexual harassment must be given exact details about the nature of the complaint made and guaranteed the exercise of their defence rights.

Complainants and witnesses must be prevented from making repetitive or inessential statements of fact. During the proceedings, the record of the first testimony given before the Trusted Advisor or the Commission shall be deemed authentic, without prejudice to the complainant's right to supplement it.

During the course of the procedure, the parties may be assisted by a trade union representative or a trusted third person.

During the course of the procedure, the Commission shall assess the possibility of having the Administration adopt the measure of precautionary expulsion from the workplace of one or more of the persons involved; in no case may the person who lodged the complaint be expelled.

The Commission may make an attempt at conciliation at the request of the parties. Should this attempt fail, it shall rule unanimously on the merits of the complaint, informing the parties and indicating to the Administration the sanctioning measures it is required to adopt, which shall in any case be consistent with the provisions of the laws to which the person complained against belongs.

ART. 7 CONFIDENTIALITY

All persons involved in sexual harassment cases shall be bound to secrecy about the facts and news they learn about.

The harassed person shall have the right to request the omission and/or deletion of their name from any document subject to publication for any reason whatsoever.

ART. 8

DUTY OF COOPERATION

Those who are part of the University shall have a duty to contribute to ensuring a study and work environment in which the dignity of people is respected and sexual harassment is neither practised nor permitted. They shall also be called upon to show solidarity with the victim and testify if they have knowledge of the facts.

Those responsible for facilities shall have a special duty to prevent the occurrence of sexual abuse in their areas of responsibility.

Those responsible must also pay attention to and support individuals who want to respond to sexual harassment, provide guidance and clarification on the procedure to be followed, and maintain confidentiality.

ART. 9

AFFIRMATIVE ACTION AND INFORMATION ACTIVITIES

The Administration shall organise and activate regular and timely training activities with respect to the issues covered by these regulations, and in particular with respect to harassment.

It shall also transpose new regulations proposed by the European Union or the competent bodies of the Italian government.

The Administration hereby undertakes to communicate and disclose to all staff and students the name and place of contact of the Trusted Advisor and of the Chairperson of the Equal Opportunities Committee.

This Code must be part of the information material given to students at the time of enrolment, and must be distributed to teaching, technical and administrative staff at the time of signing their employment contract.

The Code can be consulted on the University website on the Regulations page.