



SWISS TCM UNI
瑞士中医药大学

Regulations

on Protection against Discrimination and Sexual Harassment

These Regulations are based on the Statutes.

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

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I. General Provisions

¹ All members of SWISS TCM UNI have the right to be treated in a manner that preserves their dignity and personal integrity. Discrimination, sexual harassment, and sexist behavior violate a person's dignity and personal rights. They hinder equal opportunities in the workplace and in education and may impair work performance as well as jeopardize employment or the successful completion of studies.

² These Regulations apply to all members of SWISS TCM UNI. Members include, in particular, the entire management, academic, administrative, and technical staff, students, and all persons involved in events organized by SWISS TCM UNI.

³ The purpose of these Regulations is to protect employees and students of SWISS TCM UNI from any form of discrimination, sexual harassment, or sexist behavior. SWISS TCM UNI does not tolerate such conduct.

⁴ These Regulations expressly apply to discrimination occurring on the premises of SWISS TCM UNI and/or in direct connection with study programs, teaching and examination activities, and services of SWISS TCM UNI. They also apply to situations outside SWISS TCM UNI if there is a connection with its study programs, teaching and examination activities, or services.

⁵ Violations of these Regulations result in measures as described in Section V. These Regulations define responsibilities and procedures in the event of violations.

II. Definitions

§2.1 Discrimination

Discrimination is any behavior aimed at disadvantaging, treating unfairly, or showing disrespect toward a person without objective justification, particularly on the grounds of gender, origin, age, religion, worldview, physical or psychological characteristics, or sexual orientation.

§2.2 Sexual Harassment

¹ Sexual harassment is understood as unwanted behavior of a sexual nature. This includes, in particular, suggestive remarks, sexist statements and jokes, unsolicited invitations with clear intent, supposedly accidental physical contact, the display or distribution of pornographic material, and sexual advances accompanied by promises of advantages.

² Coercion or extortion to engage in sexual relations, physical assault, sexual coercion, and rape constitute criminal offenses.

³ In such cases, SWISS TCM UNI reserves the right to impose internal measures and sanctions.

III. Informal Procedure

§3.1 Information Path

¹ The person concerned informs the supervisor of the accused person or contacts a person of trust directly regarding the discrimination or sexual harassment.

² At the request of the affected person, a person of trust (see §3.2) may participate in the discussion.

³ The aim of these discussions is to immediately stop the sexual harassment and, in a broader context, to exert a lasting positive influence on behavior in the work and study environment.

§3.2 Persons of Trust

¹ SWISS TCM UNI provides both a female and a male person of trust.

² The persons of trust are appointed by the University Management, with the Equal Opportunities Office having the right to make nominations.

³ The persons of trust serve as the first point of contact for affected individuals and support them with the aim of immediately stopping discrimination or sexual harassment.

⁴ The duties of the persons of trust include

- hearing the affected person or a third party,
- informing them about possible steps and supporting them in choosing an appropriate course of action,
- assisting in the formulation and submission of a potential complaint,
- accompanying or representing them in discussions or negotiations, if requested,
- contributing to information and prevention measures regarding discrimination and sexual harassment,
- documenting their activities in anonymized form and maintaining anonymized statistics for the accountability report. Records of incidents must either be added to the personnel file or destroyed after the conclusion of the case.

IV. Formal Procedure

§4.1 Internal Investigation

The affected person, or the person of trust acting on their behalf, may request an investigation from the University Management or from a member of the Senate.

§4.2 External Investigation

¹ The University Management of SWISS TCM UNI conducts the investigation procedure and may involve external experts for this purpose.

² The investigating persons hear all parties involved and carry out the necessary inquiries to comprehensively determine the facts.

³ Based on the results of the investigation, the University Management may order measures (see also §5.3).

§4.3 Rights of the Affected Person and the Accused Person

Both parties have the right, during the procedure, to:

- be accompanied by a support person during interviews,
 - comment on statements made by the opposing party and other involved persons,
- inspect the files and comment on them.

§4.4 Outcome

The University Management communicates the outcome of the investigation, including any measures taken, to the parties involved in writing.

§4.5 Pursuing Legal Remedies

¹ If no agreement between the parties can be reached, the applicant must decide whether to pursue ordinary legal remedies.

² If an agreement is reached, the dispute is considered conclusively resolved.

³ If the matter is relevant under criminal law, the harassed person additionally has the option to take criminal or civil action directly against the harassing person.

§4.6 Responsibility and Decision-Making Authority

¹ The University Management is responsible for conducting the formal procedure and for deciding on any measures to be taken.

² In doing so, it may rely on the results of internal or external investigations as well as on recommendations from the bodies involved (e.g. persons of trust, the Senate).

³ Decisions are taken with due regard to the principle of proportionality and the rights of all parties involved.

§4.7 Time Limits

¹ Applications for the initiation of a formal procedure should be submitted without delay after the incident becomes known.

² As a rule, the investigation procedure should be completed within 30 working days.

³ In justified cases, this time limit may be extended; the persons concerned shall be informed accordingly.

V. Measures

§5.1 Prevention

¹ The University Management and departments ensure, through appropriate training and prevention measures (internal communication, printed materials, continuing education for managers), a study and work environment that does not tolerate sexual harassment.

² All existing and newly appointed employees and students are informed about the guidelines and measures.

³ Persons with managerial responsibilities are responsible, within their area of responsibility, for a cooperative and harassment-free working atmosphere. They are informed about the resulting duties, consequences, and obligations and prepared for potential issues they may encounter.

§5.2 Principles of Conduct

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

² Employees and students who feel sexually harassed are encouraged, where possible, to clearly inform the harassing persons that such behavior is not acceptable.

³ Superiors are obliged to draw their employees' attention to the principles of conduct set out in these Regulations and to support affected persons who defend themselves against discrimination and sexual harassment.

§5.3 Consequences of Investigation Findings

¹ Based on the investigation findings, the University Management may impose sanctions.

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

- written warning,
- written reprimand with threat of termination,
- transfer or dismissal of employees,
- withdrawal of teaching authorization for lecturers,
- temporary or permanent expulsion of students

§5.4 Pursuing Legal Remedies

- ¹ In all cases, the person affected by discrimination or harassment is free to pursue legal remedies by taking civil or criminal action against the accused person.
- ² Following a complaint, the procedure at SWISS TCM UNI may be suspended until the court proceedings are concluded.
- ³ In the meantime, precautionary measures may be taken.

§5.5 Abusive Accusations

- ¹ Members of SWISS TCM UNI who knowingly accuse others of discrimination or sexual harassment without justification may be held legally liable.
- ² Internal measures and sanctions remain reserved.

§5.6 Quality Assurance and Monitoring

- ¹ The implementation of this Regulation forms part of the university-wide Quality Assurance and Development System (QSE) of STU.
- ² The activities of the persons of trust and the measures taken are documented in anonymized form and are incorporated, in an appropriate manner, into the university's accountability or annual report.
- ³ The findings derived from these evaluations serve to further develop prevention, information, and training measures.

VI. Prohibition of Disadvantage

No disadvantages in studies or professional life, nor any attacks on personal dignity and integrity, may arise for the affected person or any witnesses as a result of rejecting or distancing behavior, seeking advice and support, or requesting an investigation.

VII. Duty of Confidentiality

§7.1 Persons

Persons of trust, supervisors, and all individuals entrusted with the investigation are subject to the duty of confidentiality.

§7.2 Data Protection and Data Processing

- ¹ Personal data processed within the framework of this Regulation are used exclusively for the clarification, assessment, and handling of cases of discrimination or sexual harassment.
- ² Access to such data is restricted to persons directly involved in the procedure.
- ³ Upon completion of the procedure, the documents are retained or deleted in accordance with the applicable data protection regulations.
- ⁴ Information is disclosed to third parties only on a legal basis or with the explicit consent of the data subject.

VIII. Entry into Force

- ¹ These Regulations were adopted by the Equal Opportunities Office on 28 March 2025.
- ² They were approved by the University Council on 31 March 2025.
- ³ This document enters into force on 1 April 2025 and replaces all previous versions.

