



Regulations for the protection of personal integrity

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1. PREAMBLE

Swiss TPH is committed to a working, learning and research environment that respects the protection of personal integrity and is free from discrimination, bullying, sexual harassment and other behaviour that violates personal integrity. In order to Swiss TPH's vision and mission and to achieve its strategic goals, it is essential that all employees are guided by our values and treat each other with respect, consideration and appreciation.

2. PRINCIPLES

¹ These regulations govern the protection of personal integrity at Swiss TPH and the procedure in the event of its violation. They apply if a violation of personal integrity has occurred in the context of work or study and the accused person is employed by Swiss TPH or enrolled as a student at the time of the violation.

² At Swiss TPH, the Human Resources unit is the central point of contact for breaches of personal integrity. A violation of personal integrity occurs when persons are exposed to discrimination, bullying or sexual harassment and/or other violations of personal integrity.

³ Supervisors, teaching staff and researchers are responsible for protecting personal integrity within their area of responsibility. They shall take corrective action if they become aware of behaviour and patterns of behaviour that are contrary to these regulations. They inform the person affected by the violation about the possibility of making a report in the Swiss TPH *Tell-Us system* or reporting directly to Human Resources or one of the designated Swiss TPH persons of trust.

⁴ Persons who, against their better judgement, accuse another person of violating their personal integrity or spread such a suspicion against their better judgement may be liable to prosecution.

⁵ Swiss TPH shall ensure the protection of the persons involved from any reprisals or discrimination and, as far as possible within the framework of the legal requirements and any proceedings, for confidentiality and data protection. (See also [Art. 6.3](#)) The persons involved have no further claims against Swiss TPH.

3. DEFINITIONS

3.1 Discrimination

Discrimination is any statement or action aimed at treating a person unequally, disadvantaging them or reducing their dignity without an objective reason, in particular on the grounds of skin colour, gender, age, origin, language, culture, religion, physical characteristics, pregnancy or maternity, ideology, political conviction, sexual orientation or marital status.

3.2 Bullying

Bullying within the meaning of these regulations includes systematic, hostile behaviour that persists or is repeated over a certain period of time, with which, for example, psychological violence is exercised, a person is harassed or power disparity is demonstrated with the aim of discrediting, isolating or ostracising a person.

3.3 Sexual harassment

Sexual harassment is any unwelcome or inappropriate behaviour of a sexual nature towards a person, in particular

- a) sexual acts and behaviour that are punishable by law;
- b) unwanted sexual advances, regardless of whether or not they are associated with the promise of advantages or the threat of disadvantages;
- c) unwanted physical contact, intrusive behaviour, requests and pressure to perform sexual acts;
- d) implicit and explicit gestures, jokes and remarks of a sexual nature, in particular suggestive comments about appearance and physical characteristics;
- e) the intentional and unintentional display and distribution of pornographic material against the will of the receiving person.

4. RESPONSIBILITIES

4.1 Notification and counselling

¹ Anyone who feels that their personal integrity has been violated is entitled to counselling and support from the Human Resources unit or from the designated [persons of trust](#) at Swiss TPH.

² The Human Resources unit is the central coordination centre for all violations of personal integrity by members of Swiss TPH (see Art. 2). If the personal integrity of a person in the Human Resources unit has been violated, they should contact the external investigator directly. Human Resources acts exclusively with the consent of the person concerned and is subject to the duty of confidentiality. It listens to the person concerned, informs and advises them about offers and possible investigation procedures. If the person concerned wishes to undergo an investigation procedure, they must request the investigation in writing and make the report within one year of the incident to be reported in the Swiss TPH [Tell-Us system](#) or directly to Human Resources. Depending on the case, Human Resources will transfer the procedure to the external investigator in accordance with Art. [4.2](#).

³ The tasks of Human Resources also include

- a) the documentation of counselling cases;
- b) keeping an overview of the investigation cases and the deadlines to be met;
- c) the information of the Directorate.

4.2 Responsibility for the investigation

¹ If employees (including members of the ILK) or students of Swiss TPH are accused of discrimination or bullying, Human Resources will conduct the investigation procedure to clarify the facts of the case. If necessary, Human Resources may call in an external investigator or delegate the investigation to the external investigator ([Art. 4.3.](#)).

² If employees (including members of the ILK) or students are accused of sexual harassment, the investigation is always carried out by the external investigator.

4.3 External investigator for personal integrity

¹ The external investigator is appointed by the ILK. They have legal training and procedural knowledge. The external investigator is independent, impartial, unbiased and free from conflicts of interest.

² The external investigator acts exclusively at the request of Human Resources.

³ The external investigator decides on the initiation of proceedings.

⁴ It informs the persons involved, Human Resources and the Director in writing of the initiation of an investigation procedure or the decision not to take action.

⁵ If there is a conflict of interest on the part of the investigator, he/she must report this to the Director immediately. In this case an extraordinary investigator will be appointed.

5. EXAMINATION PROCEDURE

5.1 Principles of the examination procedure

¹ The person affected by the violation must not suffer any disadvantage as a result of the request for an investigation.

² It is a simple and fast examination procedure.

³ The investigating body shall keep a record of the proceedings.

⁴ Where appropriate, the investigating body may recommend suitable precautionary measures to the organisational units of the persons concerned for the duration of the investigation, in particular the physical separation of the persons involved, taking into account practicability and the maintenance of Swiss TPH's normal operations.

⁵ The investigating body informs the persons involved (injured person, accused person) about the procedure, conducts the investigation of the relevant facts and carries out the necessary clarifications. If necessary, it will obtain the necessary files from the relevant offices at Swiss TPH.

⁶ The investigating body shall hear the persons involved separately. At hearings, the persons involved must appear in person. They have the right to be accompanied by a companion. Confrontations are only conducted with the consent of the persons involved.

⁷ The investigating body may invite other persons to comment or be heard. Employees and students are generally obliged to co-operate in the investigation, subject to the principles of a fair procedure.

⁸ Short deadlines generally apply to written comments.

5.2 Conclusion of the investigation procedure

¹ The investigating centre shall complete the investigation promptly and, as a rule, no later than 6 months after notification in the Swiss TPH Tell-Us System in accordance with [Art. 4.1 para. 2.](#)

² The investigating body concludes the investigation with a report. The report contains a description of the facts of the case, the investigative activities, the outcome of the investigation and recommendations for measures to be taken for the attention of the Director.

³ The draft report is sent to the persons involved. They can comment on it in writing within 10 days. They receive the finalised report for their information. Access to the report may be restricted to the part relating to the person involved if the overriding interests of third parties oppose full access.

⁴ The investigating body shall forward the complete files, including the report and statements of the persons involved, to Human Resources for the attention of the ILK or, if a member of the ILK is involved, to the President of the Board of Governors of Swiss TPH. It shall inform the parties of the handover of the files.

6. SPECIAL PROVISIONS

6.1 Measures and precautions

¹ The supervisor, the director, and the Head of Human Resources decide on appropriate measures against persons who are responsible for a violation of personal integrity and shall take precautions to protect persons affected by such violations.

Possible measures may include the following:

- Request for a written or verbal apology to the victim,
- Written warning,
- Change of function, including loss of management responsibility,
- Termination of the employment contract with or without notice.

² Any precautions for the protection of affected persons must be taken within the framework of Swiss TPH's organisational and instructional rights and must take into account the overall situation.

6.2 Communication

¹ The persons directly involved have the right to inspect the finalised report on the conclusion of the procedure and its results unless they have waived this right in writing in the course of the proceedings. For any restrictions on the right of inspection, see 5.2.

² The Director and Human Resources shall, if necessary, inform the superiors of the persons involved of the fact that an investigation has been initiated and of its outcome.

6.3 Data protection

¹ Human Resources and the investigating body are authorised to process the data required to ensure the purpose of the investigation, including personal data. By notifying Human Resources and requesting a formal investigation in the Tell-Us system, the person affected by

a breach of their personal integrity expressly consents to the processing of their data.

² There is a possibility that the aforementioned data must be forwarded to the judicial authorities in the event of subsequent criminal and civil proceedings. Proactive disclosure without a request from the authorities does not take place

³ The information and data relating to the report, the investigation and the conclusion of the case are kept exclusively in the personnel file of the person concerned. Only employees of the Human Resources unit have access to the personnel file. Individuals concerned have the right to view their own personnel file at Human Resources or to receive a copy of it at any time. Data is deleted in accordance with the provisions of the **Data Protection Act**.

6.4 Costs

¹ Counselling and the investigation procedure are free of charge for the persons involved. This excludes cases of wilful conduct of proceedings. A private legal representative can be called in, but the costs must be borne by the person themselves.

² The ILK decides on the assumption of additional costs.

7. FINAL PROVISIONS

7.1 Entry into force

These regulations shall become effective upon adoption by the ILK.