Code of Ethics and Protection of the Dignity of Workers and Students of the University of Parma

Article 1

Purpose

1. The Code aims, in implementation of the principles guaranteed by the Statute, to ensure that the conduct of teaching and administrative staff, students and all those who, for various reasons, work at the University of Parma, conforms to the principles that govern the activities of the University, and is not conditioned by interests unrelated to institutional ones.

2. The academic community, as teaching staff, student community, administrative body, inspires its behaviour to the constitutionally guaranteed principles and in particular to those referred to in Articles 2, 3, 4, 9, 33, 34, 37, 54 of the Constitution.

3. The Code also commits to behave in such a way as to
   - implement and spread the fundamental values of legality, solidarity and rejection of all discrimination. Any discriminatory and/or vexatious or harassing behaviour constitutes an intolerable violation of the dignity of all those who work within the university community and compromises the health, trust, morale and work performance of those who suffer it.
   - to live in a serene working environment in which interpersonal relationships are based on fairness and mutual respect for the freedom and dignity of the individual;
   - guarantee freedom of teaching, research and study;
   - Develop a sense of responsibility and respect for duties within the community;
   - prevent anyone from taking advantage of his or her position of hierarchical superiority or the personal, family and social disadvantage of the other person in order to engage in discriminatory, harassing or vexatious acts or behaviour;
   - develop and encourage loyal cooperation, a spirit of service and a sense of community;
   - ensure that the merit criterion is respected in all circumstances, through procedures that ensure the comparative evaluation of the candidates, transparency and publicity of the acts.

4. The Code constitutes an integration and specification, with regard to the University of Parma, of the principles set out in the Code of Conduct for public employees (Decree of the Minister of Public Administration, 28 November 2000), and does not innovate the existing rules on the rights, duties and obligations of teaching and administrative staff.

Article 2

Addressees of the Code

1. The teaching staff of every order and grade, including the Rector, in relation to the tasks and responsibilities assumed within their institutional activities, the activities carried out within monocratic bodies, as well as within bodies, commissions, collegiate bodies, offices and assignments of any type, are required to comply with this code of ethics.
2. Similarly, the technical-administrative staff of all levels, in relation to the tasks and responsibilities assumed both individually and within the scope of Bodies, Commissions and Collegial Bodies, are required to comply with this Code of Ethics.

3. In the same way, students, in relation to the tasks and responsibilities assumed both individually and within the framework of Bodies, Commissions and Collegiate Bodies, are required to comply with this Code of Ethics.

4. The code also applies to all those who, in any capacity, study, work and operate at the University of Parma.

Article 3
Correctness

1. The recipients of the Code are required to:

   a) to base relationships with other members of the University community and with those who come into contact with the University on principles of loyalty and mutual respect;
   b) use the structures and human and financial resources of the University for purposes that are strictly and exclusively related to the exercise of institutional activities;
   c) fully cooperate with the initiatives implemented by the structure they belong to, aimed at improving the quality of the services it is required to provide;
   d) not to behave in such a way as to damage the good name of the University. In particular:

   • teaching staff are required to carry out their teaching and research duties scrupulously and correctly, and to behave in a helpful and open manner towards students and other staff;
   • technical-administrative personnel are required to perform their assigned duties scrupulously and correctly, collaborating openly with their colleagues and behaving courteously and proactively;
   • the student component is required to fully respect people and places by pursuing its learning objectives and the achievement of academic results with diligence, honesty and frank transparency.

Article 4
Conflict of interest and impartiality

1. The addressees of the Code, as identified in the above-mentioned art. 2, are required to refrain from any conduct that may give rise to conflicts of interest, even potential ones, and must take the most appropriate measures to avoid any situation that may lead to such a conflict. A conflict of interest exists whenever a member of the university community has a subjective interest that conflicts with those of the institution and deliberately engages in conduct that favours the former, with clear and evident damage to the latter. This conflict also concerns external working relationships with potentially competing training bodies or universities.

2. In particular, each recipient is required to:
a) abstain from taking or contributing to taking, even within the framework of collegial bodies, decisions that involve individual interests of his/her own, of his/her spouse, of cohabitants, of relatives within the fourth degree or relatives-in-law within the second degree, or with persons with whom he/she has relationships of habitual frequentation or of persons or organisations with whom he or she or his or her spouse has a pending lawsuit or serious enmity or significant credit or debt relationships, or of persons or organisations of which he or she is guardian, curator, attorney or agent, or of bodies, associations, including unrecognised ones, committees, companies or establishments of which he or she is director or manager or executive;

b) refrain from any behaviour that could be, directly or indirectly, a form of favouritism or nepotism, and to comply with the provisions of incompatibility provided for in art. 18, c.1 lett. b) and c) of Law n. 240/2010;

c) refuse any donation, loan or other benefit that may constitute, even indirectly, an obstacle to compliance with the criterion of merit or may in any case cast doubt on the impartial exercise of their functions.

3 If a faculty member finds himself in a situation of conflict of interest, even if potential, he shall promptly inform the Director of the department to which he belongs, who shall take charge of the matter and, after examining the circumstances, shall take a reasoned decision on the relevance of the conflict, deciding whether or not to abstain and taking the consequent necessary actions and measures.

4 If the Department Director finds himself in a situation of conflict of interest, even if potential, he shall promptly notify the Rector, who shall take charge of the matter and, after examining the circumstances, shall take a reasoned decision on the relevance of the conflict, ordering whether or not to abstain and taking the consequent necessary actions and measures.

5 Should the Rector find himself in a situation of conflict of interest, even if potential, he shall promptly inform the Academic Senate which, after examining the circumstances, shall take a reasoned decision on the relevance of the conflict, ordering abstention. Should the Academic Senate identify a conflict of interest, it shall appoint a Pro Rector with specific responsibility for the matter in question or, failing that, a Deputy Pro Rector to replace the Rector limited to the activity for which the conflict has been identified, taking the necessary actions and measures.

6 Notifications of the existence of situations of conflict of interest, including potential ones, as referred to in the preceding paragraphs, shall be made promptly in writing before any action is taken and any measures are taken, attaching any information that may be useful for assessing the relevance of the conflict of interest.

7 The procedure for technical-administrative personnel is governed by the current code of conduct.

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**Article 5**

**Freedom and personal dignity**

1. The recipients of the Code are required to:

   a) refrain from any discriminatory or harassing behaviour, or behaviour that may damage the honour and reputation of colleagues, collaborators, students and anyone who comes into contact with the university structures;

   b) refrain from any conduct that might constitute, by virtue of the authority of the position held, undue interference in the exercise of functions and duties that are the responsibility of other persons.
Article 6
Name of the University of Parma

1. The entire University community is expected to respect and ensure the good name of the University and to conduct themselves in a consonant manner.

2. Each individual member is therefore not allowed:
   a) make unlawful or improper use of the name of the University of Parma, its logo and symbols belonging to it;
   b) exploit and improperly use the name of the University externally, especially if associated with external professional activities, even if unpaid;

Article 7
Freedom of teaching, research and study

1. The University of Parma, seat of scientific research and critical transmission of knowledge, combines research and teaching in an organic way guaranteeing full freedom and enhancing intellectual freedom and the free exchange of ideas for the achievement of its institutional mission.

2. The University recognizes the freedom of teaching and research as essential to the orderly conduct of institutional activities and therefore is committed to avoiding any attempt to limit or violate that freedom.

3. The teaching staff has the right and the duty to carry out research and teaching activities with full freedom of choice, as provided for by the regulations in force and, in particular, as provided for by the University Statute.

Article 8
Intellectual property

1. Except as otherwise provided, members of the University community are expected to comply with intellectual property and plagiarism regulations.

2. The University of Parma, in view of the social relevance of scientific research, believes that its results should contribute to the development and welfare of the community; intellectual property is therefore presumed in favour of the University within a mutual relationship of sharing objectives regarding the use of research results.

3. Plagiarism is defined as the partial or total attribution of another person's words, ideas, research or findings to oneself or another author, regardless of the language in which they are officially presented or disseminated, or in the omission of citation of sources. Plagiarism may be intentional or the effect of non-diligent conduct.

4. In the context of academic activities of scientific and didactic importance carried out collectively, the coordinator is responsible:
   a) promote the conditions that allow each participant to operate with integrity, honesty, professionalism, freedom;
b) to enhance individual merits, by having them recognized, and to identify the responsibilities of each participant;
c) encourage dialogue, cooperation, criticism, argumentation, development of ideas and personal skills.

Article 9

Use of university resources, services and spaces

The members of the University of Parma referred to in Article 2 of this Code must use University services and resources and spaces in a manner consistent with institutional purposes.

Article 10

Definition of sexual harassment, moral harassment and discriminatory acts

1. Sexual harassment means any unwanted behaviour with sexual connotations, expressed in physical, verbal or non-verbal form, with the purpose or effect of violating the dignity of persons and creating an intimidating, hostile, degrading, humiliating or offensive atmosphere in the work and study environment.
2. Sexual harassment is considered to be sexual discrimination because the determining factor is the sex of the person being harassed and, therefore, it is prohibited because it violates the dignity of the person and the principle of equal treatment between women and men. The unwanted nature of sexual harassment distinguishes it from friendly behaviour, which is welcome and reciprocal. It is up to the victim to decide which behaviour can be tolerated and which is offensive.
3. The characteristics of sexual harassment include acts perpetrated by persons of both the same and opposite sex.
4. Sexual harassment is particularly serious if the refusal or acceptance of the person concerned by such conduct is assumed, explicitly or implicitly, by employers or co-workers, as a result of decisions concerning access to vocational training, recruitment, job retention, promotion, remuneration or any other decision relating to employment or service and study relationships.
5. Equally serious is the harassment of students by teaching staff.
6. Examples that fall under sexual harassment behaviour include:
   a) explicit or implicit requests for sexual performance or attention of an unwelcome sexual nature that is considered unseemly and offensive to the subject;
   b) threats, discrimination and blackmail suffered as a result of rejecting sexual conduct or, conversely, submitting to it, which directly or indirectly affects the establishment, course or termination of employment and career progression;
   c) annoying and unwanted physical contact;
   d) offensive verbal comments about the body and sexuality;
   e) provocative and unwanted sexual gestures or winks;
   f) display of pornographic material in the workplace.
7. Moral harassment is defined as acts, attitudes or behaviours of moral or psychological violence at work or study, repeated over time in a systematic or habitual manner, which lead to a degradation of the working or study conditions capable of compromising the health, professionalism or dignity of the worker or student.

8. Discriminatory behaviour means behaviour whereby one person is treated less favourably than another would be in a similar situation; a provision is discriminatory if it contains a criterion, a practice, which is apparently neutral, but which may put some people at a particular disadvantage compared to others (see Legislative Decree 215/03 and Legislative Decree 216/03) and this is because of religion, ethnic origin, disability, sexual orientation, age, gender, personal beliefs and ideologies.

Article 11

Procedures to protect the harassed person

Without prejudice to the protection in civil and criminal law within the prescribed time limits, anyone who has been subjected to sexual or moral harassment and/or discrimination, as described in the previous article, may make a complaint, alternatively:

1. to the Trustee(s)
2. to the Rector

Article 12 Trusted adviser(s)

The Trusted Counsellor(s), preferably a woman, shall be the person responsible for providing advice and assistance to those who are subject to harassment and/or discrimination, as referred to in Article 10.

The Rector, upon the proposal of the Equal Opportunities Committee, appoints, among the persons from outside the University who have human and professional experience suitable to carry out the task, the trusted Advisor(s).

He/she remains in office for three years and may be reappointed only once. This appointment may be revoked by the Administration, with a reasoned opinion, after consulting the Equal Opportunities Committee, in cases of serious non-compliance, omissions, delays or violations of the obligations of impartiality, fairness and confidentiality established by this code in the performance of their duties.

Article 13 Informal procedure

Anyone who has suffered or is exposed to sexual harassment, moral harassment and discrimination in the workplace and in the workplace, pursuant to and for the purposes of Article 10, may avail themselves of the informal procedure, addressing themselves directly to the Trusted Counsellor(s) for the handling of the case.

The Trusted Advisor(s), at the express request of the person involved, shall take over the handling of the case and:

- advise on the most appropriate way to resolve the case;
- calls the perpetrator/offender for an interview;
• acquires any testimonies and has access to the administrative documents relating to the case under examination;
• may propose conciliation meetings between the person concerned and the perpetrator;
• in the most serious cases, may advise the person in charge of the competent structure to move one of the persons involved;
• suggests actions however appropriate in order to ensure a work and study environment respectful of the freedom and dignity of the persons involved in the case.

The Trustee(s) may not take any action without the prior express consent of the person involved in the harassment.

The informal procedure must be completed within 120 days.

Under no circumstances may the Trusted Advisor(s) be called to testify in the formal procedure.

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

**Article 14 Formal procedure**

If the harassed person does not deem the informal procedure suitable or the results achieved are not satisfactory, he/she may resort to the formal complaint procedure, reporting the harassing behaviour to the Rector in writing, possibly with the assistance of his/her trusted advisor(s) and the Equal Opportunities Committee.

The Administration promotes preliminary investigations and disciplinary proceedings, in accordance with the procedures provided for by current legislation.

In carrying out the preliminary investigations, it can avail itself of the technical advice of the trusted Advisor(s).

The Administration, in compliance with law no. 128/06, pending the formal internal procedure, ensures the person involved adequate protection from forms of retaliation or persecution and a similar guarantee is reserved for those who have testified in conformity with the report of harassment.

If it is found that the report is well-founded, the disciplinary measures provided for by current regulations and contracts are applied to the perpetrators of sexual and moral harassment and discriminatory behaviour, in proportion to the seriousness of the act and in function of the protection of the victim of the harassment. The Administration also ensures that the harassing behaviour ceases.

Anyone who knowingly reports non-existent facts in order to denigrate someone or, in any case, to obtain advantages in work or study, is liable to disciplinary action. In this case, proving the unfounded complaint, the Administration undertakes to restore the good name of the person accused, also guaranteeing forms of publicity when requested by the person concerned.

All acts relating to the formal procedure are recorded in the Administration’s confidential protocol.

**Article 15 Confidentiality of procedures**

All persons who, by reason of their office or position, are informed of and interested in the resolution of cases of sexual or moral harassment and/or cases of discrimination are bound to secrecy about the facts and information they learn in the course of handling the case.
Anyone who becomes aware of a case of sexual or moral harassment or discrimination must respect the right of confidentiality of the persons involved.

The person who has been harassed has the right to request that his or her name be omitted from any document subject to publication for any reason whatsoever.

The right of access to administrative acts is guaranteed to those directly concerned and to third parties who may be prejudiced by the measure and whose knowledge is necessary to take care of or defend their legal interests.

Article 16
Penalties

1. Breaches of the Code by members of the University community, different from and in addition to the types of disciplinary offences currently in force for the same subjects and for which the specific legal provisions continue to apply, give rise, depending on the seriousness of the breach, to the application of the following sanctions, in compliance with the principle of gradualness and proportionality:
   a) warning letter
   b) recall with publication on the institutional website of the University.

2. The initiation of the procedure for ethical violations is the responsibility of the Rector who, within a reasonable period of time from the knowledge of the facts, transmits the acts to the Academic Senate, formulating the relative proposal.

3. The Senate operates according to the principle of judgement among equals, respecting the contradictory and deciding within the peremptory term of 120 days from the receipt of the proposal imposing the sanction or ordering the closure of the proceedings.

4. Specific internal regulations will detail the procedures for conducting the procedure in order to guarantee the right of defence, the principle of cross-examination and the conduct of the preliminary investigation phase.

Article 17 Transitional provisions

1. When the "Single Guarantee Committee for equal opportunities, the enhancement of the welfare of those who work and against discrimination" is set up, it will replace the Equal Opportunities Committee currently in force, in all the powers and fulfilsments of this Code.

2. The provision of art. 16, paragraph 1, in the phrase "according to the principle of peer review", will be fully implemented following the application of the Statute adopted by the University of Parma pursuant to Law n. 240 of 30 December.