

EUI POLICY ON HARASSMENT, SEXUAL HARASSMENT AND BULLYING



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With the support of the
Erasmus+ Programme
of the European Union

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I. INTRODUCTION

The EUI is committed to ensuring a stimulating and supportive learning and working environment that is free from any form of harassment, including sexual harassment and bullying. This policy reinforces the standards of respect and civility with which members of the Institute are expected to treat one another and aims to guarantee equal and inclusive access to all EUI activities. The EUI is committed to a zero-tolerance approach to harassment and bullying, taking proactive measures to prevent these forms of conduct, and securing prompt and effective redressal of grievances.

This document outlines the Institute's definitions and procedures related to these types of misconduct. The Institute regards breaches of this policy as potentially serious breaches of academic discipline and/or staff conditions. The types of behaviours addressed in this document also fall within the scope of Italian law. A regularly updated annex to this document that includes guidance and translations regarding Italian laws will be made available online. The policy provides for the establishment of advisory, support and problem-solving mechanisms:

- a. The **Confidential Harassment Advice Service** is responsible for assisting members of the EUI community in understanding their rights, as well as the support measures and choices available to them.
- b. The **Harassment Decision-Panel** is the authority responsible for investigating and making decisions on formal complaints.
- c. The **Harassment Policy Committee** is the policymaking and advisory body in relation to this policy.

This institutional architecture contemplates a clear separation of institutional functions and adopts a victim-centered approach.

1.1 SCOPE OF THE POLICY

1.1.1 This policy applies to all current members¹ of the Institute in their dealings with each other. All members of the EUI community including support staff, faculty, early-stage researchers, students and others are expected to be treated, and to treat each other, with dignity and respect.

1 This policy applies from its moment of entry into force and where at least one party is still at the EUI.

This commitment to fair treatment and mutual respect applies equally to interpersonal relations that are characterised by a relation of authority or power (hierarchy, supervision, mentoring, influence on career, etc.). This policy also applies to electronic communications and on social media, and in any type of context, including that of a recreational nature, be it on campus or elsewhere

1.1.2 This policy also applies to all individuals with authorised presence on EUI premises.

1.1.3 The Institute has the duty to bring this policy to the attention of all its members and visitors.

1.1.4 This policy may result in the activation of EUI disciplinary procedures.

1.1.5 Italian law also addresses conduct that may meet the Institute's definitions of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by the EUI.

1.2 DEFINITIONS

The definitions listed below stem from relevant EUI regulation, such as Staff Regulations, and EU legislation on harassment in the various Equality Directives.

1.2.1 **Harassment** is unwanted conduct related to characteristics such as sex, gender, race, colour, ethnic or social origin, genetic features, language, religion, belief, political or any other opinion, membership of a national minority, birth, health conditions including mental health, disability, age, or sexual orientation which has the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Such conduct includes online harassment via social media and all forms of electronic communication. Harassment may in some cases also amount to the offence of stalking under the Italian Penal Code.

1.2.2 **Sexual harassment** is behaviour of a sexual nature including retaliatory conduct in response to rejection of sexual advances that has the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Such conduct can include online harassment via social media and all forms of electronic communication.

Sexual harassment may additionally involve a criminal act such as assault, stalking or gender violence under the Italian Penal Code.

1.2.3 Psychological harassment and bullying mean any improper conduct that is usually repetitive or systematic, and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity, or physical or psychological integrity of any person. Such conduct includes electronic communications and social media publications. The conduct may be perpetrated by one person or a group of persons. In the latter case, it is referred to as 'mobbing'.

These forms of unacceptable conduct can take many forms. A single act can amount to harassment if sufficiently serious. Psychological harassment can take several forms in everyday interactions that are insidious in nature and are perceived as such by the recipient.

The standard for deciding if any particular conduct is harassment or bullying is whether the conduct or behaviour would reasonably be regarded as such having due regard to all the circumstances of the case including the perception of the recipient.

II. TRAINING, SUPPORT, DECISION MAKING AND POLICY MAKING

2.1 DISSEMINATION AND TRAINING

2.1.1 The Institute will bring this policy to the attention of all its members and will provide mandatory training. This policy will be published in a prominent place on the EUI website. Information on this policy will be disseminated in an easily accessible and digestible form through a range of communication vehicles.

2.1.2 EUI members must complete the mandatory training in order to maintain their EUI status or affiliation. Additionally, training modules, including on issues relating to sexual harassment, will be provided to EUI members, which they will be expected to access at least once every two years during their time at the EUI to ensure that the standards of expected conduct and the sources of support are well disseminated.

2.1.3 A record of completion of the mandatory training will be maintained by the Academic Service and by the Human Resources Service for the relevant EUI categories. Training and dissemination will also be provided in the Italian language to ensure the inclusion of all community members, such as outsourced staff.

2.1.4 This policy and associated training materials will be available on the EUI webpages and communicated to all new EUI members as part of their induction. Additional targeted training and support will be provided to individuals who are responsible for interpreting and applying this policy to enable them to fulfil their functions.

2.1.5 Training programmes, resources, and guidelines will be regularly monitored in order to continuously improve the quality and efficacy of the structured training programme.

2.2 THE CONFIDENTIAL HARASSMENT ADVICE SERVICE (CHAS)

2.2.1 The EUI provides a specialized confidential harassment advice service (CHAS) for EUI members to obtain information and assistance on their rights under this policy. The service is staffed by EUI staff members, acting as safe contacts, who have training in the policies, structures and procedures

of the EUI. Individuals who consider they have experienced or witnessed problematic behaviour within the scope of this policy are strongly encouraged to approach the CHAS to discuss their concerns and understand the choices available to them. The service assists and advises EUI members in identifying avenues for institutional support both within and external to the EUI. It also provides supportive measures to attempt personal resolution of the problem if the individual so wishes, and potentially mediates solutions.

2.2.2 Individuals can approach the CHAS for information on how to keep records of events and organise evidence. In addition, the CHAS can provide information on the procedure for initiating a formal complaint to the EUI *Harassment Decision-Panel* or to external bodies where relevant, and the potential remedies that are available under these procedures. The CHAS works closely with the EUI psychologists and the legal advisor. It is also able to contact the heads of academic units, directors of graduate studies, senior management and other members of the EUI community who may be able to provide informal support and reasonable adjustments of work or academic environments when provisional measures are needed. This service is available regardless of whether formal grievance proceedings are initiated.

2.2.3 Any consultation between an EUI member and a member of the CHAS remains strictly confidential. However, the individual seeking advice may provide explicit consent for the information to be shared with another CHAS member or other sources of support or expertise.

2.2.4 The CHAS has a coordinator who acts as a reference point for the CHAS team. The coordinator and the team members act as safe contacts in confidentiality and autonomy in their advisory roles regardless of their main functions at the EUI. Therefore, in this specific task, they act in independence from their regular line of management.

- 1) The CHAS members will include support and academic staff from the various units of the EUI. The team may be composed of six or seven members to ensure that it is spread across EUI units.
- 2) The selection criteria for the members of CHAS will be based on their profiles, training, aptitude and experiences.
- 3) The CHAS team will be appointed based on a survey conducted by the Human Resources Service among members of the EUI, asking them to indicate the EUI staff members they would feel comfortable in approaching if they needed to report an incident.
- 4) The CHAS members will receive specialised training in order to enable

them to provide advice regarding available legal support, health and wellbeing services, protection of personal data and advice on how to keep records and lodge a formal complaint.

- 5) Membership of the CHAS will reflect balanced gender representation. It will also strive to reflect diversity in terms of ethnicity, race, sexual orientation, or any other relevant background to the extent possible.

2.2.5 Individuals are encouraged (but not required) to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. The CHAS team can provide relevant information and assistance in these cases. Information and translation will also be provided on relevant Italian laws and on the legal remedies that may be available.

2.3 THE HARASSMENT DECISION-PANEL (THE DECISION-PANEL)

2.3.1 The Harassment Decision-Panel is the authority responsible for investigating and making decisions on formal complaints. It is composed of three members appointed by the President with the advice and consent of the Academic Council.

2.3.2 The Decision-Panel will be composed of:

- 1) One of the EUI Deans.
- 2) An external Ombudsperson. The external Ombudsperson will be a senior figure with a high moral status and expertise, in principle of the female gender, with relevant professional experience and a legal background.
- 3) A senior member of the EUI staff.
- 4) EUI members shall act in complete autonomy from their institutional hierarchy.
- 5) Panel members will be appointed for a period of two years that may be renewed. In case of any conflict of interest or unforeseen absence, an alternate will be appointed according to the same procedure.

2.3.3 The secretariat to the Decision-Panel will be provided by the Equality, Diversity and Inclusiveness Officer.

2.4 THE HARASSMENT POLICY COMMITTEE

2.4.1 The Harassment Policy Committee has the following policymaking and advisory functions under this policy:

- 1) Provide advice and guidance to the EUI senior management in securing a safe environment free from harassment and bullying in all its forms.
- 2) Support institutional commitment to creating a stimulating and supportive learning and working environment that is free from any form of discrimination and harassment.
- 3) Conduct periodical surveys among members of the EUI community to review and assess experiences relating to issues of harassment and bullying. The surveys will be anonymous and aggregate survey outcomes will be discussed at the Academic Council and with EUI senior management to facilitate regular review of policies and practices.
- 4) Assess educational needs and propose training for EUI community members and for the advisory and support services.
- 5) Conduct a review of the operation of the new policy two years after it enters into force and, if appropriate, suggest amendments to the rules and policy.

2.4.2 The Harassment Policy Committee is appointed by the President based on nominations from the various representative organs of the EUI governance bodies. The Harassment Policy Committee will reflect balanced gender representation. It will also strive to reflect diversity in terms of ethnicity, race, sexual orientation, and any other relevant background.

2.4.3 The Committee shall be composed of eleven members:

- 1) The Dean for Equality, Diversity, and Inclusiveness (ex-officio Chair)
- 2) Director of Academic Service (ex-officio member)
- 3) Director of Human Resources (ex-officio member)
- 4) The Coordinator of the Confidential Harassment Advice Service (CHAS) (ex officio member)
- 5) One full time faculty member appointed by the Academic Council in its restricted session following a proposal by the EUI President
- 6) One researcher (nominated by the Researchers' representatives)
- 7) One post-doctoral fellow , preferably with a fellowship duration of at least one year, nominated by the postdoc representatives
- 8) One STG master student (nominated by the STG representatives)
- 9) One member of the advisory service (CHAS) nominated by the CHAS
- 10) One support staff member (nominated by the Staff Committee)
- 11) One representative of the academic assistants and research fellows

(preferably on a minimum one-year contract at the time of nomination)
nominated by the representatives of academic assistants and research fellows

2.4.4 With the exception of the ex-officio members, Harassment Policy Committee members will be appointed for a two-year period.

2.4.5 The Committee will hold at least two regular meetings per academic year. Additional ad-hoc meetings may be organised as necessary.

2.4.6 The secretariat of the Harassment Policy Committee will be provided by the Equality, Diversity and Inclusiveness Officer.

III. COMPLAINTS

3.1 SUBMISSION OF A FORMAL HARASSMENT COMPLAINT

3.1.1 Formal complaints should be submitted to the *Harassment Decision-Panel*

3.1.2 Prior to submission of the complaint, the complainant is strongly encouraged to contact the CHAS which can assist in understanding the procedure and providing guidance on the evidence to be submitted. The CHAS can also establish informal contacts with the relevant EUI units to explore provisional measures of support.

3.1.3 The complainant must provide sufficient information to enable the Decision-Panel to understand the nature of the complaint. Copies of contemporaneous notes or other supporting evidence should be submitted together with the complaint.

3.1.4 Any member of the Decision-Panel who has a potential conflict of interest with respect to the complaint will be recused from the process and an alternate will be appointed.

3.1.5 Members of the EUI are entitled to make a complaint and to provide relevant evidence in good faith.

3.1.6 The Institute will provide support to protect the complainant from victimisation or retaliation. Malicious complaints as well as retaliatory conduct may attract disciplinary sanctions.

3.1.7 The Decision-Panel will be assisted by the Equality, Diversity and Inclusiveness Officer acting as the secretariat for the complaint procedure. The Equality, Diversity and Inclusiveness Officer shall act in confidentiality and autonomy and shall report only to the Decision-Panel in this role.

3.1.8 Any EUI process must be suspended in the event of an investigation on the same matter by Italian authorities or those of any other country that may be involved.

3.2 PROCEDURE FOR FORMAL HARASSMENT COMPLAINTS

3.2.1 On receipt of a formal complaint, the *Harassment Decision-Panel* may commission an investigation to determine the facts of the case and additional information that is necessary for the Decision-Panel to assess a complaint and reach a decision. Complainants retain the right to bring a complaint under Italian law at any time.

3.2.2 The investigation will be carried out in a timely, fair, and impartial manner by an EUI staff member in the Internal Audit Office. The staff member will be appointed and trained based on a set of personal and professional competencies and the ability to work with sensitivity and integrity. The investigator shall be guaranteed autonomy and independence in their function. In the case of a conflict of interest, an alternate investigator will be appointed by the Decision Panel.

3.2.3 If a criminal process is initiated by law enforcement authorities in Italy or elsewhere, the EUI's internal process under this policy shall be suspended. If a timely decision by law enforcement authorities in Italy or elsewhere cannot be expected, the Decision Panel is authorised to order protective interim measures. According to EUI regulations, a final decision by the EUI's disciplinary authorities shall be taken only after a final judgment has been handed down by the court hearing the case, where the individual is prosecuted for the same conduct.

3.2.4 The complainant will be given a reasonable opportunity to clarify their concerns, to produce supporting evidence, and to set out their preferred outcome(s). Similarly, the person against whom a complaint is made will be given a reasonable opportunity to understand the allegations against them and to respond, including by providing relevant evidence.

3.2.5 The parties directly concerned in the complaint may be accompanied to investigation meetings by a friend or colleague if they so wish. The two parties to the complaint will usually be seen separately from each other.

3.2.6 The parties and their accompanying person should refrain from discussing the issue or the evidence with anyone else. The EUI owes a duty of care towards all its members and both parties may access the CHAS and the EUI psychologists during this process and at all times.

3.2.7 The investigator will report the outcome of their investigation and any recommendations to the Harassment Decision-Panel.

3.2.8 If on review of the report the Harassment Decision-Panel considers that there is no case to answer, the Panel will inform the complainant and the respondent that no further action will be taken. The report of the investigation shall be made available to the complainant and the respondent. In case there is a need to protect individuals involved in the procedure, the Harassment Decision-Panel may produce a version of the report anonymising these individuals. The anonymised report must summarize all findings and statements accurately and in a manner that respects the respondent's right

to a fair procedure. The respondent shall be given access to this version of the report.

3.2.9 If the complainant is aggrieved by this decision, they may lodge a complaint under Italian law with the Italian authorities.

3.2.10 In all other cases, the Harassment Decision-Panel will consider next steps depending on the circumstances of the case. Such steps can include but are not limited to the following:

- 1) Meetings with each party, separately or together, to establish the scope of measures which may include the setting of boundaries and expectations, and the provision of relevant training.
- 2) Measures relating to conduct towards the other person including, where appropriate, refraining from access to designated parts of the EUI premises (for example the Fiasco Social Club) or EUI activities for a defined period.
- 3) Decide on what action is needed, for example a change in supervision arrangements, where appropriate.
- 4) Referral of the case to the relevant¹ disciplinary panel on the basis that a *prima facie* case of breach of the policy has been established and that a resolution is not possible or desirable.

3.2.11 Communication of such outcomes will usually be limited to the parties and any other individuals who need to be informed for institutional purposes. Required record keeping of cases must be in compliance with the EUI data protection policy and observe strict confidentiality.

1 Disciplinary proceedings for administrative staff are set out in the HC Decision 6/2014 laying down the Service Rules of Administrative Staff- annex 9: https://www.eui.eu/Documents/ServicesAdmin/PersonnelService/Rules-Regulations/StaffRules_ADMIN.pdf

Disciplinary proceedings for teaching staff are set out in the HC Decision 7/2014 laying down the Service Rules of the Teaching Staff – chapter 9b (lastly amended by HC Decision 5/2020) : https://www.eui.eu/Documents/ServicesAdmin/PersonnelService/Rules-Regulations/StaffRules_TEACHING.pdf

Disciplinary proceedings for learning categories (doctoral and LLM researchers, master students, fellows and visiting students) are set out in the Disciplinary Regulations: <https://www.eui.eu/Documents/ServicesAdmin/DeanOfStudies/DisciplinaryRegulations.pdf>

3.2.12 The parties and any witnesses or accompanying people shall refrain from wider discussion of the issues and outcome under this policy.

3.2.13 For visitors and exchange students with non-EUI institutional affiliations, the Decision Panel will communicate the outcome to the home institution.

3.2.14 Escalation to Disciplinary Proceedings

In the event of a referral to the relevant² EUI disciplinary bodies, the parties will be informed and will receive a copy of the referral and supporting documents.

2 Ibid.

ANNEX

This annex aims to provide a description of Italian law in relation to behaviours addressed in the EUI Policy on Harassment, Sexual Harassment, and Bullying¹.

1. Harassment (Molestia)

Harassment according to Article 660 Italian Penal Code: *'Chiunque, in un luogo pubblico o aperto al pubblico, ovvero col mezzo del telefono, per petulanza o per altro biasimevole motivo, reca a taluno molestia o disturbo è punito con l'arresto fino a sei mesi o con l'ammenda fino a € 516'* ('whoever, in a public place or place open to the public, or by telephone, for petulance or for any other blameworthy reason, harasses or disturbs someone, is punished with arrest for up to six months or a fine of up to € 516').

The crime can be prosecuted *ex officio*, i.e. a person who has knowledge of a crime that may be prosecuted *ex officio* may report it.

The limitation period (statute of limitations/*prescrizione*) which determines the date by which a criminal offence can no longer continue to be prosecuted if no verdict has been reached is 4 years in case of harassment.

N.B.: In case of sexual violence (Article 609 bis Italian Penal Code) the crime is punished following a complaint from the victim, to be reported within twelve months, except in situations listed in Article 609 septies which are prosecuted *ex officio*.

N.B.: In case of stalking (612 bis Italian Penal Code) the crime is punished following a complaint from the victim, to be reported within six months, except when it concerns: minors, persons with disability, and when the conduct is linked to another crime for which the *ex officio* prosecution is foreseen.

2. Sexual harassment (molestia sessuale)

Sexual Harassment is not a crime specifically defined in the Italian Penal Code. Only Art. 26 of the Code of equal opportunities between men and women - Legislative Decree No. 198/2006) defines sexual harassment as: *Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating a person's dignity, or by creating*

¹ The information contained in this annex is provided for informational purposes only and should not be construed as legal advice on any subject matter.

an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment is a form of discrimination.

Sanction, prosecution and limitation period are the same as for general harassment above (Art. 660 Italian Penal Code): arrest up to six months or payment of a fine for a maximum amount of 516 euros; it can be prosecuted *ex officio* and limitation period (*prescrizione*) is 4 years.

3. Bullying (bullismo)

In the Italian penal system the definition of 'bullying' does not yet exist however Law n. 71/2017 (*'Disposizioni a tutela dei minori per la prevenzione ed il contrasto del fenomeno del cyberbullismo'*) has disciplined the 'cyberbullying'.

Nevertheless, the conducts that integrate the bullying behaviour can trigger the application of several provisions of the Italian Penal Code in order to punish certain crimes/actions such as e.g. *istigazione al suicidio* (incitement to suicide - Art. 580); *lesioni* (injury - Art. 582); *difamazione* (defamation- Art. 595); *violenza sessuale* (sexual violence - Art. 609 bis); *stalking* (Art. 612 bis) and others.

In case of defamation, injury and stalking a complaint from the victim himself/herself is required (with some exceptions that can be prosecuted *ex officio*).

