

**CODE OF CONDUCT FOR THE PROTECTION
OF THE DIGNITY OF FEMALE AND MALE EMPLOYEES AND
STUDENTS OF THE INTERNATIONAL SCHOOL FOR ADVANCED
STUDIES (SISSA) – TRIESTE**

Preamble

Cases of psychological pressure, mental cruelty and social isolation are considered more and more frequently as problems which concern a person's working life and generally fall within the category of violence or persecution. These are very serious problems with grave and harmful effects, both for individual workers as well as for groups of workers, if they are not evaluated and handled in time. These effects can lead to pathological, mental and physical states, which can sometimes become chronic and develop into a rejection of the person's working life and of their fellow colleagues.

The International School for Advanced Studies in Trieste (SISSA), in consideration of the fundamental principles of equality which have been constitutionally sanctioned, the E.U. Recommendation no. 92/131 on protecting the dignity of men and women in the workplace, and recent regulations on the subject, has drawn up the present code of conduct regarding the harassment of persons who work and study at the School.

The present code aims to guarantee the inviolable right of all those who carry out their activity at the School, whatever the legal status of their relationship with the School may be, to be treated with dignity and respect.

Article 1

Principles and aims

1. It is the right of all male and female workers and students of the School, hereafter referred to as "employees", to live in a working environment where inter-personal relationships are based on correctness and a reciprocal respect for the liberty and dignity of the individual.
2. Any behaviour that discriminates or offends constitutes an intolerable violation of the dignity of the employees.

Sexual harassment and behaviour generally indicated by the term “mobbing” are considered actions that compromise the health, confidence, morale and the performance at work of the person who is subjected to this treatment.

It is not admissible that a superior should take advantage of his/her position or exploit a personal or social position of superiority or family connection by behaving in a discriminating or harassing fashion.

3. The Direction of SISSA undertakes to remove all obstacles that may hinder the implementation of these rights, so as to guarantee a working environment in which men and women respect one another’s integrity.

The Direction guarantees the right of each employee to be protected from any act or behaviour that directly or indirectly is harmful or discriminating.

4. Whoever is the target of discriminating or unwanted conduct has the right that such behaviour should cease, with the aid of a quick and impartial intervention on the part of the Direction.

Any violation of the dignity of employees constitutes the hypothesis of disciplinary tort. It is the task of the Direction of SISSA to insure the safeguarding of the employee who has been molested, also within a civil, penal and psychological context (the first consultation with a lawyer or psychologist being free of charge).

Article 2

Sexual Harassment (Definition and description)

1. The School acknowledges the Commission’s Recommendation on the protection of the dignity of men and women at work (92/131/EEC dated 27/11/1991) published in the EC’s Official Journal no. 49 dated 24/02/1992 and in particular the definition of sexual harassment in art. 2. This Recommendation, which constitutes an integral and essential part of the present Code of Conduct, is attached (enc. no. 1).

Article 3

Mobbing

(Definition and description)

1. “Mobbing” occurs when an employee is consistently made an object of abuse by superiors, and, in particular, when actions are taken to isolate him/her in the workplace or to expel him/her, consequently causing grave harm to their psychological equilibrium and loss of performance and confidence in their abilities, provoking stress, emotional strain and depression.
2. Mobbing can take many forms: from simple exclusion to the spreading of gossip, from continual criticism to systematic persecution, from the assignment of degrading tasks to the ruining of one’s public image/social standing with regard to colleagues and superiors.
3. The so-called “offensive” attitudes are those characterized by an absolute lack of respect and which are detrimental to the general principals that should be at the basis of a respectful and moral attitude towards other people. In practice, it means actions that have a negative effect, in the short or long term, both on single individuals and working groups.

Article 4

Obligation to collaborate

1. All employees must contribute to ensure a working environment in which their dignity is respected.
2. The heads of offices have the particular duty to prevent abuses taking place in the sector for which they are responsible.

3. The heads of offices should also support the person who wishes to react to the harassment, giving indications and clarifications regarding the procedure to be followed, whilst maintaining the maximum discretion.

Article 5

Procedure

1. Besides the protection offered within the terms of civil and penal laws, whoever is subject to sexual harassment and/or “mobbing” can also address their complaint to:

- a) the Confidential Counsellors (informal procedure);
- b) the Administrative Director, who is responsible for carrying out disciplinary procedures as foreseen by the National Contract regarding University employees;
- c) the Director of the School, who is responsible for adopting disciplinary sanctions with regard to the teaching staff, with the authority and limits set out by the laws in force (formal procedure).

2. In all cases the employees, in order to protect their rights, can contact the equal opportunities counsellor as foreseen by Law 10.04.1991 no. 125.

Article 6

Confidential Counsellor

1. The Director of the School selects, in agreement with the employees, two or more Confidential Counsellors - chosen from among the persons who are prepared to undertake this delicate role and, preferably, differing in age, workplace and sex - to provide advice and assistance to employees subjected to harassing behaviour, as specified in articles 2 and 3.

2. The Director nominates the Confidential Counsellors.

3. The Confidential Counsellors should consider the case and give advice on the best way to handle it, without excluding the possibility of undertaking legal procedures if

the behaviour reported is a criminal offence, and should take care to safeguard the rights of both the complainant and the alleged harasser.

4. The Counsellors should monitor any delicate situations about which they have been informed. The Counsellors can request the Director to obtain professional help from outside the School for specific advice on the case under examination.

5. It is important that the Confidential Counsellors maintain the maximum confidentiality. They remain in office for two years and can be re-nominated.

Article 7

Informal Procedure

1. The person subjected to harassment, who wishes to put an end to it without taking formal measures, can ask for the help of the Confidential Counsellor.

2. In order to stop the harassment the Counsellors have a wide choice of action:

- they can give advice, at the request of the interested party, on the best way to handle the situation;
- they can talk to the person accused of harassment and collect any evidence;
- they can request the intervention of experts, should they consider that the case warrants it.

3. The Confidential Counsellors cannot take any action without having first discussed this with the victim of the harassment and without having received their express consent, except in the cases in which it is obligatory to report a criminal offence.

4. The victim can withdraw his/her complaint at any time, having previously discussed this with the Confidential Counsellors.

Article 8

Formal Procedure

1. Should the offended party consider the attempts to find an informal solution to the problem inadequate, he/she can resort to the formal procedure. This is initiated by a written statement by the complainant, addressed to the Director, in which the offensive behaviour is described.
2. The Director, with the assistance of the Counsellors, will carry out an initial investigation and then, should sufficient elements emerge, will initiate the procedure provided for by the laws in force.
3. The Director, together with the Counsellors, will take care to protect the employee who has presented the complaint from any possible retaliation or penalization and will check that the offensive behaviour terminates.
4. Should the complaint be proved to be unfounded, the Administration, within its own jurisdiction, must restore the good name of the person accused and take adequate provisions with regard to the person who initiated the procedure.

Article 9

Confidentiality and Protection

1. All those persons involved in the solution of the cases referred to in Article 2 are obliged to maintain the maximum discretion regarding the facts and information that come to their knowledge during the course of the investigation.
2. Should administrative measures have to be taken which are subject to publication, following or related to procedures regarding sexual harassment or mobbing, the employee who was object of the harassment has the right to request the omission of his/her name from the published document.
3. Any form of direct or indirect retaliation towards persons who denounce cases of harassment or “mobbing”, including witnesses and third persons, can also be judged in a disciplinary context, without excluding the possibility that the person who is subject to the harassment can protect him/herself by taking legal action.

Article 10
Information

1. The Director of the School undertakes to:
 - a) inform the Personnel of the name of the Confidential Consultants and where they can be reached;
 - b) ensure the maximum diffusion of the present Code in the appropriate places.