



University of St.Gallen



Protecting Personal Integrity at the University of St.Gallen

United against Discrimination, Bullying and Sexual Harassment

Basic Principle: Zero Tolerance



Dear Students
Dear Staff

Integrity, responsibility, collegiality and professionalism are among the seven principles of the HSG Ethics Code. On this basis alone, the University of St. Gallen does not tolerate the violation of personal integrity and dignity.

Even if we have internalised these values, we may nevertheless experience situations which disconcert us and where we need additional guidance. This brochure serves precisely this purpose: Whether you have been personally affected or someone else has confided in you, whether you are a student or hold an executive position, this brochure explains how personal integrity, yours or another person's, might be violated—and what you can do if this happens.

Thank you for taking the time to consider this important issue. And thank you for defending yourself against violation or for standing up for others whenever necessary. You will contribute to making our University a safer environment, one based on mutual trust and respect.

A handwritten signature in black ink, which appears to read 'B. Ehrenzeller'.

Prof. Dr. Bernhard Ehrenzeller
President of the University of St. Gallen

«We do not
tolerate any
behaviour that
harms others.»



«Personal integrity means physical, psychological and moral integrity.»



Violations of Personal Integrity

Personal integrity

Personal integrity means physical, psychological and moral integrity. Violations of personal integrity involve any kind of attack on the individual as a whole. Such behaviour violates personal boundaries and damages self-esteem.¹

Discrimination

Discrimination is the unequal treatment of individuals or groups which either disparages or excludes those affected. Discrimination may be directed at various personal traits. It is often based on gender, age, religious or sexual orientation, social or ethnic origin, health needs or impairments.²

Typical behaviour includes:

- Derogatory oral or written utterances, including jokes or suggestive remarks
- Degrading treatment, such as imitating another person's speech or posture
- Racist, xenophobic, sexist, homophobic or transphobic remarks and actions
- Denying members of certain groups (e.g. individuals from certain backgrounds, mothers of young children) equal pay, promotion or further training
- Bullying
- Sexual harassment

Bullying

Bullying is the hostile or offensive treatment of a specific person or group of people over a longer period of time. Bullying means that those affected are denied information, devalued, harassed and marginalised.³

Typical behaviour includes:

- Not letting people finish what they are saying, interrupting or shouting at them (preventing them from communicating)
- Refusing contact, ignoring, excluding and isolating a person (assailing social relationships)
- Ridiculing others, spreading rumours, taunting, insulting, making disparaging remarks (attacking a person's social standing)
- Assigning vexatious and humiliating tasks, voicing unfounded criticism, revoking important tasks, withholding information (attacking a person's quality of life and professional circumstances)

Sexual harassment

Sexual harassment is generally considered to include any behaviour which has sexual connotations and is unwanted by a person and violates their dignity. Such behavior includes sexualised remarks about a person's looks or appearance,

unwanted physical contact, sexualised emails and images, unsolicited advances and invitations which either promise the person concerned an advantage or threaten to cause them a disadvantage if they fail to comply.⁴

Not the harasser's intent is crucial to assessing whether sexual harassment has occurred, but how their behaviour is perceived by the person affected, that is, whether that person perceives the behaviour as desirable or undesirable. Whether behaviour constitutes harassment should be determined in terms of the average person's perception and the actual circumstances.

Typical behaviour includes:

- Sexualised behaviour which disparages or offends personal dignity (e.g. sexualised insults or remarks about a person's looks or appearance)
- Unwanted physical contact
- Sexualised, offensive jokes
- Displaying, sharing or sending sexualised images or videos, especially of a pornographic nature

Sexism

Sexism is discrimination on the grounds of gender. It rests on the assumption that one gender is inherently superior to other genders, and thus would justify discriminating, oppressing, degrading or disadvantaging people because of their gender.

Other abuses of power

An abuse of power occurs when one person depends, either directly or indirectly, on another person and when the stronger (i.e. more powerful) party exploits this dependence.

Typical behaviour includes:

- Giving someone private (i.e. non-work related) tasks and/or assignments
- Pretending the ideas of one's subordinates are one's own
- Issuing threats, even to the point of employing violence

¹Regulations Concerning Arbitration at the University of St.Gallen, Art. 3 Para. 1

²Regulations Concerning Arbitration at the University of St.Gallen, Art. 3 Para. 4

³Regulations Concerning Arbitration at the University of St.Gallen, Art. 3 Para. 2

⁴Regulations Concerning Arbitration at the University of St.Gallen, Art. 3 Para. 3

«If you feel harassed, you are entitled to defend yourself and to get support.»



«An atmosphere of personal respect and trust helps counter discrimination.»



What You Can Do

Behave respectfully

How you can contribute to prevention:

- Treat others with respect and respect their personal boundaries.
- If you wish to clarify any misunderstandings, we suggest that you approach the person concerned. We recommend that you meet in a public place, for instance, a cafeteria.
- If you are concerned that you may have behaved inappropriately, step back and consider your behaviour. Would you treat a close person (e.g. sister, friend) the same way? How would they react to your behaviour? You may want to talk to someone you trust or to a counsellor.

Support those affected

How you can support those affected:

- Look, listen, intervene, do not join in the laughter.
- Talk to those affected, support and encourage them to defend themselves or to seek counselling. But: Do not do anything against their will or without their consent.
- As a superior, take the problem seriously, investigate allegations and take the necessary measures. In doing so, you can count on the support of the University's advisory services.

Create a safe environment

How you can contribute to prevention:

- As a superior: Promote a good working atmosphere in which fairness, decency and respect are fostered in personal interactions.
- Treat others with respect.
- Respect other people's boundaries.

Defend yourself or get support

If you feel harassed or discriminated, you have the right to defend yourself. If you don't dare to do this on your own, we advise you to get support. Experience shows that harassment is more likely to be stopped if those affected take action and set boundaries.

Even if you are unsure whether you are experiencing discrimination, bullying or sexual harassment, or if you were previously in a closer relationship with the harasser, you are entitled to point them to your personal boundaries and to get support.

How to defend yourself:

- If you are harassed: Request the harasser to stop their behaviour immediately and set boundaries (if possible).
- If you suffer discrimination or bullying: Demand equal treatment.
- Gather evidence, involve witnesses, document the incidents, talk about them.

- Seek information and support from our confidential advisory and counselling services (see page 14).
- Involve your superior. (Note that superiors are obliged to clarify incidents. If applicable law is violated, superiors must exercise their duty of care, which involves establishing the facts and introducing appropriate measures).

«The University of St. Gallen is committed to protecting the personal integrity of its members.»



Statutory Bases & Procedural Principles

Statutory Bases

The University of St.Gallen is responsible for protecting its members against discrimination and for safeguarding their dignity.

Art. 3 of the Federal Act on Gender Equality (GEA) (Status as of 1 January 2011; SR 151.1)

¹ Employees shall not be discriminated against, neither directly or indirectly, on the grounds of their gender, in particular in reference to their marital status, family circumstances or, in the case of female employees, pregnancy.

² This prohibition applies in particular to the terms and condition of employment, the allocation of tasks, working conditions, remuneration, basic and further training, promotion and dismissal.

Art. 328 Para 1 of the Swiss Code of Obligations (CO) (Status as of 1 January 2016; SR 220)

Within the employment relationship, the employer must acknowledge and safeguard the employee's personality rights, have due regard for their health and ensure that proper moral standards are maintained. In particular, the employer must ensure that employees are not sexually harassed and that victims of sexual harassment suffer no further adverse consequences.

Art. 75 Para. 1 of the Personnel Act of the Canton of St. Gallen (PersG) (Status as of 18 November 2014; sGS 143.1)

Under applicable legislation, the employer may implement measures if:

- a. the employee's performance or conduct does not meet the requirements;
- b. the employee violates duties arising from the employment relationship.

Art. 36 of the University of St. Gallen Act (UG) (Status as of 1 January 2016; sGS 217.11)

Disciplinary offences are deemed to constitute culpable breaches of the rules and regulations of the University, in particular:

- c. Preventing persons from fulfilling their duties at the University;
- d. Disrupting University events;
- e. Dishonest conduct at University examinations.

Art. 2 Para. 2 of the Personnel Regulations of the University of St. Gallen (Status as of 1 January 2019)

It [the University] undertakes to protect the personal rights of employees and to create an atmosphere of personal respect and trust which prevents discrimination.

Art. 2 Para. 1 of the Regulations on Arbitration Procedures at the University of St. Gallen (Status as of 7 December 2020)

The University of St.Gallen undertakes to ensure the protection of the personality

rights, personal integrity and dignity of its members at the University of St.Gallen.

Whistleblowing Regulations of the University of St. Gallen (Status as of 7 December 2020)

The University of St.Gallen undertakes to ensure that whistleblowers can report grievances to a Whistleblowing Office.

Defamation, bullying, psychological and physical violence, statements made by students against fellow students, faculty members and university employees which violate the personal rights of those affected constitute breaches of the University's regulations and thus disciplinary offences under Art. 36 of the University of St.Gallen Act. If such incidents occur among employees, they are deemed to violate employee duties under Art. 75 of the Personnel Act of the Canton of St.Gallen.

Procedural Principles

We exercise the greatest possible discretion in handling complaints and during ongoing proceedings. All persons involved are entitled to fair and equitable treatment, to receiving an assessment within a reasonable period of time and to a fair hearing. University members who, against their better judgement, unfoundedly accuse others of misconduct must also expect to face sanctions.

Contacts

HR Recruiting and Development

Dufourstrasse 50, 9000 St.Gallen
+41 71 224 23 44
hrrecruiting@unisg.ch

HR consultants provide confidential advice and mediation support in conflicts with your consent. They are obliged to protect you and your health. If applicable law is violated, they must, in particular in view of their duty of care, establish the facts and are entitled to introduce appropriate measures.

Diversity & Inclusion

Rosenbergstrasse 51, 9000 St.Gallen
+41 71 224 22 44
chancengleichheit@unisg.ch

The Diversity & Inclusion team provides independent and confidential advice to all members of the University of St.Gallen. Team members do not act as mediators, but provide information and support, as well as suggest possible action.

Psychological Counselling Services

Girtannerstrasse 6, 9010 St.Gallen
+41 71 224 26 39
beratung@unisg.ch

The HSG's Psychological Counselling Services provide students and staff undergoing stressful situations and crises with expert support. Counsellors offer support in conflict situations or in the event of discrimination, bullying and the violation of personal boundaries. Counselling sessions are confidential and free of charge.

Ombuds Office

Kathrin Hilber, lic.phil. Mediator
Oberer Graben 46, 9000 St.Gallen
+41 79 632 14 34
ombudsstelle@unisg.ch

The Ombuds Office is a confidential and independent arbitration office. Its aim is to promote trust between university members, to mediate in conflicts and to resolve them informally.

Whistleblowing Office

Kathrin Hilber, lic.phil. Mediator
Oberer Graben 46, 9000 St.Gallen
+41 79 632 14 34
hilber.meldestelle@bluewin.ch

The external «Whistleblowing Office» serves as a point of contact for staff and students wishing to report violations of laws, regulations, duty of care, as well as other unlawful behaviour and unfair conduct. This includes, for example, conflicts of interest, property crimes, breaches of data protection as well as scientific and personal misconduct.

Further information is available on the University Intranet (see «Beratung in schwierigen Situationen», in German only) and on StudentWeb (see «Advisory Services»).



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Diversity & Inclusion
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From insight to impact.