

## **Regulations governing the safeguarding of personal integrity at the Lucerne University of Applied Sciences and Arts**

of 6 November 2024

*The Governing Council of the Lucerne University of Applied Sciences and Arts,*

pursuant to Article 22 (k) of the Agreement between the Universities of Applied Sciences of Central Switzerland (FHZ Agreement) of 15 September 2011<sup>1</sup>,

*hereby enacts the following:*

### **I. General**

#### **Art. 1 Purpose**

<sup>1</sup> The purpose of these regulations is to protect members of the Lucerne University of Applied Sciences and Arts (HSLU) from interference with their personal integrity and dignity within the scope of their activity at the HSLU. As regards their equality, members of the HSLU should not be disadvantaged in the workplace or in their degree programmes or continuing education, nor should their professional or academic careers be impaired.

<sup>2</sup> These regulations define the divisions of responsibility and procedures in the event of violations.

<sup>3</sup> These regulations are aligned with the Code of Conduct (Framework of Values) of the HSLU and lend binding force to the principles set out therein regarding expected behaviour.

#### **Art. 2 Scope**

<sup>1</sup> These regulations apply to members of the HSLU (employees, students, continuing education participants) in respect of activities in connection with the university.

<sup>2</sup> These regulations also apply mutatis mutandis to users and visitors of the HSLU's institutions. In particular, the latter include course auditors, exchange students, associate lecturers, visiting lecturers and speakers.

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<sup>1</sup> SRL no. 520

## **II. Violations of personal integrity**

### **Art. 3** *Basic principle*

<sup>1</sup> The Lucerne University of Applied Sciences and Arts (HSLU) does not tolerate acts or behaviour that violate the personal integrity of others.

<sup>2</sup> Violation of personal integrity includes all forms of discrimination, sexual harassment, bullying, threats and violence, as well as violations of privacy, reputational damage or exploitation in the workplace.

### **Art. 4** *Discrimination*

Discrimination is any statement or action aimed at disadvantaging, treating unequally or degrading a person, in particular on the basis of their gender, age, origin, religion, physical or psychological characteristics, world view or sexual orientation.

### **Art. 5** *Sexual harassment*

<sup>1</sup> Sexual harassment is any anonymous or identifiable behaviour with a sexual element or sexist content that is unwanted by the recipient.

<sup>2</sup> This includes in particular:

- a. Acts and conduct punishable under criminal law;
- b. Sexual approaches involving promises of advantages or threats of disadvantages;
- c. Unwanted physical contact, intrusive behaviour and solicitations to engage in sexual activities;
- d. Sexist talk or jokes, or lewd remarks;
- e. Showing, displaying or distributing pornographic material, including by digital means, which expresses a discriminatory attitude;
- f. Offensive or discriminatory statements or actions of a verbal or visual nature related to members of a particular gender;
- g. Behaviour that creates a hostile climate for members of a particular gender.

### **Art. 6** *Bullying*

Bullying refers to the repeated and systematic intimidation, harassment, devaluation and/or marginalisation of a person or group of persons in the workplace or in a study programme over an extended period of time. Individual behaviour may include, for example, targeted demeaning, exclusion, denial of information, abusive accusations or discrediting.

**Art. 7** *Threats and violence*

Threats and violence include behaviour by which other people are mentally or physically harmed or threatened with such harm. In addition to physical attacks and threats, this includes verbal or non-verbal insults, humiliation, insults and the deliberate and persistent persecution of a person (stalking) that go beyond common workplace disputes or interpersonal conflicts.

**Art. 8** *Other inappropriate conduct*

<sup>1</sup> Breach of privacy is defined as unauthorised intrusion of a person's privacy, for example by collecting, using or disclosing their personal information without their consent or without a legal basis, such as by reading personal messages, monitoring telephone conversations or surreptitiously taking photos or videos.

<sup>2</sup> Reputational damage refers to the negative impact on the reputation or honour of a person or organisation in public caused, for example, by false information, rumours or suspicions.

<sup>3</sup> Workplace exploitation means the unfair or unwarranted use of employees' resources, labour or skills for the personal benefit of another person or group and without the consent of the employees or by abusing a position of authority.

### **III. Obligations and divisions of responsibility**

**Art. 9** *Obligations of the Lucerne University of Applied Sciences and Arts*

<sup>1</sup> The Lucerne University of Applied Sciences and Arts (HSLU) does not tolerate actions or behaviour that violate the personal integrity of others. It promotes a workplace and study culture that counteracts this undesirable behaviour. In the event of violations, it ensures a fair hearing. The duty of care is guaranteed for both the alleged perpetrator and the complainant.

<sup>2</sup> The HSLU makes its members aware of the principles of conduct, rights, obligations and responsibilities set out in the Code of Conduct, and these regulations and calls on members of the HSLU to behave accordingly.

**Art. 10** *Obligations of members of the university*

<sup>1</sup> Members of the HSLU are called upon to behave in a considerate manner and respect the dignity and integrity of others. They should contribute to an environment free of discrimination and harassment.

<sup>2</sup> Within the bounds of reason, complainants must make it clear to alleged perpetrators that they feel their personal integrity has been violated and that the behaviour in question is undesirable.

<sup>3</sup> Members of the HSLU who feel that personal integrity in the course of their university activities has been violated are required, within reason, to draw attention to the inadmissibility of such behaviour.

<sup>4</sup> Employees in managerial positions and administrative supervisors are responsible for ensuring a non-discriminatory and harassment-free working environment within their area of responsibility. They must not tolerate any violation of the personal integrity or dignity of persons within their area of responsibility. They must follow up any relevant information and take corrective action if they discover behaviour in conflict with these regulations.

<sup>5</sup> Paragraph 4 applies analogously to lecturers vis-à-vis students and participants.

**Art. 11** *Contact persons*

Superiors, study and programme coordinators, heads of institutes and HR officers must support and advise complainants and other persons involved as points of contact within the scope of their possibilities.

<sup>2</sup> If contact persons become aware of incidents, they must ascertain the circumstances within the scope of their possibilities. The personal rights of all persons involved must be respected and reports of incidents must be treated as confidential as far as possible.

<sup>3</sup> The contact persons shall support complainants and draw their attention to the counselling services and possible courses of action in accordance with these regulations.

**Art. 12** *Rights of complainants*

Members of the HSLU who feel that their personal integrity has been violated

- a. are entitled to support and counselling from the points of contact and counselling services offered by the HSLU;
- b. may request that an investigation be initiated.

**Art. 13** *Points of contact*

<sup>1</sup> The following points of contact and advisory services are available to members of the university:

- a. Contact persons in accordance with Article 11;
- b. Specialist Unit for Diversity and diversity officers in the Schools: counselling and support, in particular to safeguard against discrimination;
- c. Confidants: the university's internal contact point for safeguarding against sexual harassment in accordance with Article 14;
- d. HR officers: points of contact for employees where bullying is concerned;
- e. Psychological counselling at the HSLU's Schools;
- f. Ombuds services of the HSLU: HSLU members can also contact the university's ombudsperson's office directly. In this case, the rules and procedures of the ombudsperson's office<sup>2</sup> shall apply.

Members of the HSLU may reach out to the points of contact directly.

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<sup>2</sup> See the regulations of the ombudsperson's office of 27 August 2024

<sup>2</sup> The points of contact referred to in paragraph 1 (b), (c) and (d) are mandated as follows:

- a. They support and advise persons seeking advice in confidential setting;
- b. They can be appointed to facilitate meetings within the HSLU;
- c. They provide referrals for psychological or psychiatric counselling at the request of the complainant;
- d. They provide information and advice on possible next steps within the HSLU;
- e. Depending on the incident, particularly in the case of serious breaches of personal integrity or acute danger, they forward the matter to the competent person in accordance with Article 16 paragraph 2;
- f. Confidants in accordance with Article 14 may accompany persons seeking advice to counselling sessions or negotiations;
- g. Confidants in accordance with Article 14 shall contribute to introducing preventive measures against sexual harassment and deliver appropriate training;
- h. The Specialist Unit for Diversity Unit and the confidants shall report annually to the President of the HSLU.

#### **Art. 14** *Confidants*

<sup>1</sup> The President of the HSLU appoints several persons as confidants, ensuring a balanced representation of gender. At least one of the person appointed as confidant must have completed relevant specialist training.

<sup>2</sup> Confidants employed by the HSLU perform their duties outside the scope of their role as employees.

<sup>3</sup> Confidants are bound by a duty of confidentiality and disclose information received in confidence only with the express consent of the persons involved. This does not apply to cases of serious endangerment to self or others.

## **IV. Measures**

#### **Art. 15** *General*

<sup>1</sup> The Lucerne University of Applied Sciences and Arts (HSLU) can take measures against persons who violate the personal integrity of others.

<sup>2</sup> The measures are based on the provisions of employment law and academic regulations applicable to the legal relationship between the alleged perpetrator and the HSLU. They range from support measures to dismissal or removal from the register of students. In addition to any measures under employment law or academic regulations, the following measures may be considered:

- a. Obligation to apologise in writing to the complainant;
- b. Exclusion from the use of HSLU facilities;
- c. Exclusion from certain course-related events;
- d. Ban from the HSLU premises.

<sup>3</sup> The measures are enacted regardless of the existence of any criminal or civil proceedings.

<sup>4</sup> Paragraphs 1 to 3 shall apply mutatis mutandis to persons who, against their better judgement, accuse another person of prohibited conduct under these regulations or, against their better judgement, spread a suspicion of that nature.

**Art. 16** *Investigative process*

- <sup>1</sup> The HSLU may conduct an investigation on its own initiative or in response to a formal request if these regulations are suspected to have been violated.
- <sup>2</sup> It is for the Dean (employees), the Head of Bachelor's and Master's Degree Programmes (students) or the Head of Continuing and Executive Education (participants) of the relevant School to decide whether to initiate proceedings and to appoint the investigating body.
- <sup>3</sup> The investigating body is internal and should have in-depth knowledge of the areas to be investigated. If the circumstances warrant it, and on a case-by-case basis – particularly in serious cases of sexual harassment – an external investigative body may be appointed.
- <sup>4</sup> The investigating body shall determine the facts and conduct the investigation.
- <sup>5</sup> It can submit a formal request to the Dean, the Head of Bachelor's and Master's Programmes or the Head of Continuing and Executive Education to
- a. consult experts,
  - b. order measures in accordance with Article 15 paragraph 2.
- <sup>6</sup> The investigating body can enlist the HSLU's legal services for advice.
- <sup>7</sup> The investigation concludes with the decision of the Dean, the Head of bachelor's and Master's Degree Programmes or the Head of Continuing and Executive Education to order measures in accordance with Article 15 paragraph 2.

## V. Procedural provisions

**Art. 17** *General*

Unless otherwise stipulated in these regulations, the proceedings and the rights of the parties involved in the proceedings shall be governed by the provisions of the Law on Administrative Court Procedure (VRG) of the Canton of Lucerne<sup>3</sup>.

**Art. 18** *Rights of the persons involved*

- <sup>1</sup> The persons involved have the right to be accompanied by a person during the investigation procedure, to inspect the files concerning their case and to comment on them once the investigations have been completed.
- <sup>2</sup> The parties directly involved (complainant and alleged perpetrator) also have the right
- a. to be present at the interview of persons providing information, experts, the complainant and the alleged perpetrator in the investigation proceedings;
  - b. to comment on statements made by the persons providing information, the complainant or the alleged perpetrator.

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<sup>3</sup> SRL no. 40

<sup>3</sup> If overriding interests of the HSLU, the complainant or alleged perpetrator or third parties require it, the right to be heard and access to the files may be restricted to the extent that the law permits. In particular, the complainant may be questioned, at his or her request, in the absence of the alleged perpetrator.

**Art. 19** *Prohibition of disadvantages*

<sup>1</sup> The violation of personal integrity or the related proceedings must not result in any further disadvantages for the complainant.

<sup>2</sup> Paragraph 1 applies *mutatis mutandis* to all persons who, in accordance with these regulations, perform tasks, exercise functions, request measures, decide on such measures or are otherwise involved in the proceedings.

**Art. 20** *Duty of confidentiality*

All persons involved in the investigation are bound by a duty of confidentiality. In serious cases, these persons may be released from their duty of confidentiality at their formal request. The decision whether to do so rests with the President.

**Art. 21** *Costs*

<sup>1</sup> The proceedings are free of charge for the persons involved. This does not apply to proceedings pursued in bad faith.

<sup>2</sup> The President may, on a case-by-case basis, award compensation to the complainant or the wrongly accused alleged perpetrator for the costs incurred as a result of proceedings.

**Art. 22** *Communication*

<sup>1</sup> On request and in consultation with the complainant or the wrongly accused alleged perpetrator, the outcome of the proceedings may be communicated in the workplace or study environment of these persons.

<sup>2</sup> In doing so, the personal rights and other interests worthy of protection of all parties to the proceedings must be safeguarded as far as possible.

## **VI. Final provisions**

**Art. 23** *Repeal of previous rules and orders*

The guidelines for safeguarding against sexual harassment in the workplace and during studies at the Lucerne University of Applied Sciences and Arts, the University of Lucerne and the University of Teacher Education Central Switzerland of 13 December 2011 are hereby repealed.

**Art. 24** *Entry into force*

These regulations shall enter into force on 1 November 2024.

Lucerne, 6 November 2024

On behalf of the Governing Council of the Lucerne University of Applied Sciences and Arts  
The Chair: Stephan Keller  
The General Secretary: Patrick Rösli