

Regulations on the protection of personal integrity at the University of Basel

of 13 October 2020

Based on § 48 of the Staff Regulations of the University of Basel dated 19 February 2009, the President's Board issues the following regulations.

Preamble

The University of Basel is committed to an educational, research and work climate that ensures the protection of personal integrity and is free from discrimination, bullying and sexual harassment. In order to successfully function as a place of academic teaching, research and services, it is essential that the members of the university community be treated with consideration, respect and appreciation.

§ 1 Guiding principles

¹ These regulations govern the protection of personal integrity at the University of Basel and the procedures in the event that they are violated. They apply where there is a violation of personal integrity in the university context and the accused person is a member of the University of Basel community pursuant to § 4 para. 1 of the University Statutes when the violation was committed.

² At the University of Basel, the central point of contact for violations of personal integrity is the Personal Integrity Coordination Office. A violation of personal integrity refers to an event in which a person or persons are exposed to discrimination, bullying or sexual harassment.

³ Teachers, researchers and managers are responsible for protecting personal integrity in their areas of responsibility. They must take corrective measures if they become aware of conduct and a pattern of behavior that is in violation of this regulation. They are to inform those affected about the services of the Personal Integrity Coordination Office.

⁴ Persons who deliberately make false accusations of a violation of personal integrity against another person or deliberately spread such false accusations may, under certain circumstances, be liable to punishment.

⁵ Violations of academic integrity are governed by the Regulation on Academic Integrity. If a violation of personal integrity additionally involves a violation of academic integrity, investigators from both areas will make a joint decision on how to proceed. The investigator from the other area, as applicable, will serve in an advisory capacity during the investigation.

⁶ The University of Basel ensures the protection of those involved against possible reprisals or disadvantages. The parties involved have no further claims against the university.

I. Definitions

§ 2 Discrimination

Discrimination is any statement or action that aims to disadvantage or diminish the dignity of a person due, in particular, to their “race”, gender, age, origin, language, religion, physical attributes, views, political beliefs or sexual orientation without any objective grounds for doing so.

§ 3 Bullying

Bullying pursuant to these regulations includes systematic and hostile conduct that endures or recurs over a certain amount of time and which is aimed at discrediting, isolating or ostracizing a person.

§ 4 Sexual harassment

Sexual harassment refers to behavior with sexual connotations that violates the personal rights of another person, in particular:

- a) sexual acts and conduct subject to criminal prosecution;
- b) unwanted sexual advances, irrespective of whether these are accompanied by promises of advantages or threats of disadvantages;
- c) unwanted bodily contact, requests for sexual acts and intrusive behavior;
- d) salacious comments, especially about a person’s appearance and physical attributes;
- e) the intentional or unintentional display and distribution of pornographic material against the will of the recipient.

II. Responsibilities

§ 5 Personal Integrity Coordination Office

¹ Persons who believe their personal integrity has been violated may request advice from the Personal Integrity Coordination Office.

² The Personal Integrity Coordination Office is the central university point of contact for all violations of personal integrity experienced by members of the University community. The Personal Integrity Coordination Office only acts with the consent of the affected person and is subject to strict confidentiality. It listens to the affected person, provides information and advice, and may initiate an investigation. If the affected person wishes to initiate an investigation, they must submit a written request to the Personal Integrity Coordination Office no later than 12 months after the infringement in question. In this case, the Personal Integrity Coordination Office transfers the proceedings to the responsible office pursuant to § 6 f.

³ The Personal Integrity Coordination Office’s duties also include:

- a) documenting cases where it provides advice;
- b) maintaining an overview of investigations and applicable deadlines;
- c) providing information to the President’s Board;

- d) supporting the activities of the University of Basel aimed at preventing violations of personal integrity.

§ 6 Responsibility of internal units for the investigation

¹ Where employees of the University are accused of discrimination or bullying, the Human Resources office is responsible for conducting an investigation to determine the facts. If necessary, the Human Resources office may involve an external investigator or transfer the investigation to an external investigator. The Human Resources office informs the Personal Integrity Coordination Office about the conclusion of the proceedings.

² Where students are accused of discrimination or bullying, the Vice President's Office for Education is responsible for the investigation. If necessary, the Vice President's Office for Education may involve an external investigator or transfer the investigation to an external investigator. The Vice President's Office for Education informs the Personal Integrity Coordination Office about the conclusion of the proceedings.

³ Where employees or students are accused of sexual harassment, an external investigator conducts the investigation.

⁴ If, in addition to the investigation of a violation of personal integrity, an assessment of the academic performance of the person making the accusation is necessary, the assessment is conducted by the faculty.

§ 7 External investigator for personal integrity

¹ The external investigator is appointed by the President's Board. The external investigator must have legal training and knowledge of the procedures.

² The external investigator acts solely at the request of the Personal Integrity Coordination Office, the central Human Resources office or the Vice-President's Office for Education.

³ The external investigator decides whether proceedings should be initiated.

⁴ The external investigator informs the persons involved and the President's Board in writing of the decision to initiate or not initiate the investigation process.

⁵ If there is a conflict of interests on the part of the investigator, the investigator is to report this to the President's Board immediately. In such cases, a special investigator is to be used.

III. The investigation process

§ 8 Principles of the investigation process

¹ The investigation process must be straightforward and quick.

² The investigating office is to maintain a record of the proceedings.

³ If appropriate, the investigating office may recommend preventive measures to the faculty and university management bodies for the duration of the investigation, in particular, the physical separation of the persons involved, ensuring that such measures are practical and that they allow the university to operate normally.

⁴ The mandate to investigate must not result in any disadvantage for the person affected by the violation.

⁵ The investigating office informs the persons involved about the process, oversees the investigation of the relevant facts and carries out the necessary clarifications. It consults the files of the Personal Integrity Coordination Office.

⁶ The investigating office interviews the persons involved separately. The persons involved must appear at interviews in person. They have the right to have someone accompany them. Face-to-face meetings are only carried out with the consent of the persons involved.

⁷ The investigating office may invite other persons to give statements or listen to the testimony.

⁸ In general, short deadlines must be given for written statements.

§ 9 Conclusion of the investigation process

¹ The investigating office should conclude the investigation quickly and generally no more than four months after the request for the investigation pursuant to § 5 para. 2.

² The investigating office concludes the investigation with a report. The report should contain a presentation of the facts, the investigative activities, the results of the investigation and recommended measures for the President's Board.

³ A draft of the report must be sent to the persons involved. The latter may provide a written statement on the report within 10 days. They will receive the final report for their information.

⁴ The investigating office submits all files, including the report and statements by the persons involved, to the Secretariat of the University for the attention of the President's Board or, if a member of the President's Board is involved, to the President of the University Council. It informs the parties of the handover of the files.

IV. Special provisions

§ 10 Sanctions and measures

¹ The President's Board issues suitable sanctions against persons proven to have violated personal integrity as well as measures to protect persons affected by such violations.

² The sanctions against guilty parties are based on the provisions that apply to the legal relationship between the guilty party and the university.

³ Any measures to protect persons involved must be defined within the framework of the University of Basel's organizational rights and its right to issue decrees. These measures are not mandated.

§ 11 Communication

¹ The university informs the persons involved about the conclusion of the proceedings and, if necessary, the results.

² If necessary, the President's Board informs the management units of the persons involved that an investigation has been initiated as well as its outcome.

§ 12 Data protection

¹ The Personal Integrity Coordination Office and the investigating office are authorized to process the data necessary for ensuring that the purpose of the investigation can be met, including personal data and special personal data. Persons affected by a violation of their personal integrity expressly declares their consent to process their personal data when the report is filed with the Personal Integrity Coordination Office and with the request for a formal investigation.

² The aforementioned data may be forwarded to the legal authorities in the event of subsequent criminal and civil proceedings.

§ 13 Costs

¹ Consultation and the investigation are free of charge to the persons involved. This does not apply to malicious proceedings.

² The President's Board decides who will assume any additional costs.

V. Final provisions

§ 14 Validity

¹ These regulations are effective immediately.

² At the same time, the Regulations on protection against sexual harassment at work and in studies at the University of Basel of 22 September 2015 are rescinded.