



**Swiss TCM Uni**  
瑞士中医药大学

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## **Regulations**

For protection of discrimination and sexual harassment

These regulations are based on the statutes.

(For simplicity, the masculine form is used throughout the text; the feminine form is included in each case).



## Glossary

I. General Regulations .....	3
II. Definition .....	3
§2.1 Discrimination .....	3
§2.2 Sexual Harassment .....	3
III. Informal procedure .....	3
§3.1 Information channel .....	3
§3.2 Confidential Counsellors .....	4
IV. Formal procedure.....	4
§4.1 Internal investigation .....	4
§4.2 External investigation.....	4
§4.3 Rights of the person concerned and the accused person .....	4
§4.4 Result.....	5
§4.5 Taking legal action .....	5
V. Measures.....	5
§5.1 Prevention .....	5
§5.2 Principles of Conduct.....	5
§5.3 Consequences of the investigation results.....	5
§5.4 Taking legal action .....	6
§5.5 Abusive accusations .....	6
VI. Prohibition of Discrimination .....	6
VII. Confidentiality .....	6
VIII. Become effective.....	6



## I. General Regulations

<sup>1</sup> All members of SWISS TCM UNI have the right to be treated in a manner that does not compromise their dignity and personal integrity. Discrimination, sexual harassment and sexist behaviour violate the personality and dignity of people. They hinder equal opportunities in the workplace and in studies. In addition, they may impair job performance and jeopardize employment or graduation.

<sup>2</sup> These regulations apply to all members of SWISS TCM UNI. Members of SWISS TCM UNI are namely: the entire management, scientific and administrative as well as technical staff, students and all persons involved in events of SWISS TCM UNI.

<sup>3</sup> The purpose of these regulations is to protect the employees and students of SWISS TCM UNI against any kind of discrimination, sexual harassment or sexist behaviour. SWISS TCM UNI does not tolerate such behaviour.

<sup>4</sup> These regulations expressly refer to discrimination that takes place on the premises and/or in direct connection with courses of study, teaching and examinations as well as services of SWISS TCM UNI. It also applies in situations outside of SWISS TCM UNI, as long as there is a connection with courses of study, teaching and examination performances as well as services of SWISS TCM UNI.

<sup>5</sup> Violations of these regulations shall result in measures as described in section V. These regulations define responsibilities and procedures in case of violations.

## II. Definition

### §2.1 Discrimination

Discrimination is defined as any conduct that is intended to disadvantage, unfairly or unappreciatively treat a person, in particular on the basis of gender, origin, age, religion, ideology, physical or mental characteristics or sexual orientation, without a clear reason.

### §2.2 Sexual Harassment

<sup>1</sup> Sexual harassment is understood to be unwanted behaviour with a sexual reference. This includes, in particular, insinuating remarks, sexist statements and jokes, unsolicited invitations with a clear intention, supposedly accidental physical contact, showing and distributing pornographic material, and sexual advances that are accompanied by promises of benefits.

<sup>2</sup> Blackmailing or forcing sexual relations, physical assaults as well as sexual coercion and rape are criminal offenses.

<sup>3</sup> SWISS TCM UNI reserves the right to take internal measures and sanctions in these cases.

## III. Informal procedure

### §3.1 Information channel

<sup>1</sup> The person concerned shall inform the superior of the accused person about the discrimination or sexual harassment.

<sup>2</sup> If desired, a person of trust (see §3.2) will also take part in the conversation.



<sup>3</sup> The aim of these discussions is to immediately stop the sexual harassment and - in a broader context - to have a lasting positive effect on behaviour in the work and study environment.

### §3.2 Confidential Counsellors

<sup>1</sup> At SWISS TCM UNI there is a female as well as a male confidant available.

<sup>2</sup> The confidential counsellors are appointed by the university management, whereby the Equal Opportunities Office has the right to make a proposal.

<sup>3</sup> The confidential counsellors are the first point of contact for the persons concerned. They shall support them with the aim of putting an immediate stop to the discrimination or sexual harassment.

<sup>4</sup> The tasks of the confidential counsellors shall include

- to listen to the person or third party concerned
- to inform them of possible steps to be taken and to support them in their choice of action
- to assist the person concerned in formulating and filing a possible complaint
- to accompany them to meetings or negotiations or to represent them there, if this is desired
- to participate in measures for information and prevention concerning discrimination and sexual harassment
- to document their own activities in anonymous form and to keep anonymous statistics for the report. Files on incidents are either to be added to the personal dossier or destroyed after the case has been closed.

## IV. Formal procedure

### §4.1 Internal investigation

The person involved, or the person of trust on his/her behalf, may request an investigation from the university administration or a member of the Senate.

### §4.2 External investigation

<sup>1</sup> The university management of SWISS TCM UNI leads the investigation procedure. For this purpose, it may call in external experts.

<sup>2</sup> The investigating persons shall hear all parties involved and carry out the necessary clarifications in order to comprehensively determine the facts of the case.

<sup>3</sup> Based on the results of the investigation procedure, the university management may order measures to be taken (see also § 5.3).

### §4.3 Rights of the person concerned and the accused person

Both persons have the right in the proceedings,

- to have an accompanying person with them during questioning
- to comment on statements made by the opposing party and other involved parties
- to inspect files and comment on them.



#### §4.4 Result

The university management shall inform the parties involved in writing of the result of the investigation, including any measures taken.

#### §4.5 Taking legal action

<sup>1</sup> If no agreement can be reached between the parties, the person making the request must decide whether to pursue the ordinary legal process.

<sup>2</sup> If, on the other hand, an agreement is reached, the matter in dispute is finally settled.

<sup>3</sup> If there are facts that are relevant under criminal law, the person being harassed also has the option of taking direct action under criminal or civil law against the person causing the harassment.

### V. Measures

#### §5.1 Prevention

<sup>1</sup> The university management and the departments shall ensure a study and work climate that does not permit sexual harassment by means of appropriate training and prevention measures (internal communication, printed materials, further training of managers).

<sup>2</sup> All current and new employees and students are informed about the guidelines and measures.

<sup>3</sup> Individuals with management responsibilities are responsible for maintaining a cooperative and harassment-free work atmosphere within their areas of responsibility. They will be informed of the responsibilities, consequences, and duties involved and prepared for problems they may encounter.

#### §5.2 Principles of Conduct

<sup>1</sup> The entire management of SWISS TCM UNI requires all members of SWISS TCM UNI to respect the personal boundaries to which their colleagues are entitled in interpersonal contact.

<sup>2</sup> Employees and students who feel they have been sexually harassed are motivated to clearly communicate to the harassing persons, if possible, that they do not accept this behaviour.

<sup>3</sup> Supervisors are obligated to inform their employees of the principles of conduct set forth in these regulations. They shall support affected persons who defend themselves against discrimination and sexual harassment.

#### §5.3 Consequences of the investigation results

<sup>1</sup> Based on the results of the investigation, the university management may impose sanctions.

<sup>2</sup> Depending on the severity of the offense, the following measures in particular may be taken:

- Written warning
- Written reprimand with threat of dismissal
- Transfer or dismissal in the case of employees
- Withdrawal of teaching assignment in the case of lecturers
- Temporary or permanent de-registration for students



#### §5.4 Taking legal action

<sup>1</sup> In all cases, the person affected by discrimination or harassment is free to take legal action by filing civil or criminal charges against the accused person.

<sup>2</sup> After a complaint has been filed, the proceedings at SWISS TCM UNI may be suspended until the legal proceedings have been concluded.

<sup>3</sup> In the meantime, however, precautionary measures are possible.

#### §5.5 Abusive accusations

<sup>1</sup> Members of SWISS TCM UNI who accuse other persons of discrimination or sexual harassment against their better knowledge may be legally prosecuted.

<sup>2</sup> Internal measures and sanctions remain reserved.

### VI. Prohibition of Discrimination

The person concerned and any witnesses may not suffer any disadvantages in their studies or profession or any attacks on their personal dignity and integrity as a result of rejecting and demarcating behaviour, seeking advice and support or requesting an investigation.

### VII. Confidentiality

Confidants, superiors and all persons entrusted with the investigation are subject to the duty of confidentiality.

### VIII. Become effective

<sup>1</sup> These regulations become effective on 20.04.2022.

Management of the SWISS TCM UNI