HAVING REGARD TO Lgs. D. no. 198 issued on 11 April 2006, “Code of equal opportunities for men and women, in compliance with art. 6 of Law no. 246 issued on 28 November 2005”, as amended;  
HAVING REGARD TO the National Collective Bargaining Agreement dated 16 October 2008 on university staff for the regulatory 4-year period 2006/2009 and the economic two-year period 2006/2007, specifically art. 50 “Code of conduct relating to workplace sexual harassment” and art. 51 “Joint Committee on Mobbing”;  
CONSIDERING the European Parliament Resolution of 20 September 2001 on harassment at the workplace;  
HAVING REGARD TO the current Statute of the Politecnico di Milano;  
HAVING REGARD TO the current General University Regulations;  
RECALLING the Positive Action Plan for the 3-year period 2010/2012, approved by the Board of Governors during its meeting on 15 December 2009 which envisaged, inter alia, the adoption of the Code of Conduct of the Politecnico di Milano;  
HAVING REGARD TO the Decree no. 1629/AG issued on 15 June 2010 with which the Rector enacted the Code of Conduct of the Politecnico di Milano for the protection of personal dignity;  
HAVING OBTAINED the favourable opinions expressed by the Academic Senate and the Board of Governors, during their respective meetings on 23 and 31 March 2015, in relation to the proposal to review the Code of Conduct of the Politecnico di Milano, put forward by the Equality and Non-Discrimination Committee and shared with the Confidential Counsellor of the University;  
HAVING THUS RECOGNISED the need to take action;  

HEREBY  
DECREES  

Art. 1  

1) For the reasons given in the preamble, the Code of Conduct of the Politecnico di Milano for the protection of personal dignity, enacted with Rectoral decree no. 1629/AG issued on 15 June 2010, is amended as shown in the text that is fully reported herein.  
2) The amendments to the articles concerned are in **bold italics**.
CODE OF CONDUCT OF THE POLITECNICO DI MILANO FOR THE PROTECTION OF PERSONAL DIGNITY

Art. 1
General Principles and scope of application
1) The Politecnico di Milano, recalling the Recommendation 92/131/EEC of 27 November 1991 on the protection of the dignity of women and men at work, must guarantee to everyone who works and studies at the University a pleasant environment in which interpersonal relationships are based on fairness and equality and in which men and women respect one another's freedom, dignity and inviolability.
2) The Politecnico is committed to removing any obstacle to the enforcement of these rights and to ensuring protection against any act or conduct that has a prejudicial effect or that causes discrimination, even indirectly, against people operating at the University.
3) In particular, the Politecnico di Milano intends to prevent and fight against discrimination, harassment, sexual, moral and psychological harassment, mobbing.
4) This Code is intended for the teaching and technical-administrative staff of the University, for anyone performing research and teaching activities at the University, in any capacity, for PhD students and undergraduate students.

Art. 2
Discrimination
1) The Politecnico di Milano intends to prevent and fight against any discrimination, whether it be direct or indirect, and thus against any provision, criterion, practice, act, agreement or behaviour that has a prejudicial effect, discriminating people by reason of their sex, ethnic origin, race, religion, sexual orientation, personal and political opinions, disability and age.

Art. 3
Harassment and Sexual Harassment
1) The Politecnico di Milano intends to prevent and fight against harassment and sexual harassment and thus any unwanted conduct based on sex or any unwanted conduct of a sexual nature, whether it be physical, verbal or non-verbal, which is designed or has the effect of violating personal dignity and creating a hostile, degrading, humiliating or offensive environment.
Discrimination encompasses harassment, namely unwanted conduct based on sex, which is designed or has the effect of violating the dignity of a female worker/student or male worker/student and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Discrimination also encompasses sexual harassment, namely unwanted conduct of a sexual nature, whether it be physical, verbal or non-verbal, which is designed or has the effect of violating the dignity of a female worker/student or male worker/student and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Art. 4
Mobbing
1) The Politecnico di Milano intends to prevent and fight against mobbing, this meaning any form of moral and psychical violence at the workplace, committed by either the employer or other subjects against other workers.
Mobbing includes different conduct or behaviour that is systematically and frequently repeated over time, of an aggressive, denigrating or oppressive nature, which is such as to cause distress at work and thus compromise the health and/or professionalism and dignity of an employee at the workplace, even forcing him/her out of the workplace.
Art. 5

Moral and psychological harassment

1) The Politecnico di Milano intends to prevent and fight against any type of moral and psychological harassment and any hostile, aggressive, denigrating and oppressive conduct against individuals, which is physically or psychologically such as to create a disrespectful, humiliating environment or an environment that damages physical-emotional well-being. 

Moral/psychological harassment also includes any conduct that can damage one’s own image and/or professionalism.

Art. 6 Confidential Counsellor

1) The position of Confidential Counsellor, laid down in the European Parliament Resolution A3-0043/94, is hereby established.

2) The Confidential Counsellor provides guidance and assistance to victims of discrimination, harassment, mobbing, sexual harassment, moral and psychological harassment.

The Confidential Counsellor is external to the University and is chosen from amongst individuals who have the human and professional experience required for the position. The Confidential Counsellor is selected by the Academic Senate from a number of individuals referred by the Equality and Non-Discrimination Committee and is appointed by the Rector.

3) The Confidential Counsellor is fully independent in the performance of his/her functions. S/he holds office for two years and may be reconfirmed for another two-year period.

4) The University undertakes to support the Confidential Counsellor’s work, both in organisational and financial terms.

As part of the procedures referred to in art. 7 below, the Confidential Counsellor can have access to documents and records of the Administration.

In particular, the Confidential Counsellor has prevention, listening, information and training functions aimed at fostering an organisational climate that can ensure equal dignity and freedom within the University.

The Confidential Counsellor gives opinions and/or recommendations on issues which the Counsellor becomes aware of in the performance of his/her duties. These recommendations must be addressed, depending on each situation and on the subjects involved, to the Rector, the General Director Office or the Staff Director Office, or to other University bodies. In case of problems concerning issues pertaining to the Equality and Non-Discrimination Committee, such recommendations must be addressed to the Committee too.

5) The Confidential Counsellor submits an annual report on his/her work to the Rector, the Academic Senate, the Equality and Non-Discrimination Committee and to decentralized collective bargaining entities.

6) The Confidential Counsellor may attend the meetings of the Equality and Non-Discrimination Committee, at his/her request or at the invitation of the Committee itself.

7) The Confidential Counsellor will be paid an adequate remuneration based on his/her professional role and services.

Art. 7

Procedures for the protection of victims of prohibited conduct

1) Without prejudice to the possibility of asking for a disciplinary procedure or of bringing a legal action, any victim of prohibited conduct as under arts 2, 3, 4 and 5 may refer, within 12 months of occurrence of the last incident, to the Confidential Counsellor who, after gathering the relevant information, in accordance with the informed consent procedure, will provide a wide range of consultancy services so as to adopt the most appropriate procedure to protect the victim of prohibited conduct.
A. Informal procedure

1A. The Confidential Counsellor, provided this is deemed appropriate by the victim of discrimination, mobbing or harassment, sexual, moral and psychological harassment, takes steps to resolve the situation of distress and to restore a pleasant work and study environment, urging the person whom the Confidential Counsellor has established is its cause, to put an end to such conduct.

2A. The Confidential Counsellor cannot take any steps without the express consent of the victim. The complaint may be withdrawn by the complainant at any time during the informal procedure.

3A. At the end of the informal procedure, the Confidential Counsellor draws up a report to be submitted to the competent subjects.

B. Internal formal procedure

1B. Should the victim of prohibited conduct deem the informal procedure not suitable or the results thereof not to his/her satisfaction, the victim may, within 180 days of occurrence of the last incident, resort to the formal procedure that consists of reporting the harmful event to the Administration via a written complaint to the Rector.

2B. The Rector, within 15 days, appoints an investigation committee made up of five members: the Rector or his/her delegate, a member chosen by the Rector, the Confidential Counsellor, two members chosen by the Equality and Non-Discrimination Committee.

3B. The investigation committee is required to establish whether the complaint is grounded, hearing the subjects concerned.

4B. The investigation committee, while the internal formal procedure is pending, takes steps to ensure that the complainant is protected against any form of retaliation or stalking.

5B. The investigation committee, during all stages of its work, is required to act with the utmost confidentiality.

6B. The investigation committee, at the end of its work, draws up a report that is sent to the Rector and the persons concerned.

7B. If the complaint proves to be grounded, the Rector involves the competent subjects for the corresponding disciplinary procedures and sanctions, in accordance with the rules in force for each category mentioned in Art. 1 above.

8B. If the complaint proves to be groundless, the Rector takes measures to restore the reputation of the accused and to re-establish an adequate work and study environment.

Art. 8
Confidentiality

1) In the course of the investigations, the utmost confidentiality of the subjects concerned is ensured. The disclosure of information is a violation of professional ethics that is punished in accordance with Legislative Decree 196/2003.

2) The victim of discrimination, mobbing, harassment, sexual, moral or psychological harassment, is entitled to ask for his/her data to be omitted in any document to be published.

3) Any form of retaliation against individuals reporting prohibited conduct, is prohibited. A similar protection is granted to witnesses. Any instance of direct or indirect retaliation will be assessed also in disciplinary terms.

Art. 9
Training and information

1) The University undertakes:
   a) to ensure the utmost disclosure of this Code to the subjects listed in article 1;
   b) to communicate the Confidential Counsellor’s name and the details as to when and where s/he can be contacted, as well as his/her phone number and email address, to anyone who is interested therein;
c) to implement prevention and training projects regarding the issues of this Code, with special regard to the Heads of the University Units that will be required to promote and spread the culture of personal respect so as to prevent mobbing, sexual or moral/psychological harassment;

d) to establish an annual budget that is such as to support the aforesaid projects;

e) to promote annual monitoring activities in order to assess the effectiveness of the Code of Conduct in preventing and fighting against discrimination, mobbing, harassment, sexual or moral/psychological harassment. To this end, the Confidential Counsellor, in agreement with the Equality and Non-Discrimination Committee, will send a specific report on the outcome of such monitoring to the government bodies of the University and to decentralised collective bargaining entities.

Art. 10
Duty to collaborate

1) All the recipients of this Code are urged to collaborate, even taking steps themselves should they witness mobbing or harassment or sexual, moral and psychological harassment incidents, in order to ensure a study and work environment that respects personal dignity.

2) The heads of units and offices are required to promote the prevention of discrimination, mobbing, harassment, sexual, moral and psychological harassment in the study and work environments that are supervised thereby. The central and secondary bodies of the University and directors are directly responsible for distribution of and compliance with the Code of Conduct and are required to support any individual who intends to react against prohibited conduct, giving guidance and information on the procedures to follow.

Art. 11
Final provisions

1) The Rector undertakes to start the procedure for the appointment of the Confidential Counsellor within 30 days of the date when such position becomes vacant.

2) The Code of Conduct of the Politecnico di Milano for the protection of personal dignity goes into force thirty days after enactment of this measure, published in the section http://www.normativa.polimi.it/

THE RECTOR
Signed Prof. Giovanni Azzone