

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

Dated 24 September 2024

Based on § 33 para. 2 of the University of Basel Staff Regulations dated 14 February 2022, the President's Board is enacting the following regulation.

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. However, the University of Basel also does not tolerate false accusations. 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 Scope

¹ These regulations apply where there has been a violation of personal integrity in the university context and the accused person was a member of the University of Basel pursuant to § 4 para. 1 of the University Statutes of 3 May 2012 when the violation was committed.

² These matters are governed by the responsibilities of the Personal Integrity Office, which is the central point of contact for violations of personal integrity at the University of Basel.

§ 2. Maxims for behavior

¹ Teaching staff, researchers, managers and supervisors are responsible for protecting personal integrity in their areas of responsibility. They must take corrective measures if they become aware of conduct or patterns of behavior that are in violation of this regulation. They are to inform those affected about the services of the Personal Integrity Office.

² 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.

§ 3 Responsibilities of the Personal Integrity Office

¹ Persons who believe their personal integrity has been violated by members of the university may approach the Personal Integrity Office, where they will receive advice and support.

² The responsibilities of the Personal Integrity Office include, in particular:

- a) offering consultations;
- b) providing information on services and the university's internal responsibilities;
- c) documenting cases where it provides consultations;
- d) informing the President's Board;

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

³ The Personal Integrity Office acts only with the consent of the affected person and is subject to strict confidentiality.

⁴ If appropriate, and at the suggestion of the Personal Integrity Office, the Vice President for People & Culture may recommend suitable temporary preventive measures to the management bodies of the university and to the faculties or departments concerned, 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. Internal responsibilities of the university

¹ If necessary, after a consultation, the Personal Integrity Office may refer the affected individual to the internal office responsible or may involve said internal office.

§ 5. Filing a complaint in cases of discrimination, bullying and sexual harassment

¹ Anyone who feels that they have been harmed by discrimination, bullying or sexual harassment from a person employed at or appointed by the University of Basel can, following consultation with and support from the Personal Integrity Office, submit a well-founded complaint to the Personal Integrity Office for the attention of the university's Legal Services team within six months of the violation being committed.

² If the person accused is a student, then following the consultation with the Personal Integrity Office a well-founded complaint can be submitted to the Personal Integrity Office for the attention of the Vice-President's Office for Education within six months of the violation being committed.

³ No person may be discriminated against, in particular on grounds of origin, race, gender, age, language, social position, way of life, religious, ideological, or political convictions, or because of a physical, mental or psychological disability.

⁴ 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.

⁵ Sexual harassment refers to any 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.

§ 6. Investigation into the accusations

¹ If a complaint is submitted pursuant to § 5 para. 1, the facts of the case must be investigated with care. On request, staff members are to cooperate personally with the investigation as part of their duty of loyalty.

² The investigation is to be concluded swiftly, generally no more than six months after the complaint is filed, and a report drawn up. The report will contain a presentation of the facts and the results of the investigation. It will be provided to the affected individuals for their information.

³ If initial preliminary investigations determine that the accusations are unfounded, no further action will be taken regarding the complaint.

⁴ If a complaint is filed pursuant to § 5 para. 2, the procedure to be followed will be as specified in § 11 of the Student Regulations of the University of Basel of 13 November 2019.

§ 7. Recusal and involvement of an external investigator

¹ The Guidelines for Recusals from University Committees of 19 December 2023 apply here.

² If necessary, the University of Basel can call in an external investigator to examine the facts of the case.

§ 8. 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 directives, and are to take place taking the overall situation into consideration. These measures are not mandated.

§ 9. Simultaneous violation of academic integrity

¹ Violations of academic integrity merit a complaint to the Integrity Ombudsperson in accordance with the Regulation on Academic Integrity. If a simultaneous claim is made of a violation of personal integrity pursuant to § 5, the investigation will generally be conducted by the Integrity Ombudsperson during the course of the investigation concerning academic integrity.

§ 10. Communication

¹ The university will keep the persons involved, as well as their superiors if necessary, informed about the complaint, investigation and outcome.

§ 11. Data Protection

¹ The Personal Integrity Office and the responsible bodies are authorized to process the data necessary for the investigation, including personal data and special personal data. The person affected by a violation of their personal integrity expressly declares their consent to the processing of their personal

data when they notify the Personal Integrity Office of the violation and when they submit their complaint for the attention of the Legal Services team or to the Integrity Ombudsperson.

² The aforementioned data, if needed for the investigation, may be forwarded to the responsible body, and also to the legal authorities in the event of subsequent criminal and civil proceedings.

§ 11. Entry into force

¹ This regulation enters into force on 1 January 2025.

² At the same time, the regulations on the protection of personal integrity at the University of Basel of 13 October 2020 are rescinded.