

Regulations for members of ETH Zurich regarding concerns about and reporting of inappropriate behaviour and conflicts in the workplace

Dated 7 May 2024

This English translation serves information purposes only and has no legal force. The original German version is the legally binding document.

The Executive Board of ETH Zurich

based upon Art. 4, para.1(g) of the ETH Zurich Organisation Ordinance of 16 December 2003¹ and Art. 9, para. 3 and Art. 10 of the Personnel Ordinance for the ETH Domain²,

hereby issues the following regulations:

Preamble

Even at ETH Zurich, there are tensions and conflicts in the study and workplace. ETH Zurich strives to prevent escalation, to minimise psychosocial risks for its members and to enforce the Respect Code of Conduct.

It therefore assists its members to clarify and resolve any tension relating to cooperation and conflicts in their place of work and study.

Members of ETH Zurich should be actively involved in the anticipation, prevention and early detection of any tension and potential escalation.

1. General

Art. 1 Object and purpose

The purpose of these Regulations is to set out the principles, procedural standards and responsibilities for cooperation, respect and conflict management as well as the counselling and procedure for dealing with reports by members of ETH Zurich of inappropriate behaviour and conflicts in the workplace.

Art. 2 Personal and material scope

¹ These Regulations apply to all members of ETH Zurich as defined in Art. 13 of the ETH Act³ as well as to guests of ETH Zurich as defined in the Guest Regulations⁴.

² These Regulations do not apply to reports submitted by members of other institutions of the ETH Domain as defined in Art.1, para. 1 of the ETH Act³ or other universities or research institutes with which ETH Zurich collaborates or operates joint centres/institutes/platforms. These persons will be referred to the relevant bodies of their institutions, unless the inappropriate behaviour is alleged to be on the part of a member of ETH Zurich.

³ Reports of incidents that did not take place within the context of official or study-related activities at ETH Zurich or outside ETH Zurich (e.g. study trips, fieldwork, excursions, etc.) but rather, for example, in the private sphere of members of ETH Zurich, do not fall under these Regulations.

¹ RSETHZ 201.021

² SR 172.220.113

³ SR 414.110

⁴ RSETHZ 515.2

Art. 3 Distinction from other ordinances and regulations

¹ Events such as threats, stalking, violence and sexual assault, coercion or rape are not regulated by these Regulations. These are dealt with by the Threat Management Team⁵ of the Safety, Security, Health and Environment unit or are referred by it to responsible external bodies.

² Reports about incidents relating to scientific integrity are covered in the ETH Zurich Guidelines on Scientific Integrity⁶ and the corresponding rules of procedure⁷. Conflicts that also relate to issues of scientific integrity and which cannot be clearly distinguished from conflicts in the workplace are discussed by the interdisciplinary coordination group pursuant to Art. 20 of these Regulations in order to determine a goal-oriented course of action.

³ Reports on suspected malpractice relating to finance and procurement law issues pursuant to Art. 2 of the Guidelines for ETH Zurich Employees on Reporting Suspected Malpractice (Whistleblowing Guidelines)⁸ are regulated in same.

⁴ Disagreements and conflicts between doctoral thesis supervisors and doctoral students are dealt with in accordance with Art. 49 ff. of the ETH Zurich Ordinance on the Doctorate⁹.

⁵ Students and doctoral students who threaten, harass or coerce members of ETH Zurich, guests¹⁰ or visitors, or who offend their honour or hinders them in their ETH Zurich activities fall under the ambit of the ETH Zurich Ordinance on Disciplinary Measures¹¹ (cf. Art. 3d of the Ordinance on Disciplinary Measures).

Art. 4 Conflicts in the workplace

A workplace conflict refers to any form of conflict or tense situation that occurs in the workplace between members of ETH Zurich, between employees and supervisors at ETH Zurich or between various departments, research groups or teams at ETH Zurich.

Art. 5 Inappropriate behaviour

¹ ETH Zurich does not tolerate any behaviour that violates personal integrity and contradicts the principles set out in the Compliance Guide¹² and the Respect Code of Conduct¹³. In particular, this includes:

- a. Discrimination;
- b. Bullying, including bossing;
- c. Sexual harassment.

² The following definitions apply for the terms in paragraph 1:

- a. *Discrimination*¹⁴: Discrimination against persons on the grounds of actual, ascribed or group-specific characteristics such as nationality, ethnic origin, race, gender, sexual orientation or identity, age, language, social status, lifestyle, religious, philosophical or political views, or physical, intellectual or psychological impairment. Employees must not be discriminated against

⁵ <https://ethz.ch/staffnet/en/service/safety-security-health-environment/safety-security-health-environment/bedrohung-gewalt-und-stalking.html>

⁶ RSETHZ 414

⁷ RSETHZ 415

⁸ RSETHZ 130.1

⁹ SR 414.133.1

¹⁰ RSETHZ 515.2

¹¹ SR 414.138.1

¹² [Compliance Guide English \(ethz.ch\); https://ethz.ch/staffnet/en/finance-and-controlling/compliance.html](https://ethz.ch/staffnet/en/finance-and-controlling/compliance.html)

¹³ [Code of Conduct "Respect", ETH Zurich](#)

¹⁴ Art. 8 of the Federal Constitution of the Swiss Confederation (SR 101) and Art. 3 and 4 of the Federal Act on Gender Equality (SR 151.1)

- either directly or indirectly on the basis of their gender, and specifically not on the grounds of marital status, family situation or, in the case of female employees, on the basis of pregnancy.
- b. *Bullying*¹⁵: Systematic bullying over an extended period of time, with intensely persistent or repeated behaviour aimed at discrediting, isolating and socially excluding a person or gradually driving them out of their job or study programme. Examples include deliberate belittlement, exclusion, blocking of information, assignment of demeaning tasks or personal criticism. In the case of bossing, such activities are initiated by the supervisor. Minor differences of opinion are part of regular working life and cannot be equated with bullying.
 - c. *Sexual harassment*: Any harassing behaviour with sexual or gender-based reference that offends another person and undermines their dignity. This includes, in particular, sexist jokes and suggestive, disparaging or contemptuous remarks or actions, the display or dissemination of pornographic material, unwelcome physical contact, threats, promises of advantages, coercion or pressure to obtain a concession of a sexual nature, in particular through exploiting a dependent relationship.¹⁶

Art. 6 Principles of cooperation, respect and conflict management

¹ETH Zurich promotes measures to avoid inappropriate behaviour and conflicts in the workplace and endeavours to prevent or resolve such behaviour if and to the extent it becomes aware of it. Members of ETH Zurich help to prevent and resolve inappropriate behaviour and conflicts in the workplace by fostering respectful and fair interaction in their place of work and study. Team leaders, in particular, contribute significantly to organisational and cultural development at ETH Zurich.

²In the event of any questions about or incidents of inappropriate behaviour or in the event of conflicts in the workplace, employees of ETH Zurich can contact their immediate or higher-level supervisor or their HR partner.

³Persons seeking advice or reporting can communicate with the various contact and advice services. You should not initiate multiple procedures e.g. by filing the same concern with various contact and advice services.

⁴Clarification and resolution in the event of inappropriate behaviour and conflicts in the workplace should first take place on an informal basis or with the support of the internal points of contact (meetings and clarifications in accordance with Art. 12f of these Regulations). Where this is not reasonable or possible, the report may be made to the External Reporting Office pursuant to Art. 14 ff. of these Regulations.

Art. 7 Fairness

¹ETH members should foster fair and respectful interaction with each other and attempt to resolve any tensions and differences in a timely manner and in direct conversation with each other.

²Clarifications regarding inappropriate behaviour and conflicts in the workplace must be dealt with in a fair, factual and solution-oriented manner. All members of ETH Zurich are expected to take responsibility for their own acts and omissions and to contribute constructively to clarify the events that fall under these Regulations.

³Persons who obstruct clarifications through unfair, escalating or otherwise damaging behaviour (such as posting inappropriate content to social media, exploiting power structures, involving media representatives) can expect personnel or disciplinary measures.

¹⁵ SECO fact sheet: Mobbing und andere Belästigungen - Schutz der persönlichen Integrität am Arbeitsplatz (Bullying and Other Forms of Harassment - Protection of Personal Integrity in the Workplace)
(https://www.seco.admin.ch/dam/seco/de/dokumente/Publikationen_Dienstleistungen/Publikationen_Formulare/Arbeit/Arbeitsbedingungen/Broschueren/seco_personlichkeit_d_web.pdf.download.pdf/seco_personlichkeit_d_web.pdf)

¹⁶ Art. 4 of the Federal Act on Gender Equality; SR 151.1

⁴ Reports of inappropriate behaviour and concerns about conflicts in the workplace must be made in good faith. Anyone who accuses members of ETH Zurich, against their better judgement, must expect personnel or disciplinary measures.

Art. 8 Responsibility of the management bodies

¹ Members of the Executive Board and the heads of the central administrative departments (heads of staff units, sections, administrative departments), heads of academic departments and institutes as well as the heads of facilities outside the departments as defined in Art. 61 of the Organisation Ordinance of ETH Zurich¹⁷ and professors in their leadership capacity in accordance with Art. 5 of the ETH Professorial Ordinance¹⁸ are duty-bound to ensure a respectful work environment in their areas of responsibility.

² If management bodies receive information about incidents of inappropriate behaviour or conflicts in the workplace, they must take immediate steps to clarify and de-escalate the situation in order to comply with the duty of care of an employer and, where necessary, must also take steps to prevent inappropriate behaviour. In doing so, they must respect the personality of the persons concerned and take the steps most appropriate to their needs.

³ Management bodies can seek advice and support from the contact and advice services of the Vice President of Personnel Development and Leadership.

⁴ In particular, the management bodies of ETH Zurich are required pursuant to Art. 22a of the Federal Personnel Act (FPA)¹⁹, to report all felonies and misdemeanors to be prosecuted ex officio (offences liable to public prosecution) of which they become aware during performance of their official duties.

2. Orientation, coaching and triage

Art. 9 Confidential orientation

Members of ETH Zurich may obtain advice in confidence, particularly from:

- a. the Respect Office in accordance with Art. 10;
- b. the ombudspersons in accordance with Art. 15 of the Organisation Ordinance²⁰.

Art. 10 Respect Office

¹The Respect Office in the Vice Presidency of Personnel Development and Leadership is a confidential point of contact for all members of ETH Zurich. It:

- a. operates confidentially and provides information about possible further procedures;
- b. refers persons seeking advice to the responsible bodies, if needed;
- c. offers short-term coaching.

² It obtains as clear a picture as possible of the facts of the case and advises the person seeking advice. If more in-depth clarification is necessary, it brings to the attention of the person seeking advice the eventualities pursuant to Art. 12 ff. of these Regulations and points out, in particular, the related disclosure of their name to the persons involved or accused.

³The Respect Office does not conduct any investigation or clarification activities.

¹⁷ RSETHZ 201.021

¹⁸ SR 172.220.113.40

¹⁹ SR 172.220.1

²⁰ RSETHZ 201.021

Art. 11 Further points of contact

¹ In addition to the bodies pursuant to Art. 9, persons seeking advice can also contact representatives of the university groups (Lecturers' Conference (KdL), Academic Association of Scientific Staff at ETH Zurich (AVETH), Association of Students at ETH Zurich (VSETH) and Staff Commission (PeKo)) and the departments. They listen to the concerns of the person seeking advice, they inform them about the key provisions of these Regulations and about the different responsible bodies.

² Students seeking advice can also contact Student Services.

3. Systematic clarification

Art. 12 Systematic clarification

¹ In the event of inappropriate behaviour or concerns about conflicts in the workplace, members of ETH Zurich can contact the Clarification Office directly, provided that at least one person involved is an employee of ETH Zurich.

² Clarifications entail disclosure of the identity of the persons seeking advice to the parties involved and the responsible bodies within ETH Zurich (cf. Art. 13, para. 3). If persons seeking advice do not agree to disclosure of their identity to the persons involved, they forgo any systematic clarification.

³ The Clarification Office chooses a suitable format for the clarification and follows the procedure chosen (e.g. moderation, coaching, team development, mediation).

⁴ Any systematic clarification is concluded by means of a written agreement between the parties involved or with a recommendation on the further steps or measures to the responsible supervisor or responsible body (e.g. Vice Rector for Doctoral Studies).

⁵ The Clarification Office can refer the clarification to another professionally suitable body or expert, which informs the Clarification Office about the clarification procedure and its conclusion and hands over the files to it²¹.

Art. 13 Clarification Office

¹ The Clarification Office in the Vice Presidency of Personnel Development and Leadership is responsible for systematic clarification in the event of inappropriate behaviour and conflicts in the workplace if at least one person involved is an employee of ETH Zurich.

² The Clarification Office:

- a. receives concerns regarding inappropriate behaviour and conflicts in the workplace;
- b. coordinates how to proceed and chooses a suitable format for clarification in accordance with Art. 12;
- c. supports the clarification;
- d. documents the case processing;
- e. coordinates follow-up once the case is closed;
- f. provides advice and support to supervisors for issues and concerns about conflict prevention;
- g. offers training for points of contact in accordance with Art. 11, para. 1.

³ The Clarification Office exchanges information with the relevant ETH internal bodies if the clarification so requires. These bodies include, in particular:

²¹ Contents of the personnel file in accordance with the Personendatenschutzverordnung ETH-Bereich (ETH Domain Personal Data Protection Ordinance) (PDV-ETH (ETH-PDO)), Art. 25, para. 1f

- a. other administrative departments of the Vice Presidency of Personnel Development and Leadership;
- b. the Safety, Security, Health and Environment department (SSHE);
- c. the Scientific Integrity and Research Ethics department;
- d. the Legal Office;
- e. the Vice Rector for Doctoral Studies.

⁴ The Clarification Office stores the systematic clarification files. The agreement reached or the recommendation is also placed in the personnel file.

4. Reports of inappropriate behaviour

Art. 14 Composition and commissioning of the External Reporting Office

¹ ETH Zurich has an External Reporting Office. It is composed of at least one professionally qualified person who works for ETH Zurich in a contractual relationship.

² Anyone who is familiar with the conditions at universities and has expertise in mediation and transcultural communication may work for the Reporting Office. Emeritus professors of ETH Zurich as well as retired employees of ETH Zurich may not be commissioned.

³ The commissioning is handled by the Vice President for Personal Development and Leadership

Art. 15 Reports to the External Reporting Office and preliminary clarifications

¹ Members of ETH Zurich may submit a report regarding inappropriate behaviour pursuant to Art. 5, para. 1 to the External Reporting Office, provided that the person concerned or accused is an employee of ETH Zurich. The report must be made in good faith and be in writing. It should name the person accused, contain as specific and precise information about the facts as possible and be substantiated.

² The External Reporting Office is not responsible for workplace conflicts within ETH Zurich, pursuant to Art. 4.

³ After verifying that they are responsible, the External Reporting Office conducts a preliminary conversation with the reporting person. If, based on the assessment of the External Reporting Office, the allegation of inappropriate behaviour cannot be sufficiently substantiated, it will not make any further clarifications, will advise the reporting person of this in writing and recommend alternative support and clarification options to them in writing.

⁴ If case processing by the External Reporting Office appears to be appropriate based on the preliminary conversation, the reporting person must agree to disclosure of the report to the accused persons, otherwise they waive case processing by the External Reporting Office, subject to Art. 16, para. 6.

⁵ Where appropriate, the External Reporting Office evaluates suitable protective measures together with the responsible bodies at ETH Zurich.

Art. 16 Tasks of the External Reporting Office

¹ The External Reporting Office works impartially and, with respect to its clarifications, is not bound by any directives.

² The External Reporting Office also has the following tasks, in particular:

- a. It conducts systematic clarifications with the reporting person, the person accused and other persons and bodies at ETH Zurich;
- b. If necessary, it can obtain legal expertise and/or commission expert opinions;

- c. It documents the case processing and conclusion of the case;
- d. It can consult the interdisciplinary coordination group in accordance with Art. 20 for interdisciplinary or complex cases.

³ It concludes the clarification by sending a written recommendation to the immediate superior or a responsible body (e.g. Vice Rector for Study Programmes, Vice Rector for Doctoral Studies, HR Consulting, management bodies of institutes or departments or extra-departmental facilities).

⁴ The written recommendation includes, in particular:

- a. an assessment of the situation reported;
- b. the agreement between the parties involved, if any;
- c. a recommendation on measures.

⁵ The Clarification Office receives the files and a copy of the recommendation. The recommendation is placed in the personnel file.

⁶ If the External Reporting Office discovers irregularities in an organizational unit during its activities, it informs the responsible bodies within ETH Zurich, in particular the interdisciplinary coordination group pursuant to Art. 20.

⁷ It prepares an annual report on the cases processed for the attention of the Vice President for Personnel Development and Leadership.

Art. 17 Rights and obligations of the reporting person

¹ Anyone who has made a report in good faith may not be disadvantaged by ETH Zurich as a result in their professional position or studies.

² With regard to inappropriate behaviour, reporting persons may

- a. discuss it with their supervisor or higher-level supervisor;
- b. discuss it with the responsible HR partner;
- c. discuss it with the internal contact and advice services at ETH Zurich;
- d. discuss it with the ombudspersons;
- e. report it to the External Reporting Office of ETH Zurich;
- f. discuss it with specialist units that are independent of ETH Zurich (e.g. victim counselling).

³ The reporting person should regularly inform the contact and advice service voluntarily and without being asked about any steps taken and offices visited to date in order to avoid several clarification and advisory procedures in the same matter.

⁴ The reporting person acknowledges the right of the person accused to be provided with a (partly redacted) copy of the report for their information, when a case is processed by the External Reporting Office, and to be able to express themselves accordingly.

⁵ The reporting person undertakes to cooperate constructively and to refrain from any communication and behaviour that could contribute to escalation.

⁶ The reporting person must answer any enquiries from case management truthfully and without delay.

⁷ The reporting person must comply with agreements entered into jointly in the course of case processing.

⁸ The reporting person acknowledges that they will not be informed by ETH Zurich about any personnel measures taken against the person accused.

Art. 18 Rights and obligations of the person accused

¹ The presumption of innocence applies when investigating reports of inappropriate behaviour.

² When a case is processed by the External Reporting Office, the person accused is provided with a (partly redacted) copy of the report and has the right to present their own view. They also have the right to know about any accusations made in the same matter that are communicated directly to the higher-level supervisor and/or the Executive Board of ETH Zurich.

³ The person accused should refrain from exerting any form of pressure on the reporting person or implying the threat of disadvantages; they should not exploit existing power structures or dependent relationships.

⁴ The person accused recognises the right of the reporting person to seek support from contact and advice services and to defend themselves against inappropriate behaviour.

⁵ The person accused should take part constructively in clarification of the facts of the case and refrain from any communication and behaviour that could contribute to escalation.

⁶ The person accused must answer any queries from case management truthfully and without delay.

⁷ The person accused must comply with agreements entered into jointly in the course of case processing.

Art. 19 Deadlines for reporting inappropriate behaviour

¹ The person concerned must make a report in a timely manner, as a rule within six months of the date on which the inappropriate behaviour occurred. In the case of bullying, the six-month period generally commences with the most recent incident of bullying.

² In the event of prior involvement of the Clarification Office or ombudspersons, the report must be submitted to the External Reporting Office no later than six months following obviously unsuccessful attempts at counselling and mediation.

³ If these deadlines are not met, the reporting person cannot come back to the incident again and request the initiation of clarification by the External Reporting Office at a later date.

5. Interfaces, steps to be taken and follow-up

Art. 20 Interdisciplinary coordination group

¹ The interdisciplinary coordination group provides support to the Clarification Office as a permanent specialist group to coordinate the procedure for interdisciplinary or complex concerns and conflicts or reports of inappropriate behaviour. It also endeavours to detect any potential for escalation at an early stage.

² Its composition depends on the specific case and usually comprises the head of the Clarification Office, management-level persons from HR Consulting (or their representatives), the Office for Faculty Affairs, the Scientific Integrity and Research Ethics department and the Legal Office as well as the Vice Rector for Doctoral Studies. Where appropriate, it also includes management-level persons from Academic Services, Corporate Communications, the Safety, Security, Health and Environment department or the Secretary General.

³ The interdisciplinary coordination group adapts its composition to match the severity or complexity of existing concerns, conflicts or reports of inappropriate behaviour and documents decisions relating to case management and coordination as well as information from other offices.

⁴ It is chaired by the head of the Clarification Office.

Art. 21 Steps to be taken

¹ In the case of inappropriate behaviour or in the event of conflicts in the workplace, the responsible parties at ETH Zurich (e.g. supervisor together with HR Consulting or the President of ETH Zurich) take appropriate measures giving due regard to the recommendation issued by the Reporting Office or the agreement drawn up between the persons involved.

² The measures by ETH Zurich are taken independently from the conduct of any criminal proceeding.

Art. 22 Follow-up

¹ Three to six months following conclusion of a clarification pursuant to Art. 12 or case processing pursuant to Art. 15f, the Clarification Office or another responsible body agreed upon at the time of conclusion will seek a discussion with the persons involved. It will verify whether measures agreed or ordered were complied with and assist with implementation, if necessary.

² A clarification or case that is concluded cannot be reopened by the Clarification Office or External Reporting Office. If there is a new incident of inappropriate behaviour or conflict in the workplace between the parties involved, this will be treated as a new case. Any agreements or measures previously entered into with the parties involved are incorporated into the new clarification or case processing.

6. Concluding provisions

Art. 23 Entry into effect

These Regulations shall enter into effect on 1 July 2024. They replace the regulations of 18 August 2020.