

UNIVERSITY OF PISA

CHILD PROTECTION POLICY AND PROCEDURES
WITHIN THE UNIVERSITY OF PISA

Aims

The University of Pisa is committed to ensuring that a safe and supporting environment exists for all staff, students and visitors to the University.

The University recognizes that there are a number of circumstances in which children and young people will come onto University premises or otherwise have contact with University staff, students or contractors.

Some examples when children may have contact, but not limited to, include the following:

- educational activities carried out in all types of schools and at all levels
- orientation activities for incoming students
- school-work alternation programs
- specific research projects
- events organized by the University or other bodies taking place on University premises
- occasional visits
- recreational activities.

This document is intended to safeguard the welfare of children providing a policy and mandatory procedures for all the members of the University of Pisa.

Policy

The University seeks to maintain the highest possible standards to meet its social, moral and legal responsibilities in order to protect and safeguard the welfare of children who may come into contact with the University activities.

Therefore, the University implements the following actions:

- establishing behavioural standards concerning activities carried out with children;
- undertaking an appropriate risk assessment of such activities;
- reporting and managing issues that arise while working with children;

The University will ensure the effective dissemination of this Policy within the University and provide appropriate training to all staff.

University members shall comply with this Code of conduct.

General principles

The University acknowledges all children have the right to develop themselves emotionally, intellectually and physically. All children have equal rights to protection from any form of violence, abuse or neglect.

The University is committed to ensuring the safety and welfare of all children who may come into contact with University activities. All University members have the responsibility to safeguard and promote the physical and social-emotional welfare of all children.

All University members have to report any known or suspected concern or risk about a child's welfare within the University, under the procedures provided by this document.

Policy statement

Child abuse and neglect are concerns throughout the world. Child abuse and neglect are violations of a child's human rights and are obstacles to the child's education as well as to their physical, emotional, and spiritual development.

The University of Pisa endorses the UN Convention on the Rights of the Child, being Italy one of the signatory, and seeks to represent a safe harbor for minors who may be experiencing abuse or neglect in any aspect of their lives.

The University community must ensure that all children under its care are afforded a safe and secure environment for growth and development.

All University staff has the obligation to understand the main crimes against children in accordance with the applicable Italian law and the related duties to report them.

Therefore, all University members are legal mandatory reporters and have a professional and ethical obligation to be alert to the signs of neglect or abuse and notify authorities of suspected abuse or neglect. Procedures are initiated as directed by University policy and regulations, in accordance with local authorities and Italian child protection laws.

Areas of Risk

There are a number of activities undertaken or facilitated by the University which bring children into contact with University staff, students and/or contractors. The following are identified as the activities which present the main key areas of risk:

- Organised visits or other outreach activities taking place on University premises;
- Outreach activities undertaken in all types of schools and at all levels, and other venues away from University premises;
- Children of University staff or students brought onto University premises;
- Children attending University premises for sporting, recreational or social purposes, for example in science play area, museums' lab or at CUS sport facilities;
- Children being subjects of study and/or research by University staff or students;
- Young people enrolled as students in the University, also in Foundation Course;
- Children coming into contact with any other kind of student associations for recreational, social and informational purposes.

Definition of Terms

What is child abuse?

According to the World Health Organization (Krug EG et al., 2002), child abuse constitutes “all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”

A person may abuse a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting; children may be abused by individuals known to them, or more rarely, by a stranger. Often children may experience multiple forms of abuse simultaneously, further complicating the problem. Most child abuse is inflicted by someone the child knows, respects or trusts.

The World report on violence and health and the 1999 WHO Consultation on Child Abuse Prevention distinguish four types of child maltreatment:

- physical abuse
- sexual abuse
- emotional and psychological abuse
- neglect/negligent treatment

Protected Adults

People over 18 years of age, unable to meet their own daily needs nor to protect their own interests (for example, people with serious psychiatric disorders or serious intellectual disability) and being assigned a legal guardian or curator by the tutelary judge, under the judgment of interdiction and disability, or being assigned a support administrative officer after the related juridical proceeding.

Bullying

Bullying is a repeated and aggressive physical or psychological behaviour intended to hurt another individual who is perceived as weak. It occurs largely at school. Bullying involves an imbalance of power: bullies exploit their supremacy (even of groups) on their victims in condition of physical-emotional inferiority.

At criminal level, bullying has no significance unless it results in violent behaviours, threats, slanders, harassments, which may be relevant under the Criminal Code.

Bullying is considered as an abuse for the purposes of this Code of conduct, even when no specific offence is involved.

Physical Abuse

Physical abuse of a child is defined as the intentional use of physical force against a child that results in – or has a high likelihood of resulting in – harm for the child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. Much physical violence against children in the home is inflicted with the objective of punishing.

Crimes related to this kind of abuse: art. 571; 572; 581; 582; 583-bis; 583-quinquies; 584; 575 c.p.

Sexual Abuse

Sexual abuse is defined as the involvement of children in sexual activity that they not fully comprehend, are unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim.

Crimes related to this kind of abuse: sexual offences (art. 609 bis c.p. as modified), corruption of children (art. 609 quinquies c.p.)

Emotional and Psychological Abuse

Emotional and psychological abuse involves both isolated incidents, as well as a pattern of failure over time on the part of a parent or caregiver to provide a developmentally appropriate and supportive environment. Acts in this category may have a high probability of damaging the child's physical or mental health, or its physical, mental, spiritual, moral or social development. Abuse of this type includes: the restriction of movement; patterns of belittling, blaming, threatening, frightening, discriminating against or ridiculing; and other non-physical forms of rejection or hostile treatment.

Crimes related to this kind of abuse: art. 571 and 572c.p.

Neglect/Negligent treatment

Neglect includes both isolated incidents, as well as a pattern of failure over time on the part of a parent or other family member to provide for the development and well-being of the child – where the parent is in a position to do so – in one or more of the following areas:

- education;
- emotional development;
- nutrition;
- shelter and safe living conditions.

The parents of neglected children are not necessarily poor. They may equally be financially well-off.

Crimes related to this kind of abuse: art 570, 570-bis, 591 and 731 c.p.

Legal obligation to report situations prejudicial to minors (criminal ambit).

A “prejudicial” situation is one occurring in the home or outside where the minors are subjected to suffering, distress or neglect such as to impair their potential for growth and development. Certain

offences against minors are prosecutable *ex officio* (the Judiciary may intervene without any need for a formal complaint by the injured party. All that is required is that a magistrate be notified of the offence). Other minor offences are prosecutable only if the offended persons state their intention to proceed: for young people under the age of 14, the right to bring a legal action is held by their parents; young people aged 14 have the right to bring a legal action, or it can be exercised by their parent or legal guardian deputized for them. If public officials and those in public service come to hear of such offences (or sufficiently substantiated suspicion thereof), they are in duty bound to report them (art. 331 c.p.), and commit a crime in omitting to do so (art 361 and 362 c.p.).

Offences against minors prosecutable *ex officio*:

- A. Ill-treatment in the family (art. 572 c.p.), meaning degenerating and non-occasional acts by parents, relatives, cohabitants, legal guardians, education, care, supervision and guardianship damaging to the young person's soundness of body or mind and to the personal development of relationships (familiar, educational, etc...)
- B. Abuse of means of punishment and discipline (art. 571 c.p.), meaning punishment on a non-occasional basis that is unmotivated or goes beyond the acknowledged educational powers of others.
- C. Murder (art. 575 c.p.) and voluntary manslaughter (art. 584 c.p.), personal injury (art. 582 c.p.), meaning a bodily or mental disease, which can be prosecutable *ex officio*, when entailing a prognosis of over 20 days and in absence of aggravating circumstances as referred to in art. 582, par. 2 c.p.
- D. Abandonment of minors and incapacitated persons (art. 591), meaning the protection of individual life and safety of minors unable to – because of age or other reasons – autonomously take care of themselves, hence particularly vulnerable.
- E. Enslavement, child pornography, exploitation of children for begging, trafficking or commerce with a view to prostitution of minors (art. 600, 600 bis, 600 ter, 600 octies, 601, c.p.), meaning offences against the sexual integrity, dignity, personal and individual freedom of minors.
- F. Sexual offences (Law 66/96 “Rules against sexual violence”), meaning all sexual activities (involving coercion, threat and abuse of authority) and any sexual activity, even without coercion, involving a minor under 14 years old; sexual activity with an under-16-year-old if perpetrated by a parent, or by a cohabiting party, a guardian, any other person charged with looking after, educating, protecting or safeguarding the said minor; sexual activity carried out in front of a minor under 14 years old.
- G. Pedophilia offences (Law 269/99 so-called anti-pedophilia law, as modified by Law 38/2006 and 172/2012), meaning offences against individual freedom – as foreseen by art. 600 and as modified c.p. – including trafficking, prostitution, pornography, sexual tourism damaging minors and considered as new forms of enslavement affecting their physical and mental development.
- H. Violation of the obligation to provide family maintenance (art 570, par. 2, and 570-bis, c.p.), meaning offences against the free development of children's personality (as regards maintenance obligation and education)
- I. Mutilation of female genital organs (art. 583-bis, par. 1 and 3, c.p.)
- L. Physical deformation as a result of permanent facial injuries (art. 583-quinquies c.p.)
- M. Failure to attend school (art. 731 c.p.)

Standards of Behaviour

The University of Pisa expects the highest standards of behaviour from the University community when working with children and protected adults. In particular, the University expects the University community to adhere to the following standards¹:

¹The University expects members of the University community to comply with these standards of behaviour so far as is reasonably practicable. However, the University accepts that there may be occasions on which compliance with these standards of behaviour will not be possible or appropriate, for example, in an emergency. The University will apply this policy in a reasonable and proportionate manner.

- Treat all children and protected adults with fairness, dignity, equality and respect.
- Be sensitive to children or protected adults' appearance, race, culture, religion and/or belief, sexual orientation, gender or disability.
- Respect a child or protected adult's right to privacy.
- Always work in an open environment, and where possible avoid situations where you are alone with a child or a protected adult². If it is necessary to hold a confidential interview or a one-to-one meeting, these should be conducted in a room where the exit is clearly visible and, where possible and appropriate, the door to the room is left open.
- Maintain a safe and professional distance in relationships with children and protected adults. You should not share your personal telephone number, personal email or home address, and you should not connect with them over social media except where that is specifically related to the University activity.
- When in a position of trust do not engage in sexual relationships with children and/or protected adults. This is an abuse of a position of trust and a criminal offence.
- Avoid rough, physical or sexually provocative conduct with children or protected adults.
- Do not provide children or protected adults with access to alcohol (where that would be unlawful or inappropriate) or banned substances.
- Be a good role model to children or protected adults. This includes avoiding the use of inappropriate language (including sexually suggestive comments, sexist, racist, classist, discriminatory language and behaviour).
- Where appropriate, ensure you have written consent before taking photographs or making video or audio recordings of children or protected adults
- If you are required to administer first aid to a child or protected adult you should ensure, wherever possible, that another employee is present, especially if you are concerned that necessary physical conduct may be misconceived.

Child protection procedures

The University recognizes its responsibility to safeguard the welfare of children coming into contact with its staff, students and contractors on the University premises, and undertakes to work closely with state and local bodies to ensure that children are not put at risk of harm or abuse.

The right to privacy of people involved in children protection will be respected as long as possible. However, there are some circumstances in which staff, students and contractors are required to share information with third parties, such as local authorities, police, parents or legal guardians of minors.

For the above-mentioned purposes:

- The University has designated the Director of Legal Services as the University's Senior Child Protection Officer (SCPO)
- When organizing specific activities involving children, organizers shall appoint an individual to act as Child Protection Officer (CPO) for that event or activity.
- CPOs have specific responsibility for responding to child protection concerns raised within, or in connection with, the University. They will be trained by CUG and, if required, will be provided with a guidance appropriate for this role by the Senior Child Protection Officer with the support of the Delegate for Gender Studies and Equal Opportunities, if appropriate.

Procedure for reporting concerns:

²This does not apply to situations where one-to-one meetings are the agreed University approach, for example a meeting between a Personal Tutor and tutee, or a meeting with a research supervisor.

1. The University expects all staff, students and contractors to be alert to any concerns about the welfare of children and to report such concerns to a CPO.
Staff, students and contractors are also expected to co-operate fully with any police authority or social care enquiries that may arise into an allegation of abuse. While all University members have the right to report any encountered issue or concern directly to local authority's Children's Services or overseas equivalent, they should rather consult first with Child Protection Officer, if possible.
2. The person reporting a concern to CPO should make a full note of the facts by completing the Issue Report Form (Annex 1).
3. Concerns must be reported as soon as possible and where a child may be at immediate risk of harm or abuse, a CPO must be notified verbally straight away and an Issue Report Form completed as soon as possible thereafter.
4. It is the responsibility of the CPO notified of a concern to consider the seriousness of the risk or concern, and if they deem it appropriate to contact local authority, police or legislative authority.
5. If the problem or information involves an allegation against a member of staff, CPO shall notify the Rector, the General Director and the Human Resources Manager.
6. If the problem or information involves an allegation against a student, CPO shall notify the Rector, the Educational Services Manager and the Pro-rector for Students Affairs.
7. In either case (5 and 6) it may be appropriate to suspend the staff member or student from activities that include contact with children until enquiries are complete.

Accountability

The University acknowledges the success of this self-disciplinary code will depend on its effective implementation. It will therefore ensure the dissemination of this policy within the University and will provide appropriate training for key staff and others, if required.

This Policy will be reviewed after 12 months and thereafter every 3 years, upon request by the SCPO and by the Delegate for Gender Studies and Equal Opportunities Representative.

Effective date and issue

This Code of conduct takes effect from the date of issue of the related decree on the University Official Informatic Register and will be available on the University website.

A copy of this Code will be sent by email to all Directors/Presidents/Managers of the University Units, as well as to the Presidents of Student Associations and to the student representatives in the University Governing Bodies.

University of Pisa

Code of conduct: child protection policy and procedures within the University of Pisa – Issue Report Form

Details of the issue encountered:

Date of issue:

Time of issue:

Where the issue occurred:

Briefly describe the circumstances of the issue (including names of parties involved):

Details of child/injured party (if applicable)

Full name:

Address:

Home telephone number:

Mobile telephone number:

Sex:

Date of birth:

Nature of injury:

Comments or explanation given by child:

Name and contact details of any witnesses:

Initial action taken:

Details of person completing report:

Name and contact details:

Signature and date