
Regulations I implementing the Code of Ethics

Chapter II: Provisions on integrity in interpersonal behaviour ⁱ

Disclaimer:

These Regulations I implementing the Code of Ethics (Chapter II: Provisions on integrity in interpersonal behaviour) has been drawn up in Italian. A non-legally binding English translation has been provided for information purposes only. The Italian version shall prevail over the English translation.

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The University Council of the Università della Svizzera italiana

Further to the Legge sulle scuole universitarie dated 3 October 1995 (LSU); the Regolamento di applicazione of 18 February 2014, the Statutes of the Università della Svizzera italiana (hereinafter "USI") of 20 March 2020 and the USI's Code of Ethics of 15 December 2023,

hereby resolves:

Contents

Chapter 1 - General Provisions	4
Chapter 2 - Types of Inappropriate Behaviour	5
Chapter 3 - Commitments of USI and the university community	8
Chapter 4 - Reporting Procedures	10
Chapter 5 - Disciplinary steps, measures and legal redress	14

1. Chapter 1 - General Provisions

Art. 1 - Legal and Ethical Bases

- ¹ This regulation has its legal and ethical bases in the Code of Ethics of Università della Svizzera italiana (hereinafter USI) and in the legislation listed therein.

Art. 2 - Purpose

- ¹ 1 USI promotes and safeguards the personal integrity (both psychological and physical) of all individuals belonging to the University community in the areas of work and study, and does not tolerate any form of inappropriate behaviour that is detrimental to the individual's integrity.
- ² 2 This Regulation defines the types of inappropriate conduct and internal procedures for reporting them.
- ³ 3 With regard to the provisions on the integrity and ethics of scientific research, the University Council adopts another set of implementing regulations for the Code of Ethics.

Art. 3 - Scope of Application

- ¹ This Regulation shall apply to all persons belonging to the University community, and specifically to their personal and institutional conduct in the course of their learning, teaching and continuing education activities, in their work and study relations and in the Third Mandate. This also applies when they represent USI externally during the performance of their activities.
- ² Members of the University community include, among others, members of the governing bodies, academic staff (academic and interim staff), service and auxiliary staff and the student body.
- ³ For academic staff, this Regulation also applies to everyone who performs teaching or scientific or research activities, even temporarily, by contract or by invitation.
- ⁴ It also extends to those of the student body in mobility.

Art. 4 - Definitions

- ¹ In this Regulation, the term "Management Board" refers to the Rector, the Director of Operations and the Secretary-General.

2. Chapter 2 - Types of Inappropriate Behaviour

Art. 5 - General Principles

- ¹ Everybody belonging to the University community is respected for their dignity as individuals, for their integrity, and they owe the same respect to every other person in the community.
- ² Behaviour detrimental to personal integrity affects both each individual in the University community and the institution itself.
- ³ USI shall ensure that no inappropriate behaviour detrimental to personal integrity, in particular: mobbing (Art. 6), bullying and cyberbullying (Art. 7), discrimination (Art. 8), sexual harassment (Art. 9) or other behaviour detrimental to personal integrity within the place of work or study (Art. 10).
- ⁴ Inappropriate conduct by a person in a hierarchically superior position or who has a de facto position of power with the person subjected to the conduct in question is considered an aggravating circumstance. Such power relations derive from formal hierarchical, work or study relationships, security and professional status, financial means, age, gender, origin and popularity.
- ⁵ Other behaviour not expressly defined in this Regulation, but which constitutes a de facto breach of the principles set out in the Code of Ethics because it can be traced or equated to them, may be subject to the procedures set out below.
- ⁶ All members of the University community shall report to the USI Management Board any indictable crimes and offences that they observe or are reported to them in the course of their duties.

Art. 6 - Mobbing

- ¹ Mobbing is defined as any act of oppressive behaviour, withholding of communication, conflictual relationship, moral or psychological abuse, whether direct or indirect, with one or more persons and repeated over time. Such behaviour must come from a hierarchically superior person and/or a person of the same level (between persons with the same role and/or between students/staff) and be perceived as hostile by the person concerned, even after the event has occurred. Behaviour may be intended to damage the reputation of the person concerned, isolate them, exclude them and/or relegate them to a position of inferiority and may cause psychological, psychosomatic, behavioural and emotional damage.
- ² The following, in particular, fall within the definition of mobbing:
 - a. behaviour with an adverse effect on communication: for example, not allowing the person concerned to express themselves, interrupting them, shouting at them, or not providing them with information;
 - b. behaviour with an impact on relationships: in particular, unjustifiably refusing any kind of contact with the person concerned, ignoring, marginalising and/or isolating them;
 - c. behaviour affecting reputation: for example, ridiculing, spreading unfounded rumours, insulting and/or making derogatory remarks about the person concerned;
 - d. behaviour with a professional and personal consequence: in particular, attributing demeaning or humiliating tasks to the person concerned, criticising them unfairly, removing important tasks from them without justification;
 - e. behaviour with an impact on physical and/or psychological health: for example, threatening the person concerned with physical violence or committing aggression against them.

Art. 7 - Bullying and cyberbullying

- ¹ Bullying is defined as any form of repetitive verbal, physical or psychological violence over time in an intentional manner with the aim of discrediting, isolating, socially excluding a person or gradually removing them from their work or study programme. Such behaviour may cause physical, psychological, social, professional or educational harm.
- ² Bullying may be direct, i.e. typified by face-to-face interaction with the person concerned, namely in the following forms:
 - a. verbal: through insults, teasing, use of nicknames or offensive phrases of any kind directed at the person concerned;
 - b. physical: striking the person concerned by kicking, punching, pushing or any violent act;
 - c. discriminatory: as defined in Art. 8.
- ³ Bullying may also be indirect, i.e. tending to harm the person concerned in their relations with other people, namely in the following forms:
 - a. relational, i.e. ignoring or completely excluding the person concerned from the group or spreading false rumours about them;
 - b. cyberbullying, i.e. the act of targeting the person concerned by way of a deliberate and aggressive set of actions, by an individual or a group, carried out by means of electronic tools (in particular chat rooms, instant messaging, sms, mms, e-mail, websites, photos, videos, telephone calls) in order to cause that person harm. It can be carried out in many forms, even intermittently and, in some cases, overlapping areas between them.

Art. 8 - Discrimination

- ¹ Discrimination is defined as any conduct aimed at denigrating, treating equal situations differently, or disadvantaging individuals or groups of individuals without valid reason, whether directly or indirectly, structurally or interpersonally, based on actual, perceived or specific characteristics, in particular by origin, ethnicity, gender, sexual orientation, gender identity, language, education, role, religious belief, political opinion, age, mental or physical disability, lifestyle and personal circumstances.
- ² USI accords equal dignity to all persons within its community and promotes diversity and inclusion, recognising in the diversity of each person and in their potential an added value for an open and innovative working and study culture.
- ³ The adoption of appropriate measures to achieve effective equality does not constitute discrimination.

Art. 9 - Sexual Harassment

- ¹ Sexual harassment is defined as any behaviour with sexual connotations that offends against a person's dignity. Sexual harassment is manifested by unwanted acts or behaviour and may be committed verbally, by gesture or otherwise.
- ² Sexual harassment includes:
 - a. unwanted physical contact;
 - b. attempts at approach coupled with promises of advantage or issuing threats;
 - c. unwanted invitations, issuing of orders or applying pressure concealing intentions to obtain sexual favours;

- d. allusive and embarrassing remarks of a sexual nature;
- e. insinuations and ambiguous or degrading remarks about a person's outward appearance;
- f. sexist remarks and jokes about a person's characteristics, behaviour, sexual orientation or gender identity;
- g. the exhibition, posting or display of pornographic material;
- h. persistent stalking inside or outside the place of work and study;
- i. sexual assault, sexual coercion or rape.

Art. 10 - Other conduct detrimental to personal integrity

- ¹ In addition to the provisions of the preceding articles, any action or behaviour implying an injury to personal integrity and dignity, in particular through any form of violence, aggression, physical and/or psychological threat or injury to personality, whether direct or indirect, against the person concerned constitutes a violation of the principles enshrined in the Code of Ethics.
- ² The circumstances referred to in Para. 1 also apply to persons who intentionally and maliciously accuse other persons of behaving inappropriately in accordance with this Regulation.

3. Chapter 3 - Commitments of USI and the university community

Section II - Commitments of USI

Art. 11 - Protection of persons within the University community

- ¹ USI is committed to ensuring a safe, sound and peaceful working and study environment based on mutual cooperation, fairness and respect. It will not tolerate any kind of inappropriate behaviour and will deploy all necessary resources to ascertain whether any violation has occurred and, where appropriate, take the necessary measures.
- ² USI endeavours to ensure that any person belonging to the University community who feels their personal integrity has been violated is supported. Persons guilty of proven inappropriate behaviour may incur disciplinary measures.
- ³ USI also undertakes to provide psychological support and assistance to members of its community in the event that inappropriate behaviour is committed by a third party, in particular at institutional events or when working off-site

Art. 12 - Prevention, monitoring and training activities

- ¹ USI is committed to providing training to people in its community and to promoting actions to prevent and manage conflict and inappropriate behaviour, fostering a culture of respect, inclusion and equal opportunity.
- ² USI provides survey and monitoring tools to understand the needs of its community members in order to facilitate their full inclusion. Where necessary, USI initiates processes for improvement and support.
- ³ USI undertakes to ensure that all persons belonging to its community receive clear and unambiguous communication of the procedures put in place in application of the Code of Ethics and this Regulation and enables readily accessible resources.

Art. 13 - Equal Treatment

- ¹ USI ensures equal treatment, under all circumstances and in all roles, in all institutional activities. It guarantees the adoption and application of non-discriminatory decisions, programmes, measures and procedures, particularly with regard to recruitment, tenure and promotion procedures for the academic staff, teaching programmes or the allocation of financial support.

Art. 14 - Respectful and neutral communication

- ¹ USI is committed to the use of honest, transparent, respectful and constructive communication based on equal, non-discriminatory, non-violent and solution-oriented language, even in confrontational situations. It also calls for the avoidance of stereotypes, even in the case of compliments and humour, as they may be offensive, particularly to people belonging to marginalised or minority groups.

Art. 15 - Video surveillance system

- ¹ USI is equipped with a video surveillance system aimed, in particular, at greater security for the entire University community.

- 2 The way in which the data recorded by video surveillance cameras is used and stored is governed by the General Regulation on Video Surveillance and the General Regulation on the Processing and Protection of Personal Data, in accordance with the applicable legislation.

Section II - Commitments of members of the university community

Art. 16 - Personal Conduct

- 1 All those belonging to the University community, whether working, studying or as representatives of institutional bodies, contribute through their conduct to an environment at USI that is free of all forms of inappropriate behaviour and respectful of the dignity and personal integrity of others.
- 2 Persons who feel that their personal integrity has been violated by the inappropriate behaviour of others are encouraged to:
 - a. whenever possible, and if the person concerned feels able to do so, place explicit limits on the offending person's actions, informing them that their behaviour is inappropriate and violates USI regulations;
 - b. address the Contact Person (cf. Art. 20 ff.);
 - c. contact the Respect Compliance Officer (cf. Art. 24 ff.);
 - d. report the situation to the person hierarchically above or under whom the offending person is placed.

Art. 17 - Persons in a senior or managerial position

- 1 Persons in a senior position or having a managerial role in relation to other persons shall, within their area of responsibility, take all reasonably achievable measures to ensure an environment free from all forms of inappropriate behaviour.
- 2 They must act promptly and intervene as soon as they become aware of inappropriate behaviour that may harm the integrity of others.
- 3 They should encourage the behavioural principles in force at USI.
- 4 They may seek advice from the Contact Person (cf. Arts. 20 et seq.) or the Respect Compliance Officer in cases of potential breach of the Code of Ethics and this Regulation.

4. Chapter 4 - Reporting Procedures

Section I - General Principles

Art. 18 - Reporting

- ¹ Any person belonging to the university community who feels their personal integrity has been infringed due to the inappropriate behaviour of others in violation of the Code of Ethics and perpetrated within their work or study environment, may report it.
- ² USI offers two reporting procedures, one informal and one formal, as described below.

Art. 18a - Obligation to Recuse

- ¹ Anyone who finds themselves in a situation of conflict of interest with regard to events that are the subject of proceedings, or who has a personal interest in the matter, is obliged to recuse themselves.
- ² In the event that the report concerns a member of the Management Board (cf. Art. 4), that member will be replaced by the Deputy Director of Operations.
- ³ In the event that the report concerns the Respect Compliance Officer (cf. Art. 24 Para. 2), that person shall be replaced by an external person who shall be given a mandate.

Art. 19 - Confidentiality and Data Protection

- ¹ USI ensures the highest level of confidentiality in its treatment of data and information that comes into its possession during the performance of its duties under the reporting procedures described below.
- ² USI ensures that all instances of reported inappropriate behaviour are treated confidentially and in accordance with data protection legislation. It shall take all necessary precautions to provide a secure internal reporting procedure. The reporting person shall not be subjected to prejudice in any way as a result of their complaint.

Section II - Informal Procedure

Art. 20 - Internal or external contact person

- ¹ The reporting person has the option of contacting either of the following:
 - a. Internal Contact Person (cf. Art. 21);
 - b. External Contact Person (cf. Art. 21a).

Art. 21 - Internal Contact Person

- ¹ If the reporting person decides to contact the Internal Contact Person, they should contact the appointed individual for the relevant reporting group.
- ² The Internal Contact Person shall not take any action, conduct any investigation or review the case without the consent of the reporting person, except in the case of crimes prosecutable ex officio or in situations where the physical, mental or sexual integrity of a minor person appears to be threatened in accordance with Arts. 314c and 314d of the Swiss Civil Code.
- ³ According to the reporting person's group, the role of Internal Contact Person is held by:

- a. for service personnel: a member of the Equal Opportunities Delegation;
 - b. for the student body: a single person from the Student Administration Service for all Faculties;
 - c. for the academic staff: a person belonging to the professorial academic staff.
- ⁴ Each Internal Contact Person listed above is assisted by a substitute who shall take over in the event of absence or a conflict of interest with the same.
- ⁵ Internal Contact Persons are appointed by the Management Board on the proposal of the Pro-rector for Sustainable Transformation and Equal Opportunities as follows:
- a. for service personnel by involving the Director of Operations;
 - b. for the student body by involving the Pro-Rector for Education and Students' Experience;
 - c. for academic staff by involving the Deans.
- ⁶ The Internal Contact Person holds this position for a four-year, renewable term.
- ⁷ To enable them to assume their role, the Internal Contact Person is required to undergo special training organised and financed by USI.

Art. 21a - External Contact Person

- ¹ The External Contact Person is appointed by the Rectorate by means of a special mandate, which defines their competences and tasks.
- ² The External Contact Person is available to both USI staff and the student body.
- ³ They guarantee the reporting person confidentiality and are subject to professional secrecy.
- ⁴ The name of the External Contact Person can be found on the dedicated page on the USI website.

Art. 22 - Activation of the informal procedure

- ¹ To activate the informal procedure, the reporting person may contact the Internal or External Contact Person (hereinafter simply 'Contact Person') in writing or by phone.
- ² The Contact Person may provide advice by telephone or have a meeting with the reporting person (cf. Art. 23).

Art. 23 - Conduct and results of the procedure

- ¹ During the interview between the reporting person and the Contact Person, the possibilities for action are presented and explained and information on the applicable procedures is provided. The Contact Person may:
 - a. with the prior consent of the reporting person and the reported person, after duly informing them, seek to reconcile the parties;
 - b. refer the reporting person to the Respect Compliance Officer (cf. Art. 24 et seq.);
 - c. refer the reporting person to other resources inside or outside USI.
- ² No information concerning the content of the interview shall be passed on to USI's Management Board or to other persons concerned by the report without the express prior consent of the reporting person. This shall be without prejudice to Art. 21 Para. 2.

Section III - Formal Procedure

Art. 24 - Respect Compliance Officer

- ¹ In the formal procedure, the reporting person has the possibility to address the Respect Compliance Officer directly.
- ² The Respect Compliance Officer is a legally trained and qualified person in the field.
- ³ The Respect Compliance Officer reports half-yearly to the Management Board on the activity performed. The report is presented in anonymised form.

Art. 25 - Contact with the Respect Compliance Officer

- ¹ To contact the Respect Compliance Officer, the reporting person must prepare a written report, supported by any useful documentation, in which they set out the details necessary to circumscribe the situation.

Art. 26 - Analysis of the Report

- ¹ The Respect Compliance Officer shall conduct an initial analysis of the report in order to establish the evidence of potential inappropriate behaviour in violation of the Code of Ethics.
- ² Following analysis of the report, the Respect Compliance Officer:
 - a. establishes the evidence of potential inappropriate behaviour in violation of the Code of Ethics. If so, with the prior express consent of the reporting person, they shall inform the Management Board and initiate an internal investigation.
 - b. deems that the inappropriate behaviour has not occurred or it is appropriate to deal with it through a different procedure other than the formal one. The Respect Compliance Officer in any case informs the reporting person about the internal (cf. Art. 33(1)(a)) and supportive measures offered by USI and possible applicable external procedures.
- ³ If an internal investigation is opened, the reported person is promptly informed and guaranteed the right to be heard.

Art. 27 - Internal Investigation - Commission

- ¹ For the purpose of conducting an internal investigation (cf. Art. 26 Para. 2 let. a) the Respect Compliance Officer forms a commission (hereinafter "Commission") and appoints its members.
- ² The composition of the Commission shall be appropriately determined based on the report received. The Commission shall consist of a minimum of 3 members and a maximum of 5. It shall in any case include the Respect Compliance Officer, acting as its chairperson, as well as the Pro-Rectors, or a person delegated by them, depending on their respective area of responsibility.
- ³ If at least one of the persons involved in the report is employed by USI, the Commission shall also include a person representing the Human Resources Service.
- ⁴ If one of the persons involved in the report belongs to the student body, the Commission shall include a person, representative of the Faculty to which the student belongs, who belongs to the professorial body, appointed in agreement with the Dean.
- ⁵ The composition of the Commission shall include at least one person of the male and one of the female gender.

Art. 28 - Internal Investigation - Conduct

- 1 The Commission has the mandate to establish the facts and to hear the parties involved in the case, respecting their right to be heard. The Commission also has the opportunity to hear any third parties if it deems this necessary for the purposes of its mandate.
- 2 Minutes are taken of the meetings held by the Commission. These minutes are drafted by the Respect Compliance Officer and are then submitted to the participants for their review and approval.
- 3 Persons involved in meetings with the Commission have the right to:
 - a. propose written submissions and evidence (documents and witnesses);
 - b. take a position on the final report;
 - c. at the end of the proceedings, be informed of the summary content of the decision made by the Management Board.
- 4 The Respect Compliance Officer may request from the Management Board the possibility to consult external experts.

Art. 29 - Internal Investigation - Reporting to the Management Board

- 1 Upon completion of the Commission's work, the Respect Compliance Officer draws up a report for the attention of the Management Board.
- 2 The report must contain a presentation of the facts, the Commission's activities, the results of those activities, and the appropriate steps and/or measures previously notified to the Management Board. In addition, all documentation produced by the parties involved, as well as the minutes of the meetings held by the Commission, must be attached to the report.

Art. 30 - Conclusion of the internal investigation

- 1 The Management Board acknowledges the report and decides on appropriate steps and/or measures.
- 2 The internal investigation is concluded within 90 days of the activation of the formal procedure.
- 3 The Management Board informs the persons involved of the conclusion of the proceedings and, if necessary, of the outcome.

Art. 31 – Report withdrawal

- 1 Pending the Management Board's decision on the case (see Art. 30), the reporting person has the option to withdraw their report. In this case, the formal procedure is discontinued. This is without prejudice to Para. 2.
- 2 The Management Board shall be informed of the withdrawal of the report. In the case of crimes prosecutable ex officio or in situations where the physical, psychological or sexual integrity of a minor appears to be threatened, it is obliged to pursue the formal procedure.

5. Chapter 5 - Disciplinary steps, measures and legal redress

Art. 32 - Disciplinary Measures

- ¹ If it is established that inappropriate behaviour in violation of the Code of Ethics has been committed, the Management Board may decide to take appropriate disciplinary measures and steps against the person responsible for such behaviour in proportion to the seriousness of such behaviour.
- ² For service personnel, the Management Board may decide which of the following disciplinary measures to take:
 - a. written warning in less-serious cases;
 - b. suspension from employment and related wage deduction for a maximum of three months;
 - c. warning of the possibility of dismissal;
 - d. immediate dismissal for serious reasons (Art. 337 CO).
- ³ The disciplinary measures referred to in Para. 2 shall be taken by collective signature of two. Art. 6 of the General Regulations on Signature Rights shall apply *mutatis mutandis*.
- ⁴ For academic staff, the Management Board may decide which of the following disciplinary measures to take:
 - a. written warning in cases;
 - b. suspension from employment and related wage deduction for a maximum of three months;
 - c. warning of the possibility of dismissal;
 - d. immediate dismissal for gross misconduct (Art. 337 CO).
- ⁵ The disciplinary measures referred to in Para. 4 shall be taken by collective signature of two. Art. 6 of the General Regulations on Signature Rights shall apply *mutatis mutandis*.
- ⁶ For the student body, the Management Board may decide which of the following disciplinary measures to take:
 - a. warning;
 - b. suspension from one or more examination sessions, withholding possibility of attending courses;
 - c. suspension from one or more semesters and, consequently, from the examinations for the courses taught during the suspended semester;
 - d. for PhD students, suspension from the possibility of submitting the progress of their research paper to the Dissertation Director for a pre-determined amount of time;
 - e. in serious cases, a request to the University Council to proceed with expulsion, pursuant to Art. 62 of the University Statute.
- ⁷ The disciplinary measures referred to in Para. 6 shall be taken by collective signature of two, in accordance with Art. 60 of the University Statute.

Art. 33 - Other Measures

- ¹ If the Management Board deems it appropriate, it may take further measures in addition to or as an alternative to those provided for in Art. 32. Such measures may include, most notably:

- a. the invitation to those involved in the procedure to use mediation (see Directive on the Mandate and Role of the University Mediator);
 - b. the adoption of logistical measures deemed necessary due to the specific case;
 - c. mandatory requirement to take supportive measures (e.g., training, coaching).
- ² The adoption of such measures must be justified on the basis of the individual case and comply with the principles of proportionality, equal treatment and avoidance of arbitrariness

Art. 34 - Legal Redress

- ¹ The procedures set forth in Arts. 66 et seq. of the Collective Labour Agreement (CCL) apply to challenges to decisions taken by the Management Board against a services staff member.
- ² Arts. 44 and 45 of the Regulations on the General Terms of Employment for Academic Staff apply to challenges to decisions taken by the Management Board against a member of the academic staff.
- ³ An appeal against decisions taken by the Management Board against a member of the student body may be lodged with the Cantonal Administrative Court. The Administrative Procedure Act of the Canton of Ticino of 24 September 2013 applies.

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ⁱ See SECO documents available at the following link (GER / FR / ITA only):
<https://www.seco.admin.ch/seco/it/home/Arbeit/Arbeitsbedingungen/gesundheitsschutz-am-arbeitsplatz/Psychosoziale-Risiken-am-Arbeitsplatz/Mobbing/Publikationen-SECO.html>