



## **Regulation<sup>1</sup> on the protection of personality and personal integrity in basic education**

### **Foreword**

This Regulation recalls the values and operating principles that govern relations between people within the DPA. It defines attacks on the personality, specifically discrimination, bullying and sexual harassment, and indicates concrete means, especially disciplinary means, to prevent or deal with them. The limits it sets are indispensable and inviolable.

At the same time, it should be pointed out that, in the context of a school of physical theatre such as the ATD, the framework thus established helps to circumscribe ethical reflection without, however, exhausting it. In its prolific diversity, theatre practice is inseparable from an exploration of the human condition, which presupposes a specific personal commitment. By embodying a character, by projecting oneself into a dramatic construction that dictates the behaviour of the various protagonists, one necessarily enters a zone where fiction and reality coexist in a ductile manner, where the balance between involvement and distance loses its clarity.

This boundary zone is even more sensitive in a school of Physical theatre, which is based on the expression of the human body and its movements, and which makes the body the main working tool. The body is conceived as an instrument and a creative medium that needs to be probed, tuned and discovered. Through the performative act, the student has to bring to completion and transform an experience and its paradigms, rooting the artistic gesture in corporeality and thus coming to reflect on the experience itself. A practice based essentially on the experimental factor, which requires from those who engage in it a not indifferent personal and inter-individual consensus, which can sometimes become a source of difficulty.

The DPA fully recognises the specificity of its approach. Under no circumstances may this specificity serve as a pretext for behaviour that is prohibited by these rules, which unquestionably take precedence over any aesthetic or pedagogical considerations. In the desire to guarantee the essential physical and emotional safety of the students, as well as to preserve the ambition of a pedagogy capable of taking risks in order to live up to its transformative vocation, the DTA undertakes to promote appropriate and effective measures of prevention and action, and a culture of communication based on mutual respect and consideration.

### **Art.1 Principles, aims and scope**

The ATD is committed to respecting and protecting the student's personality and health, in particular by ensuring that he or she is not subjected to harassment or other personality-damaging behaviour. Violations of personal integrity such as discrimination, mobbing and sexual and/or psychological harassment compromise well-being and health and are not tolerated in any way.

The ATD is committed to protecting, safeguarding and supporting students from any form of discrimination related to gender identity, age, culture, ability and disability and sexual orientation, as well as from bullying and sexual harassment (whether verbal, non-verbal and/or physical).

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<sup>1</sup> See SECO document "Standard phrases for drawing up a directive on the protection of personal integrity in the workplace", which can be downloaded (in German, French and Italian) at the following link:

<https://www.seco.admin.ch/seco/it/home/Arbeit/Arbeitsbedingungen/gesundheitschutz-am-arbeitsplatz/Psychosoziale-Risiken-am-Arbeitsplatz/Sexuelle-Belaestigung/Publikationen-SECO.html>

To this end, the ATD sets preventive and informative measures and actions, and establishes processes to be followed in the event of personality-damaging actions.

These Regulations describe the procedures to be followed if a student feels he or she is a victim of discrimination, mobbing or harassment, including sexual harassment, or witnesses it. The Regulations make explicit the role of those to whom the person concerned can turn in relation to the specific procedure undertaken.

## **Art. 2 Definitions Discrimination, Mobbing and Sexual Harassment**

### **Discrimination**

Discrimination shall be deemed to be any statement or action intended to prejudice, treat differently or discredit a person, without valid reason, related to gender identity, sexual orientation, age, culture, ability, disability and religious, philosophical or political beliefs.

### **Mobbing**

Mobbing (also known as harassment or psychological violence) consists of repeated and unreasonable behaviour directed against a student or a group of students and aimed at persecuting, humiliating, intimidating or threatening the harassed person. Mobbing, which is usually carried out by persons within the institution, may involve both verbal and physical aggression, as well as more subtle acts such as social isolation. For example, can be considered mobbing the actions described above aimed at undermining:

- communication: limiting a person's ability to express themselves, interrupting them, shouting at them, not giving them information;
- social relationships: no longer speaking, ignoring, excluding, isolating the person;
- social image: ridiculing, spreading unfounded rumours, mocking, insulting, making derogatory comments;
- the professional and private situation: assigning demeaning and humiliating tasks to the student, criticising them unfairly, taking away important tasks from them;
- health: threats of physical violence, aggression.

### **Sexual Harassment**

Sexual harassment is any behaviour of a sexual nature that is unwanted by one of the parties and violates their dignity.

They are considered as such in particular:

- sexual insinuations or degrading comments about a student's physique;
- remarks of a sexist nature or jokes about the sexual characteristics, behavior or orientation of individual women or men;
- the presentation or dissemination of pornographic material;
- unwanted sexual invitations;
- undesired physical contacts;
- persistent tailing inside or outside the institution;
- attempts at approach accompanied by promises of benefits or threats of retaliation;
- sexual assault, sexual coercion or rape.

## **Art. 3 Internal intervention procedures within ATD-SUPSI**

If you believe you are a victim of discrimination, bullying or sexual harassment, or if you witness it, you are free to follow one of the following procedures, either informal or formal, which are independent of each other.

### **Art. 3.1 Informal procedure**

The informal procedure can be initiated by activating the channel(s) for listening and accompanying as set out in Art. 3.1.1 and 3.1.2, based on specific needs.

### **Art .3.1.1 Trusted person**

In the event of discrimination, bullying, sexual and/or psychological harassment or other behaviour detrimental to the personality, the student or witness can turn to one or more trusted persons, appointed by the ATD Direction, whose task is to advise, support and accompany the person concerned in order to:

- is listened to when presenting the problem
- is helped to build up a picture of the situation,
- explained the possible procedures to be followed and their consequences,
- explained the legal context,
- accompanied in the chosen procedure,
- is informed about support offers, further counselling possibilities and medical and/or psychological support.

The trusted person guarantees confidentiality. Furthermore, he/she does not take any steps without the will of the persons concerned and does not carry out any investigation or verification. If necessary, the person of trust turns to the SUPSI Legal Office for legal advice on the specific situation, guaranteeing anonymity.

### **Art. 3.1.2. Other listening and accompanying channels**

The person concerned can contact the SUPSI Career, Experience and Guidance Service, which offers coaching to help them deal with the various situations and obstacles that may arise during their university studies in a more functional way. Individual meetings may be useful in the event of aspects related to one's university experience that create discomfort or that could be optimised.

They can also contact and activate the SUPSI Psychological Help and Listening Desk. Psychological counselling with a specialist in relation to one's own personal, interpersonal and emotional difficulties offers the opportunity to better focus on the problems, define them and, at the same time, find solutions or be accompanied in making useful decisions aimed at managing the critical moment.

### **Art. 3.2. Formal procedure**

In situations of discrimination, bullying, sexual and/or psychological harassment or other personality-damaging behaviour, the student may approach the Head of Basic Training ATD to report the case and activate a procedure in the form of a complaint. The complaint is then handled by the Director's Office.

The student also has the right to apply directly or through a trusted person to the Director of the ATD in order to promote the necessary investigations and measures, also in relation to what is foreseen in the SUPSI Formative Pact.

As stated in the SUPSI Formative Pact, the student may also activate, directly or through the person he/she trusts, the SUPSI Ethics Commission which, possibly assisted by an expert on the subject from outside the ATD or SUPSI, will assess the case and, if necessary, make the necessary internal investigations in order to verify the facts, communicate its recommendations to settle the conflict and/or adopt disciplinary sanctions.

During the verification and establishment procedure, the parties to the dispute have the following rights:

- to be assisted by a person of their choice,
- to have access to the file
- to submit written comments and evidence (documents and testimonies),
- to be informed of the decision taken by the management
- appeal against the decision.

All investigations and enquiries will be carried out with discretion.

## **Art. 4 Disciplinary sanctions**

**4.1** Any action that does not respect the personal integrity and dignity of each person (discrimination, bullying and harassment, including sexual harassment) may result, depending on its seriousness, in the following sanctions:

- a warning
- removal from modules or tests,
- withdrawal of credits,
- suspension,
- exclusion from a degree course,
- exclusion from ATD-SUPSI.

**4.2** Disciplinary sanctions also apply to those who deliberately and wrongly accuse others of misbehaviour.

**4.3.** The Director is responsible for issuing the sanction decision.

### **Art. 5 Intentional false accusations**

The student or ATD employee who has been accused in bad faith or in a false manner of discrimination, mobbing or sexual harassment or any behaviour detrimental to the personality, has the right to take any legal and/or judicial action that is appropriate against the complainant.

As explained in Article 4.2, ATD reserves the right to apply the appropriate disciplinary sanctions against the complainant, as provided for in its own regulations.