

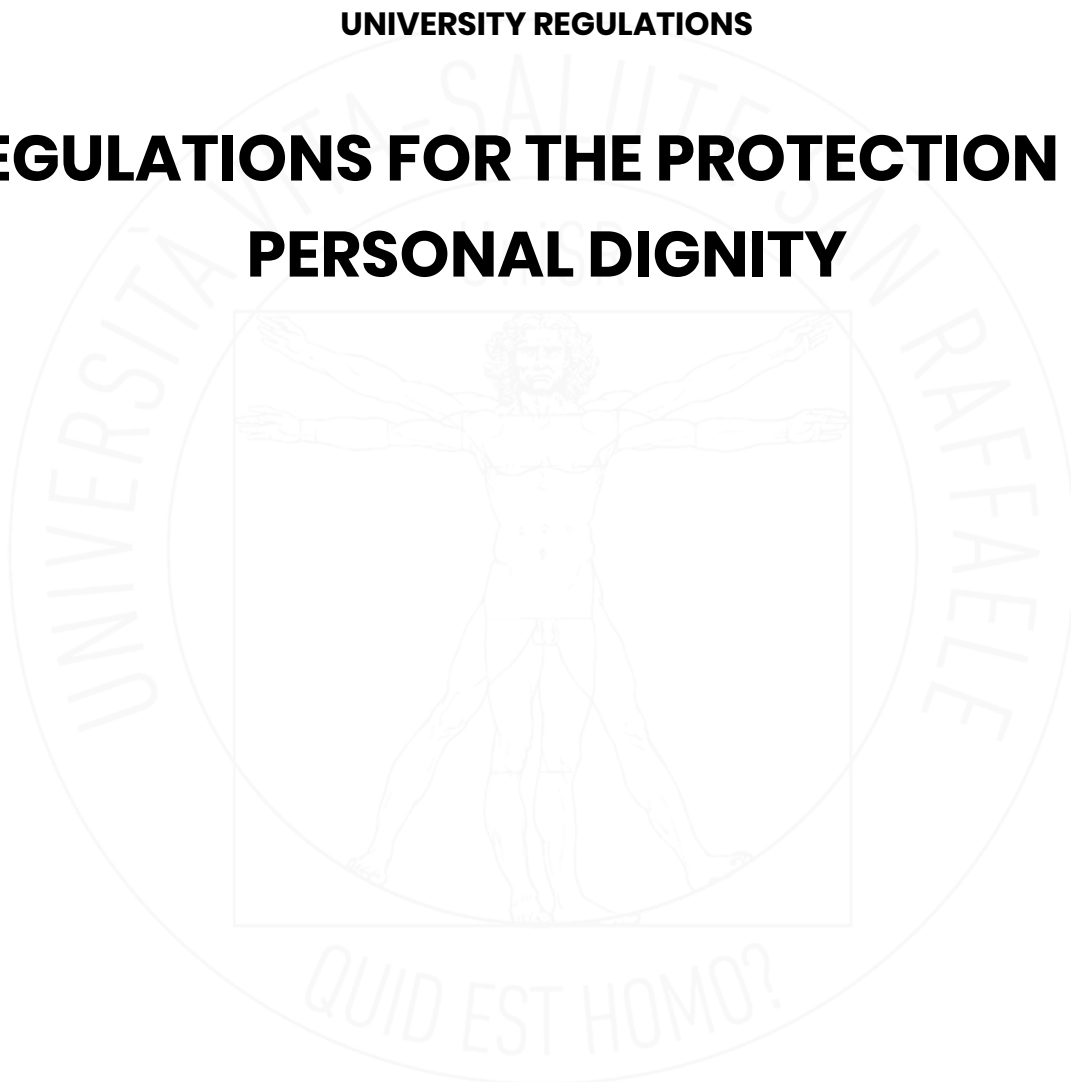


UniSR

Università Vita-Salute
San Raffaele

UNIVERSITY REGULATIONS

REGULATIONS FOR THE PROTECTION OF PERSONAL DIGNITY



ISSUED BY RECTOR'S DECREE NO. 8667 OF 20/12/2023

Contents

1	PURPOSE AND SCOPE	3
	ART.1 Purpose	3
	ART.2 Scope.....	3
2	AIMS AND OBJECTIVES	3
	ART.1 Objectives	3
	ART.2 Purpose	3
	ART.3 University policy on personal protection	3
3	ACRONYMS	4
4	DEFINITIONS.....	4
5	REFERENCE DOCUMENTS	6
6	BACKGROUND.....	8
	ART.1 Background	8
7	PROVISIONS OF THE REGULATIONS	9
	CHAPTER I – PROTECTION OF PERSONS AT VITA–SALUTE SAN RAFFAELE UNIVERSITY	9
	ART.1 General principles	9
	ART.2 Prevention Programmes	10
	ART.3 Training, information and awareness-raising	10
	CHAPTER II – THE CONFIDENTIAL COUNSELLOR(S)	10
	ART.1 The Confidential Counsellor	10
	ART.2 Main tasks of the Confidential Counsellor(s)	11
	ART.3 Additional tasks of the Confidential Counsellor	11
	ART.4 Protecting the reporting person's privacy.....	11
	ART.5 Annual report and meetings with the Equal Opportunities Supervisory Committee.....	11
	CHAPTER III – REPORTS, INFORMAL PROCEDURE, FORMAL PROCEDURE AND INTERNAL INVESTIGATIONS	12
	ART.1 Background	12
	ART.2 Procedure for reporting to the Confidential Counsellor	12
	ART.3 Alternative reporting procedure	13
	ART.4 Informal procedure.....	13
	ART.5 Formal procedure.....	14
8	VALIDITY AND TRANSITIONAL RULES.....	14

1 Purpose and Scope

ART.1 Purpose

1. These Regulations govern, pursuant to Italian Law No. 4 of 15 January 2021 “*Ratification and Implementation of the International Labour Organisation Convention No. 190 of 2019 on the Elimination of Violence and Harassment in the Workplace*”, the prohibition of violence and harassment in the workplace, within the scope of the activities of Vita-Salute San Raffaele University (hereinafter also the “University”).

ART.2 Scope

1. These Regulations apply to the entire university community, from teaching, research and technical and administrative staff to the student body of Vita-Salute San Raffaele University, external staff involved in various ways, candidates and partners, as well as those who are associated with UniSR by external services and consultancy relationships.
2. It also applies to people in training (including those on internships), to workers with whom the employment relationship has ceased in relation to episodes that occurred during the period in which they were employed by or worked with the University, to those who enter the selection process and to anyone else who comes into contact with the People of the Vita-Salute San Raffaele University in the performance of their work or teaching activities.

2 Aims and Objectives

ART.1 Objectives

1. The purpose of this document is to define the general and unavoidable reference principles as well as the conduct not to be tolerated in order to ensure an environment that is free from discrimination, violence and harassment of any form or kind, to which the entire population of the University must be committed.

ART.2 Purpose

1. The purpose of these regulations is to prevent, identify, prohibit and monitor discrimination, harassment, violence and sexually inappropriate behaviour.
2. A further aim of these Regulations is to provide support to individuals who report the conduct referred to in subsection 1 of this Article and protect them from any retaliation, in synergy with the work of the Equal Opportunities Supervisory Committee.

ART.3 University policy on personal protection

1. These Regulations reinforce the commitment that Vita-Salute San Raffaele University has always made to ensure a working environment inspired by respect for equal treatment and equal dignity for all people, regardless of age, origin, citizenship, physical characteristics, skin colour, political opinions,

religion, marital status, gender, sexual orientation and identity, disability and any other category protected by law.

2. Indeed, the University has always:

- guaranteed respect for individual rights and freedoms and endeavours to ensure that the entire university population, in all its complexity and with reference to all its constituent subjects, shares this fundamental principle, ensuring its observance at all levels of working and academic life;
- promoted a culture of equality and equal opportunities and is committed to removing any obstacles to the implementation of these values;
- also considered unacceptable any form of harassment that takes on the character of intimidation and/or blackmail even in relation to decisions taken in the exercise of one's duties, or that occurs by taking advantage of one's position of hierarchical superiority or academic authority.

3 Acronyms

Abbreviation	Description
GEP	Gender Equality Plan
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Plus (i.e. other).
ILO	International Labour Organisation

4 Definitions

Definition	Description
University Community (hereinafter also “University Population”, “People of Vita-Salute San Raffaele University”, “People of the University”)	Those who carry out management, administration, direction or control functions at Vita-Salute San Raffaele University, employees (Teaching and Research Staff and Technical and Administrative Staff), interns, external teaching staff, research and institutional activities, under- and postgraduate students, candidates, partners, as well as those who are associated with UniSR by external services and consultancy relationships, regardless of their contractual status, both as Protected Persons and as third parties required to comply with these Regulations.
Discrimination	Any action, practice or behaviour, even when unintentional, that produces a detrimental effect by discriminating against persons on the grounds of gender (including gender identity or expression), national or ethnic origin, status as a foreigner or citizen, religion, sexual orientation, personal or political beliefs, physical characteristics or age, marital status, parenthood, disability, status as a victim of domestic violence, sexual offences or stalking or any other category protected by law.
Direct discrimination	Discrimination is defined as “direct” when a person is treated less favourably than another person is, has been or would have been treated in a similar situation.
Indirect discrimination	Discrimination is defined as “indirect” where an apparently neutral provision, criterion or practice is likely to put categories of persons or an individual person

	at a disadvantage, unless that provision, criterion or practice is justified by a legitimate aim and the means employed to achieve that aim are appropriate and necessary.
Gender-based harassment and violence	<p>Gender-based harassment and violence are defined as harassment and violence directed against persons because of their sex or gender, or affecting persons of a specific sex or gender, including sexual harassment.</p> <p>Gender-based violence and harassment include, but are not limited to:</p> <ul style="list-style-type: none"> • Violence perpetrated, in physical and/or psychological form, against a person on the grounds of his or her gender, gender identity or sexual orientation, including violence against women and against LGBTQIA+ persons; • The dissemination of intimate images; • Sexual violence, even in a mitigated form.
Moral or psychological harassment	<p>Harassment is defined as “moral” or “psychological” if it is perpetrated by means of unwanted, hostile, aggressive, disparaging or harassing behaviour directed against an individual, having the purpose or effect of violating the person’s dignity and creating an intimidating, degrading, humiliating or offensive environment. In any case not respecting the psychophysical integrity of the person. Conduct that may cause damage to the personal and/or professional image of the individual also constitutes moral or psychological harassment.</p> <p>Examples of harassment include, but are not limited to:</p> <ul style="list-style-type: none"> • Verbal or visual expressions that are abusive, offensive or otherwise characterised by unwelcome confidentiality and that are inconsistent with the nature of the relationship with the counterparty; • Verbal or visual expressions that are disparaging and offensive or otherwise refer to personally identifiable elements (gender, sexual orientation, ethnicity, nationality, religion, political affiliation, physical characteristics, health condition, age and any other personal data); • Acts of bullying, mobbing, or behaviour such as to cause a constant and permanent negative change in the work situation, likely to affect the right to health (also known as “straining”), or any other form of psychological manipulation or abuse; <p>The building of a relationship of trust and emotional connection through which to manipulate, exploit or abuse another person (also known as “grooming”).</p>
Sexual harassment	<p>Harassment is defined as “sexual” if it is perpetrated through unwanted conduct of a sexual nature and any other type of discrimination based on sex, expressed in physical, verbal or non-verbal form, with the purpose or effect of violating the dignity of a female or male worker and creating an intimidating, hostile, degrading, humiliating or offensive climate.</p> <p>Sexual harassment, as gender-based discrimination, violates the principle of equal treatment of persons.</p> <p>Examples of sexual harassment include, but are not limited to:</p> <ul style="list-style-type: none"> • Staring in a sexually suggestive manner or making inappropriate sexual gestures;

	<ul style="list-style-type: none"> • Telling anecdotes, jokes or stories of a sexual nature that make the counterparty uncomfortable; • Expressing judgements on a person's sexuality or physical attractiveness, or making sexual comments about the person's appearance, dress or body parts; • Making derogatory or degrading comments about a person's sexual orientation or gender identity, or making insults with a gender/sexual connotation; • Repeatedly contacting a person (e.g. persistent telephone calls or messages), or persistently asking them for a date; • Making unwanted sexual advances; • Sending explicit or implicit sexually suggestive messages, or sharing or showing sexually inappropriate images or videos in any format; • Purposely touching, pinching, stroking, rubbing or brushing against another person without their consent; • Promising advantages of any kind in exchange for sexual favours or threatening retaliation or negative consequences in the case of refusal.
Reporting Person	A person from the university community who reports one or more discriminatory actions or incidents – even single incidents – of violence or harassment at work.
Protected Persons	All the people belonging to the university community.
Witness	Person within the university community who is aware of the events, because he/she was present or informed by a victim of discrimination, violence or harassment at work.

5 Reference documents

Internal regulatory framework
Code of Ethics
Gender Equality Plan
Organisation, management and control model pursuant to Italian Legislative Decree 231/2001 and Risk Assessment Document
Equal Opportunities Supervisory Committee Regulations
Technical and administrative staff regulations
Regulations governing the operation of the Disciplinary Board pursuant to article 10 of Italian Law no. 240/2010
General University Regulations
Regulations for the application of disciplinary sanctions to students
Regulations for the activation and management of Alias Identities
Statute

Italian regulatory framework
Legislative Decree no. 196/2003 <i>et seq.</i> (Protection and processing of personal data)
Legislative Decree no. 198/2006, as amended (Equal Opportunities Act)
Legislative Decree no. 81/2008 <i>et seq.</i> (Consolidated Health and Safety Act)
Law no. 12/2020 (concerning the establishment of the Ministry of Universities and Research)
Law no. 240/2010 <i>et seq.</i> (Regulations on the organisation of universities, academic staff and recruitment, as well as delegation to the Government to incentivise the quality and efficiency of the university system)
Law no.4/2021 (ratifying and implementing International Labour Organization Convention no. 190/2019 on the Elimination of Violence and Harassment in the Workplace)
Sector reference documents
National Collective Labour Agreement for employees of companies in the service sector: distribution and services - Confcommercio
INAIL Guide - “Riconoscere per prevenire i fenomeni di molestia e violenza sul luogo di lavoro” [Recognising harassment and violence in order to prevent them] (2021)
ISTAT Report on Violence in the Workplace (2018)
UN Global Compact and UN Women, Women’s Empowerment Principles (and Gender-Based Violence and Harassment at Work Policy Template) (2010)
UNI PdR 125:2022 Guidelines on the management system for gender equality
External reference documents
European Framework Agreement on Stress at Work 08/10/2004
Charter of Fundamental Rights of the European Union (or Nice Charter) 20/12/2000
Council of Europe Istanbul Convention of 11/05/2011 on Preventing and combatting violence against women
International Labour Organisation Convention no. 190/2019 on the elimination of violence and harassment in the workplace
ILO Convention no. 187 of 15/06/2006 on occupational health and safety
ILO Convention no. 155 of 22/06/1981 on occupational health and safety
Directive 2012/29/EU (“Victims Directive”) establishing minimum standards on the rights, support and protection of victims of crime
Directive 2000/43/EU implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
Directive 2000/78/EU establishing a general framework for equal treatment in employment and occupation

Directive 2002/73/EU and Directive 2006/54/EU both on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

Recommendation 92/131/EEC on the protection of the dignity of women and men at work

International Labour Organisation Recommendation No. 206/2019 on violence and harassment at work

European Parliament Resolution A3-0043/94 on a new post of “confidential counsellor” at the workplace to prevent and counteract gender-based harassment and sexual harassment

Resolution A5-0283/2001 for the implementation of policies to prevent harassment at the workplace

Treaty of Lisbon of 13/12/2007 “Charter of Fundamental Rights”

6 Background

ART.1 Background

1. *“...the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice”* (Charter of Fundamental Rights of the European Union, Nice Charter).
2. There are *“inviolable and unalienable rights of the person”* and fundamental values of civilised living are *“the respect for human dignity, freedom, democracy, equality”*, values that are shared in *“a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”* (Lisbon Treaty).
3. *“Violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work”* (ILO Convention 190/2019).
4. The above international regulatory principles must find real application in the workplace and each person, within the framework of the University's activities, is accountable for his or her actions, in view of the role s/he plays in the organisation.
5. Vita-Salute San Raffaele University expresses its commitment to supporting a serene, participative and professional working and study environment, free from any form of discrimination, harassment, sexually inappropriate behaviour and violence.
6. In order to promote and defend these principles, Vita-Salute San Raffaele University adopts the following Regulations.

7 Provisions of the Regulations

CHAPTER I – PROTECTION OF PERSONS AT VITA-SALUTE SAN RAFFAELE UNIVERSITY

ART.1 *General principles*

1. Vita-Salute San Raffaele University explicitly rejects any behaviour that constitutes physical or psychological violence, coercion, harassment (including harassment of a sexual nature however it is carried out) and discrimination in general.
2. The University's culture is based on respect, professionalism, non-discrimination and equal opportunities.
3. The entire university community is called upon to respect and promote the principles laid down in these Regulations.
4. The Protected Persons have the right to a work and study place free from violence and harassment.
5. The People of the University have a responsibility to work together to create an environment of respect, to support those who report conduct or incidents of violence and harassment, and to cooperate in the relevant investigations.
6. The governance, advisory, disciplinary and auditing bodies of the University and the Equal Opportunities Supervisory Committee have the task of promoting a culture that counteracts violence and harassment in the workplace and ensures the availability of appropriate reporting channels for the timely handling of situations of violence and harassment.
7. Each area Supervisor is responsible for monitoring compliance with the Regulations, disseminating their principles and taking measures to prevent, identify and report potential breaches.
8. Protected Persons are invited to report incidents of violence or harassment at work of which they become aware, using the reporting channels described in the dedicated section. Such reports must be made in good faith and without fear of retaliation, thus ensuring that no reporting person is discriminated against with detrimental effects related to the report.
9. Protected Persons have the right to confidentiality: information reported and revealed during a possible investigation shall remain confidential. This right must be supplemented with the right to be informed of any danger in the workplace.
10. Any act of retaliation or victimisation against Reporting Persons, Discriminated or Harassed Persons or Witnesses is prohibited.
11. Any conduct by Persons of Vita-Salute San Raffaele University that, following an investigation, is determined to fall within the definition of discrimination, violence or harassment in the workplace as set out in this document, shall be subject to appropriate measures to ensure that the conduct is stopped and sanctioned, in accordance with the provisions of the applicable regulatory instruments, including the disciplinary measures set out in the Organisation, Management and Control Model pursuant to Italian Legislative Decree no. 231 of 8 June 2001.
12. All measures and actions will be taken with the rights of the Protected Person in mind.

13. These measures shall be appropriate and proportionate to the respective level of control of the organisation, and shall provide for measurable objectives.

ART.2 *Prevention Programmes*

1. ILO Convention 190/2019 acknowledges that violence and harassment in the world of work “*affects a person’s psychological, physical and sexual health, dignity, and family and social environment*”. This is why the Convention requires that, among other measures, the dangers and risks relating to violence and harassment at work be identified and that measures be taken to prevent and control them. These measures shall be appropriate and proportionate to the respective level of control of the organisation, and shall provide for measurable objectives.
2. The University is committed to setting up programmes to counteract and prevent violence and harassment at the University, as well as discrimination in general, within which dangers and risks, measures and objectives are assessed, in line with general objective no. 6 of the Gender Equality Plan and with the tasks of the Equal Opportunities Supervisory Committee.

ART.3 *Training, information and awareness-raising*

1. The entire university population is required to make a commitment to act, within the scope of their academic or administrative activities, in compliance with these Regulations and the values and principles contained therein.
2. The People of Vita-Salute San Raffaele University must be informed and trained on the contents of this document and on the applicable regulations on the subject, as well as on their shared responsibility in promoting a culture of work, research and teaching based on mutual respect and on human dignity.
3. To this end, the University ensures that the contents of this document are included in the training and information programmes that are provided on a regular basis to all the People of Vita-Salute San Raffaele University, such as, but not limited to periodic training on the Regulations for all employees, including new recruits; specific training initiatives in order to raise awareness on the subject; training programmes on Health and Safety for those aspects that regard them; training and communication initiatives organised by the GEP Committee and the Equal Opportunities Supervisory Committee, also on the occasion of specific events and recurrences (e.g.: international day for the elimination of violence against women, workshops on value-related issues). Participation in such training events constitutes, for the Persons of Vita-Salute San Raffaele University, proper fulfilment of the contractual employment obligation.

CHAPTER II - THE CONFIDENTIAL COUNSELLOR(S)

ART.1 *The Confidential Counsellor*

1. The Confidential Counsellor is a person from outside the organisation, who is an expert on discrimination, harassment and sexual harassment, and appropriately contracted in order to provide

a listening ear, support and advice on all situations reported to her/him and referring to these Regulations.

2. The name and contact details of the Confidential Counsellor(s) are published on the university intranet, as well as on the university website.

ART.2 *Main tasks of the Confidential Counsellor(s)*

1. The advisory activity of the Confidential Counsellor is addressed to the Reporting Persons and to all those directly or indirectly involved in the university community.
2. It is the Confidential Counsellor's task to
 - manage the reception of Reporting Persons;
 - evaluate the different cases;
 - provide advice and assistance by preparing appropriate intervention strategies.

Should he/she deem it necessary, and subject to the consent of the reporting person, the Confidential Counsellor may interact with the Head of the Administration and Finance Department for possible follow-up action.

ART.3 *Additional tasks of the Confidential Counsellor*

1. The duties of the Confidential Counsellor also include:
 - formulating opinions and/or recommendations, depending on the situation and the persons involved, to the internal bodies concerned in each case, at their request;
 - suggesting appropriate actions aimed at promoting an organisational climate conducive to ensuring the effective equality and protection of individuals within Vita-Salute San Raffaele university;
 - actively participating in the information and training initiatives promoted by the University on the topics addressed in these Regulations;
 - carrying out, in agreement with the Equal Opportunities Supervisory Committee and the University's GEP Committee, information, training and awareness-raising initiatives aimed at preventing discrimination or harassment at the University.

ART.4 *Protecting the reporting person's privacy*

1. The Confidential Counsellor guarantees the anonymity and protection of the privacy of Reporting Persons and of those involved in the reported situation in various capacities.

ART.5 *Annual report and meetings with the Equal Opportunities Supervisory Committee*

1. Each year, the Confidential Counsellor submits a report on his or her activities to the Equal Opportunities Supervisory Committee, the University's GEP Committee, the Health and Safety Service and the Head of the Administration and Finance Department, taking care to omit the identity data of the persons involved in order to guarantee confidentiality.
2. The annual report states:

- the number of cases processed;
 - the number of cases solved;
 - the number of cases withdrawn or still pending;
 - the measures taken;
 - the outcome of the different cases;
 - any other information deemed useful and relevant, while respecting the privacy of the persons involved.
3. The Confidential Counsellor may attend meetings of the Committee at his/her request or at the invitation of the Equal Opportunities Supervisory Committee.

CHAPTER III – REPORTS, INFORMAL PROCEDURE, FORMAL PROCEDURE AND INTERNAL INVESTIGATIONS

ART.1 Background

1. Vita-Salute San Raffaele University adopts (and recommends adopting – Ed.) a bias-free approach towards those who suffer discrimination, harassment or violence at work, in order to create a work and study environment in which people can confidentially and safely report any harmful episodes.
2. Any Protected Person who feels that he or she is subject to conduct that may constitute discrimination, violence or harassment at work, as well as any person who witnesses it, is invited to report the matter using the channels made available by the University, in accordance with the reporting procedure described below.
3. The report handling process guarantees the fair protection of both the reporting person and the reported person; to this end, reports must be followed, at the interview stage, by a detailed description of the facts, events or circumstances constituting the grounds for the alleged discrimination, harassment or violence, and must be made in sufficient detail to allow, on the basis of the available investigative tools, the verification of whether or not the reported facts or circumstances are well-founded.
4. An informal or formal procedure may be initiated following the assessment of the severity of the facts reported and the danger of their recurrence.
5. Where the Confidential Counsellor is not the direct recipient of the report, the assessment of the severity of the facts may take place, when required, with his/her support.
6. The initiation and continuation of the informal or formal procedure is always subject to the consent and approval of the reporting person.

ART.2 Procedure for reporting to the Confidential Counsellor

1. Anyone who believes he/she has been subject to, or witnesses, the inappropriate conduct described in these Regulations may initiate a confidential reporting procedure to the Confidential Counsellor, through which he/she may request an in-depth interview.
2. This is done by sending an e-mail to the e-mail address cdf.UniSR@fondazioneilbellula.com.
3. The report is responded to quickly and in any case within the 48 hours following its receipt.

ART.3 *Alternative reporting procedure*

1. As an alternative to the above procedure, the reporting person may make a report by e-mail:
 - a. to his/her area Supervisor;
 - b. to the Head of the Administration and Finance Department;
 - c. to the President of the Equal Opportunities Supervisory Committee;
 - d. to the Rector's Delegate for Disability and Equal Opportunities.
with which he/she requests an exchange and a subsequent detailed discussion of the reported facts.
2. The detailed interview can take place in person or online, but always confidentially.

ART.4 *Informal procedure*

1. The "informal" procedure is implemented, following a report, for minor situations, which are usually the result of unconscious behaviour and can be resolved through awareness-raising or mediation.
2. If the recipient of the report is one of the persons referred to in article 3 above, he/she shall, following the interview with the reporting person, refer the handling of the procedure to the Confidential Counsellor.
3. The Confidential Counsellor:
 - may meet informally with the person indicated as the perpetrator of the offending conduct in order to collect any testimonies;
 - can take action to remedy the situation that has arisen, by identifying the management solutions best suited to the organisational context, specifically aimed at interrupting the conduct and the resulting discomfort, including a possible clarifying interview between the persons involved or an actual mediation of the conflict.
4. The informal procedure must provide for the implementation of follow-up monitoring by the Confidential Counsellor in order to verify its success.
5. Informal procedures must be concluded as quickly as possible, with a reasonable time limit of 45 days, which can be extended for no more than a further 45 days, depending on the sensitivity and complexity of the actual situation. If the reported conduct is repeated, or retaliatory conduct is carried out towards the reporting person and/or the Witnesses, the "formal" procedure, referred to in Article 5 below, may be undertaken.
6. In accordance with the right to confidentiality, all interviews conducted by the Confidential Counsellor are bound to confidentiality on the part of all persons involved and must be agreed in advance and expressly authorised by the reporting person.

ART.5 *Formal procedure*

1. The “formal” procedure is implemented, following a report, for situations deemed to be serious, attributable to serious discrimination or violent conduct or particularly damaging to a person’s dignity, or that is repeated or represents a risk factor for the person, the University, or both.
2. The recipient of the report, following a careful assessment of the risk factors of the situation, promptly communicates the facts, no later than 48 hours after receiving the report, to the Head of the Administration and Finance Department, who will take any action required to ensure the safety of the person subjected to the reported conduct and for the commencement of a preliminary investigation phase aimed at ascertaining the facts.
3. The formal procedure is taken over and managed by the Head of the Administration and Finance Department, who may, if necessary, avail him/herself of the other potential recipients of the report, who are listed in Article 3.2, always and only with the consent of the reporting person.
4. Once the formal procedure has been initiated, the Head of the Administration and Finance Department informs the Supervisory Board for the follow-up action within its remit. It also informs the Confidential Counsellor.
5. The Reporting Person may be supported by the Confidential Counsellor at all times throughout the procedure.
6. The formal procedure must be concluded in the shortest possible time depending on the sensitivity and complexity of the actual situation.

8 Validity and transitional rules

For all matters not expressly provided for in these Regulations, the applicable legal provisions shall apply.

The Italian version of this Regulations is the only legal means of communication of the relative contents and in case of dispute, the Italian version shall prevail.