



Istituto Nazionale di AstroFisica National Institute for Astrophysics

Comitato Unico di Garanzia INAF Guarantee Committee

CODE OF CONDUCT FOR THE PREVENTION OF SEXUAL AND MORAL HARASSMENT AND THE PROTECTION OF THE DIGNITY OF THE PEOPLE WORKING AT THE NATIONAL INSTITUTE FOR ASTROPHYSICS

ARTICLE 1 AREA OF APPLICATION

1. This Code aims at ensuring that all those who work within INAF including employees, students and external collaborators enjoy the inviolable right to be treated with dignity and respect.

The present Code is designed to prevent acts and behaviours that are abusive and detrimental to a person's dignity, including sexual harassment, and, in the event that they occur, ensure the use of appropriate procedures to address the problem and avoid escalation.

ARTICLE 2 PRINCIPLES AND AIMS

1. Living in a serene working environment, in which interpersonal relationships are marked by fairness, and mutual respect for personal freedom and dignity is a right of all members of the INAF community.

2. To this aim, INAF:

- a) undertakes to remove all obstacles to the fulfilment of this right, so as to ensure a working environment in which women and men mutually respect the inviolability and dignity of any person;
- b) undertakes to guarantee that all INAF employees and guests enjoy the right to be protected from any act or behaviour which has a detrimental effect on interpersonal

relationships and discriminates - even indirectly - by reason of sex, sexual orientation, ethnic origin, language, religion, age, disability, physical appearance, personal convictions, or any other potential category;

c) undertakes to work towards ending harassment that may provoke discomfort or psycho-physical illness, and INAF will pursue timely and impartial procedures against anyone who perpetrates abusive or persecutory behaviour;

d) is committed to take steps to foster mutual respect for the inviolability of the person's right to dignity through continuing education and prevention.

3. No one is allowed to take advantage of their position to eliminate or reduce the guarantees set out in this Code.

ARTICLE 3 DUTY TO COOPERATE

1. The Directors of the various INAF Research Facilities have a duty to prevent the occurrence of discriminatory actions and abusive behaviour, including sexual harassment, moral or psychological violence, which destroy a person's dignity. They must also support the victim, or the person who feels or appears to be the victim pending the related investigation.

2. All workers should contribute to ensuring a working environment in which the dignity of people is respected.

3. Witnesses who do not intervene in defence of victims of harassment, may be considered as co-responsible.

ARTICLE 4 SEXUAL AND MORAL HARASSMENT AND DISCRIMINATORY ACTS: DEFINITION

1. Sexual harassment means any unwanted behaviour with a sexual connotation, or any other type of behaviour based on sex, which offends the dignity of men and women in the workplace, including physical, verbal or nonverbal misconduct.

(EC Recommendation 27.11.91).

Sexual harassment can include acts perpetrated both by persons of the same sex and of the opposite sex.

By way of example, sexual harassment includes - but is not limited to the following cases:

a) implicit or explicit requests for offensive and unwelcome sexual advances;

b) posting or showing pornographic material in the workplace;

c) implicit or explicit promise of facilitations, privileges, or career advancements in exchange of sexual acts, as well as retaliations and threats as a consequence for the refusal to perform such acts;

- d) unwanted and inappropriate physical contact;
- e) verbal and non-verbal remarks or judgements, considered offensive, on the body and sexuality.

2. Moral harassment means acts, attitudes or behaviours of moral or psychological violence repeated over time in a systematic or habitual way leading to a deterioration of the working conditions and/or such to impair the health, the professionalism or the dignity of the person. By way of example, moral harassment and psychological violence include, but are not limited to the following cases:

- a) bothersome and persecutory acts;
- b) exacerbated verbal criticism and abuse;
- c) offences to dignity and humiliations;
- d) denigration of a person's image, also in front of third parties;
- e) conduct aiming at discriminating, discrediting or otherwise harming a person in his/her own career, status, assignment or removal from positions and duties;
- f) dissemination of confidential information, insinuations about psychological or physical problems of the person;
- g) unjustified exclusion or marginalisation from ordinary communications;
- h) systematic underestimation of work not justified by insufficient performance or failure to perform the assigned tasks. In general, actions that create demotivation or distrust in the person, thus discouraging the continuation of his/her activity;
- i) any form of retaliation, including threats affecting the professional sphere, against anyone witnessing harassment or reporting harassing behaviours.

3. A discriminatory conduct takes place when a person is treated less favourably than another person has been or would be treated in a similar situation, or when a seemingly neutral provision, criterion, practice, act, agreement or behaviour may put some people in a particularly disadvantaged position in comparison with others (Art. 2, 2° par. b D.Lgs. 215/03 and D.Lgs. 216/03) because of their sex, or sexual orientation, ethnic origin, language, religion, age, disability, physical appearance, personal beliefs, or any other possible category.

ARTICLE 5 PROCEDURES

1. When an act or a behaviour takes place, including sexual harassment and moral or psychological violence which is detrimental to a person's dignity, anyone who is a victim of this offense can contact the Trusted Adviser to initiate, at his/her choice, the informal or formal procedure, without prejudice to any other form of judicial protection available to him/her.
2. The procedures outlined below are also applicable to situations in which the complaint

includes a victim or a perpetrator who is not employed by the Institute, but who has however been associated with the Institute in some capacity, or holds a mandate from the Institute.

ARTICLE 6

TRUSTED ADVISER

1. A Trusted Adviser is a person responsible for providing advice and assistance to employees who have been the victim of the behaviours mentioned in this Code. It is a person external to the Institute, chosen among people with the appropriate experience and independence to carry out the intended task; appointed by the INAF President, subject to a favourable opinion from the CUG, the adviser lasts in office three years and can be renewed once only. Taking into account the fact that the staff working in INAF Research Facilities is distributed over several locations across the country, the possibility is provided for appointing more than one Trusted Adviser.

2. In order to prevent possible conflicts of interest, the trusted adviser may not be a spouse, relative, related, cohabiting or collaborator of those who hold institutional positions in INAF, including the Director General and the Directors of the various Research Facilities.

3. The Administration provides the trusted adviser with the instruments suitable to fulfill his/her functions.

4. The adviser is given the right to consult with internal and external collaborations in cases under consideration.

5. The adviser can suggest appropriate measures to promote an organizational climate suitable for equal dignity and freedom of people. The adviser takes part in the initiatives of information and training, promoted by INAF on topics mentioned in this Code, in collaboration with CUG. The advisor may also inform the INAF staff of the existence of initiatives of particular interest, related to his/her scope of activity.

6. At the end of his/her term of office, and in any case at least once a year, the Trusted Adviser informs both the INAF President and the CUG on the cases found, and reports on the activity carried out, while ensuring the necessary confidentiality.

ARTICLE 7

INFORMAL PROCEDURE

1. The Trusted Adviser, at the request of the injured person, takes over the treatment of the case in order to put an end to abusive behaviours.

2. The Trusted Adviser cannot take any initiative without the prior express consent of the person

who has denounced the abuse.

3. The Trusted Adviser can:

- a) recommend to the injured person the most appropriate ways to resolve the case;
- b) hear the alleged perpetrator of the reported abusive behaviour;
- c) acquire any testimonies, ensuring anonymity where necessary, and access any administrative documents relating to the case under investigation;
- d) propose meetings for the purpose of reconciliation between the affected person and the offender;
- e) in the most severe cases, suggest to the Director of the relevant Research Facility that one of the persons concerned be transferred elsewhere, subject to the needs of the injured party;
- f) suggest any appropriate actions to ensure a respectful working environment for the freedom and dignity of the staff involved in the case.

4. The informal procedure must be completed within 90 days.

5. The report may be withdrawn by the injured party at any time during the informal procedure.

ARTICLE 8

FORMAL PROCEDURE

1. If the harassed person does not wish to appeal to the Trusted Adviser for recourse (Informal Procedure) or, in case, after such intervention, the abusive behaviour is repeated, the person can make a formal complaint to the Director of the INAF Research Facility in which the alleged perpetrator works with the possible assistance of the Trusted Adviser, without prejudice to any other form of judicial protection available.

2. In the event that the Director of the Research Facility is identified as the perpetrator of the harassment, the complaint must be submitted to the INAF President.

3. In the case that the harasser is not a member of the INAF staff, but rather has been associated with the Institute, in some capacity, or holds a mandate from the Institute, the complaint should be submitted to the Director of the Research Facility in which the injured person works, or to the President, in case the victim of harassment works at the Headquarters.

4. In the event that the injurious conduct should not be sanctioned by verbal reprimand, the Director or President, in the case referred to in the previous paragraph 2, submits the complaint within ten days of receipt to the Director General, in his/her capacity as holder of disciplinary power. The Director General shall be exclusively responsible for the management of the formal procedure, pursuant to the terms and methods provided by the applicable law, bearing in mind that, with the initiation of the disciplinary action, the Trusted Adviser completes his/her activity, both formal and informal, as established, for the specific case by the present Code.

5. Communications to the persons involved will be transmitted by the competent offices of the Research Facilities and/or by the Headquarters, in compliance with the duty of cooperation, expressly provided for by the previous article 3, subject to the following conditions:

- a) updates will be made in reasonable time, without any burden for the persons involved in the procedure (complainant and respondent);
- b) for the protection of the right of confidentiality, the persons involved in the procedure shall not in any way disseminate any information or documents of which they may be aware during its course;
- c) in the event of a breach of the right of confidentiality, expressly protected by article 9 of this Code, the Director and the President will forward to the Director General, within their respective powers, a formal communication for consequent actions.

6. The resulting procedure takes place in accordance with D.Lgs. 165/2001, and subsequent amendments, and with current regulations of the CCNL (Collective Labour Agreement) Education and Research on sanctions and disciplinary procedures.

7. In the disciplinary procedures relating to matters covered by this Code, the Office responsible for disciplinary action can, where deemed appropriate, listen to the Trusted Adviser as a person informed of the facts.

8. INAF, also pending the disciplinary procedure, ensures adequate protection to the person against forms of retaliation or penalization, and sees to it that the injurious behaviour towards him/her ceases.

9. In such cases, at the request of either party, INAF reserves the right, where appropriate, in order to restore a peaceful climate, to take any temporary transfer measures, taking care that they do not cause discomfort to any of the personnel involved.

10. In the event that the complaint, as a result of the procedure referred to in this article, is unfounded, INAF takes, if applicable, the most appropriate measures to protect the dignity and integrity of the person indicated as the offender, after having expressed a favourable opinion.

11. In the event that the proceedings - referred to in par. 4 - result in the adoption of a disciplinary sanction - not less than a fine equal to 4 hours pay by the employer - INAF reserves the right to revoke the assignments, proceeding in accordance with the current rules of the CCNL - Education and Research.

12. INAF reserves the right, in the case when the Administration of the personnel involved referred to in par.1 or 3 does not act promptly, or does not give notice of the results of the disciplinary measure, to take any procedures deemed necessary in order to restore a peaceful climate for all the personnel involved.

ARTICLE 9
CONFIDENTIALITY

1. All persons concerned in solving the cases referred to in this Code, shall be bound by confidentiality as to the facts and information of which they become aware in the course of the proceedings.
2. During the assessment procedure, the parties involved have the right to absolute confidentiality concerning the dissemination of their names.
3. The employee who has suffered acts or behaviours damaging to dignity, has the right to request the omission of his/her name in any document subject to publication for any reason.

ARTICLE 10
TRAINING AND INFORMATION

1. INAF shall organize and implement regular training and information activities concerning the problems described in this Code which may take a decentralised form in the mode of distance learning.
2. Within 30 days from the appointment of the Trusted Adviser, INAF shall publish on its institutional website the name and place of availability of the Trusted Adviser.
3. INAF shall distribute to all personnel, in service, associated, newly appointed or recruited, a copy of the present Code, giving the maximum diffusion through the publication on the institutional website.

ARTICLE 11
IMPLEMENTATION

1. This Code shall enter into force on the fifteenth day following its publication on the INAF website.

ARTICLE 12
CHANGES TO THE CODE

1. Changes to this Code are approved by the Board of Directors, having consulted both CUG and Trade Unions.

2. INAF shall periodically review the results of the adoption of the Code, taking care of any necessary changes or additions, also resulting from the adoption of new National or European rules in matters relating to this Code.

Date of approval by INAF CdA: June 28, 2022 – Resolution nr. 56/2022