

## **IMPLEMENTATION GUIDELINES OF THE CODE OF CONDUCT**

### **CHAPTER 1 GENERAL PRINCIPLES**

#### **Article 1 Principle**

1. As a matter of principle, and with a view to preserving the quality of the working and studying environment and the personality rights of all the members of its community, the Graduate Institute of International and Development Studies (the **Geneva Graduate Institute**) gives maximum priority to the prevention and early management of conflictual situations.

#### **Article 2 Scope of Application and Definitions**

1. The Guidelines apply to all members of the Geneva Graduate Institute, as defined in the Code of Conduct.
2. For the purpose of these Guidelines, the following terms have the following meaning:
  - a) "Prevention" is defined as all the means put in place to prevent the violation of the Code of Conduct.
  - b) "Misconduct" means unacceptable behaviour, actions or inaction that are in breach of the Code of Conduct, or negatively impact other concerned persons.
  - c) "Misconduct management" means the set of rules and procedures for the informal resolution of any misconduct and the prevention of their escalation.
  - d) "Complaint" means a narrative report of the incident of alleged violation to the Code of Conduct, which is addressed to the Ombudsperson in due form.
  - e) "The Management" means the Director of the Geneva Graduate Institute, the Academic Management and/or the Executive Management.
  - f) "Concerned Parties" means the persons who have experienced or are involved in an alleged misconduct (Alleged Victim(s), Alleged Perpetrator(s), Complainant(s), Victim(s), Perpetrator(s)).
  - g) "Alleged Victim(s)" means the person(s) who could have been or is (are) affected by the alleged misconduct.
  - h) "Alleged Perpetrator" means the person(s) accused of misconduct.
  - i) "Complainant" is an Alleged Victim(s) who files a formal complaint on the basis of an alleged violation of the Code of Conduct.
  - j) "Perpetrator" is an individual or a group of persons, who, after investigation, are found to have violated the Code of Conduct, after the establishment of the facts.

- k) "Victim(s)" is (are) an individual or a group of persons, who, after investigation confirms that the alleged facts have been established, has (have) been confirmed as victim of a violation of the Code of Conduct.
  - l) "Witness" means a person who can provide relevant information to determine whether or not a violation of the Code of Conduct has taken place.
  - m) "Informal resolution" means a voluntary, remedy-based, structured interaction between or among affected Parties, which balances support and accountability.
  - n) "Mediation" is the process whereby an impartial person helps disputing parties reach a voluntary, mutually acceptable resolution of some or all of their issues.
  - o) "Investigation" means the set of rules and procedures designed to examine and assess allegations in violation of the Code of Conduct.
3. Every Member of the Geneva Graduate Institute community shall familiarise themselves with the principles and rules contained in these Guidelines to be aware of the means of misconduct prevention and management, as well as the investigative measures that may be deployed in case of an alleged violation of the Code of Conduct.

## **CHAPTER 2 THE PREVENTION SYSTEM**

### **Article 3 Principles and General Organisation**

1. The Geneva Graduate Institute has a system in place to prevent the occurrence of any violation of the Code of Conduct and to promote best practices.
2. The misconduct prevention system includes the following internal bodies:
  - a) the Gender, Diversity and Inclusion Initiative;
  - b) The Human Resources Department (***HR***);
  - c) The Management;
  - d) The Advice & Support Team (as defined in article 8).

### **Article 4 Raising Awareness**

1. The *Advice & Support Team* shall also inform the members of the community about the content of the Guidelines and the existence of a misconduct management system for their benefit and use. Information shall also be given on the criminal and civil actions that members of the community may take under Swiss law, particularly in case of psychological or sexual harassment or other infringements of personality rights.
2. The *Gender, Diversity and Inclusion Initiative* will inform the community and make them aware of the types of misconduct that may typically arise in a working and studying environment such as that of the Geneva Graduate Institute, with a particular focus on situations of infringement of personality rights, harassment and discrimination as defined in the Code of Conduct.

## Article 5 Training

1. The Management and HR shall encourage and deploy training for the community in the field of misconduct prevention and management, as well as in all aspects related to the protection of personality rights and on the notion of consent.
2. Online and/or face-to-face training will be provided for the entire community in order to i) present the Code of Conduct, the bodies in charge of its application and the procedures in force, ii) inform on the legal definitions of infringement of personality right, discrimination and psychological or sexual harassment, iii) raise awareness on the concept of consent.
3. The Management may, where circumstances so justify, require a member/members of the community to undergo mandatory training. This request will be made confidentially to the concerned member/members.

## CHAPTER 3 THE MISCONDUCT MANAGEMENT SYSTEM

### Article 6 Principles and General Organisation

1. The Geneva Graduate Institute has put in place a system to manage instances of misconduct between two or more members of the community that constitute a violation of the Code of Conduct.
2. As a first step, this system seeks to encourage an early resolution through approaches presented under Chapter 3, article 7.2.
3. Psychological support may be accessed at any time (link on the intranet).

### Article 7 Bodies

1. The system is composed of both internal and external bodies, as follows.

#### Internal bodies:

- a) The **Advice & Support Team** is an internal neutral body composed of members of the staff (two permanent members and two substitutes) who are appointed by the **Geneva Graduate Institute's Director** (the Director), have been specifically trained and do not report to the Management or HR. Their role is to listen, support and advise in complete independence and under confidentiality. They discuss with the alleged victim(s) the appropriateness of filing a complaint to the Ombudsperson.
- b) The **Disciplinary Council**, whose composition and organisation are detailed under article 8, conducts an internal investigation, drafts a report and makes recommendations to the Director or the Foundation Board;
- c) The **Director** takes the decision upon recommendation of the Disciplinary Council;
- d) The Geneva Graduate Institute's **Foundation Board** (the Foundation Board) has the authority to impose sanctions involving the dismissal of persons that are appointed by the Board.

#### External bodies appointed by the Director:

- a) The **Person of Trust** is an external neutral professional whose role is to i) listen, support and advise in complete independence and under confidentiality, ii) he/she discusses with the alleged victim(s) the appropriateness of filing a complaint to the Ombudsperson.

- b) The **Ombudsperson** is an external professional whose role is to receive the complaint and to then recommend either an external or an internal investigation.
- c) The **Investigator** is an independent authority whose task is to carry out a formal external investigation with the aim of clarifying the alleged facts and establishing responsibilities. Once the investigation is completed, the Investigator drafts a report, forwards the file to the Disciplinary Council and may make recommendations.

The **Deputy Director** is the point of contact for the Ombudsperson and the Investigator. The Foundation Board is kept informed.

### **Article 8 Composition and Organisation of the Disciplinary Council**

1. The Disciplinary Council is composed of three members appointed by the Director for a renewable four-year term:
  - a) One member of the Academic Management (Director of Studies, Director of Research, Director of Executive Education, Head of the Interdisciplinary Programme) who chairs the Council;
  - b) A member of the Executive Management (the Administrative Director, the Director of Finance, the Director of the Cabinet, the Director of Real Estate);
  - c) One of the two HR co-heads.
2. In cases involving only students and at the request of the complainant, the Disciplinary Council may add a student to its body. This student must be a doctoral student who is not in the same department as either of the students involved in the complaint. GISA will appoint five doctoral students, one per department, for a two-year term, who may be called upon to participate in a Disciplinary Council session.
3. Substitutes are provided if one or more of the members of the Disciplinary Council are involved or if there are objective reasons to question their objectivity.
4. The Disciplinary Council shall be assisted by a Registrar who, among other tasks, shall keep minutes of the hearings held and write the final report.
5. The members of the Disciplinary Council and the Registrar shall be bound to maintain secrecy with regard to third parties concerning information that comes to their knowledge in the performance of their duties. This obligation shall continue after they have ceased to hold office in the Disciplinary Council.

### **Article 9 Misconduct Management Procedures: Informal Phase**

1. Members of the community who are experiencing any misconduct in their workplace or in the context of their studies may first address themselves to:

#### **Internal bodies:**

- a) the head of their department/programme, if they are students,
- b) their head of service, department/programme or centre, or HR, if they are member of the Geneva Graduate Institute staff or faculty.
- c) the Advice & Support Team.

**External bodies:**

- a) the Person of Trust.
2. Subject to the agreement of all the Concerned Parties, the Advice & Support Team or the Person of Trust can propose:
  - a) An informal resolution;
  - b) An internal mediation;
  - c) An external mediation.
3. If none of these solutions is adequate, the Alleged Victim(s) shall discuss with the Advice & Support Team or with the Person of Trust the appropriateness of filing a complaint.

**Article 10 Confidentiality and Anonymity**

1. Consultation in the informal phase (before a complaint is filed) is always carried out while preserving the confidentiality and anonymity of the Alleged Victim(s) vis-à-vis the Alleged Perpetrator(s).
2. The Alleged Perpetrator(s) will only be contacted with the consent of the Alleged Victim(s) in order to clarify the situation quickly and to bring about an informal resolution or a mediation.
3. Once a formal complaint is filed, the identity of the Alleged Victim(s) will be disclosed to the Alleged Perpetrator(s). However, the obligation of confidentiality will continue to apply to other parties involved in this investigation procedure.
4. Confidentiality will also be waived in cases where information disclosure is mandatory under legal or regulatory provisions, or judicial procedures.

**CHAPTER 4 THE FORMAL COMPLAINT AND INVESTIGATION SYSTEM****Article 11 Filing a Formal Complaint**

1. Once the Advice & Support Team or the Person of Trust have discussed with the Alleged Victim(s) and confirmed the appropriateness of filing a complaint, the Complainant shall formally lodge his/her complaint to the Ombudsperson in a letter or via email. It should provide information about the incident or events that have prompted the complaint including: what, when, where and who, e.g. misconduct and impact, dates, times, locations, name(s) of those involved. It may include evidence that might support the complaint.
2. Any complaint should be submitted as soon as possible after the event takes place.
3. Anonymous reports will not be processed.
4. The filing of a formal complaint does not preclude the right of the Complainant to file a legal claim in front of the competent legal authorities.

**Article 12 Admissibility of a Formal Complaint**

1. Once they receive a formal complaint, the Ombudsperson shall examine it and determine its admissibility.

2. The Ombudsperson will discard any complaint that is manifestly abusive, unfounded or that concerns facts that have no clear relation to the Geneva Graduate Institute.
3. If they consider the complaint admissible, the Ombudsperson may undertake the following actions:
  - a) If the alleged facts justify it, they may request an external investigation, which will be carried out by the Investigator;
  - b) If the alleged facts do not justify the opening of an external investigation, they may recommend that the Disciplinary Council conduct an internal investigation;
  - c) If the alleged facts involve the Director or the Deputy Director, the Ombudsperson may send the complaint to the Foundation Board mandating an external investigation.

### **Article 13 Opening of the Investigation (internal or external)**

1. The general purpose of the investigation is to establish the facts, to hear the Concerned Parties and any witnesses involved and determine whether the alleged facts constitute a violation of the Code of Conduct.
2. The Disciplinary Council may put in place, upon its own initiative or upon request of the Investigator, any provisional measure necessary for the protection of the parties involved or the safeguard of the means of proof.

### **Article 14 Information and Representation**

1. The Concerned Parties involved in the investigation (Complainant(s) and Alleged Perpetrator(s)) will be informed of the opening of a formal investigation by registered mail (to the address on the Student Service platform - Campus) as soon as this is compatible with the interests of the investigation.
2. Other members of the community who are not involved in the investigation shall only be informed of its existence if this is absolutely necessary for the purpose of carrying out the investigation, in particular because of their collaboration or testimony.
3. The Alleged Perpetrator(s) as well as the Complainant(s) under investigation have the right to be assisted, at their own expenses, by a counsel or advised by a person of their choice.

### **Article 15 Investigative Measures**

1. The Investigator (external investigation) or the Disciplinary Council (internal investigation) shall take all necessary investigative measures to clarify the facts under investigation. This includes in particular:
  - a) Identifying and collecting all documents, paper or electronic, relating to the facts being investigated; and
  - b) Interviewing the Complainant and the Alleged Perpetrator(s), as well as any witnesses, according to the relevant procedure.
2. Investigative measures must be implemented as quickly as possible considering the facts and violations being investigated.
3. The Concerned Parties and any interviewed witnesses must sign the minutes of their interview(s).

4. The Geneva Graduate Institute reserves the right to denounce the offence or to file a criminal complaint in addition to any disciplinary proceedings.

#### **Article 16 Closing of the Investigation (external or internal)**

1. When the investigation is completed, the Disciplinary Council or the Investigator shall inform the concerned parties and Witnesses of the closing of the investigation.
2. If an external investigation is conducted, the Investigator will establish a written investigation report that will be sent to the Disciplinary Council.
3. If an internal investigation is conducted, the Disciplinary Council will establish a written investigation report.
4. In both cases, the investigation report shall contain: a) a summary of the facts investigated; b) a description of the results obtained and their legal assessment; c) if applicable, the measures envisaged.
5. Depending on the situation, the Concerned Party(ies) may receive the investigation report or parts that concern them personally. They shall then be given fourteen days in which to express their views in writing and to make any additional requests or observation.
6. It is expressly stated that the Geneva Graduate Institute may use and disclose the results of the formal investigations, including the investigation report, to any person or any authority to the extent that this is required by applicable law or a court order, or that it is necessary to defend the Geneva Graduate Institute's rights and protect its overriding interests.

#### **Article 17 Deliberations, Recommendation and Communication**

1. Based on its investigative report or the Investigator's report, the Disciplinary Council will assess and make recommendations on the case.
2. The hearings and deliberations of the Disciplinary Council shall be held behind closed doors. If circumstances permit, the Disciplinary Board may decide on recommendations by circulation.
3. The Disciplinary Council may only validly deliberate and make a recommendation with the participation of its Chairperson, or his/her substitute, and all members or their substitutes. Decisions based on the recommendation shall be taken by an absolute majority of the members or their substitutes. In the event of a tie, the Chairperson shall have the decisive vote.
4. The recommendation shall be communicated to the Director – or, in the case of persons that are appointed by the Foundation Board, to the Foundation Board – for a decision on the appropriate sanctions.
5. The list of potential sanctions can be found under Chapter 7 article 17 of the Code of Conduct.
6. The decision shall be communicated by the Director or the Foundation Board (in the case of persons that are appointed by the Board) to the Concerned Person(s) by registered mail with acknowledgement of receipt and by e-mail within a 30-day period after the closure of the proceedings.
7. The Management or the Foundation Board ensure that the appropriate sanctions are taken against the Perpetrator(s) whose responsibility has been established.

## **Article 18 Remedial Measures**

1. Whenever the circumstances may be appropriate, the Disciplinary Council may decide on the adoption of measures to remedy the violation and re-establish the conditions for a healthy and serene working and studying environment.
2. These remedial measures will be discussed with the Concerned Party(ies) who is a/are victim(s) of the facts investigated before a final decision is made.
3. Remedial Measures may include, for instance, (i) a verbal or written apology from the Perpetrator(s), (ii) the withdrawal of unfavourable assessments or observations made because of a harassment.

## **CHAPTER 5 APPEAL**

### **Article 19 Appeal**

1. Students can appeal a decision according to the procedure spelled out in the RIO-R.  
Any appeal to a decision resulting from the application of the Code of Conduct must be lodged in the appropriate format and within the deadlines stipulated in the Regulations relating to appeal procedures at the Graduate Institute of International and Development Studies ("RIO-IHEID").
2. For employees, a final decision can be appealed before the Swiss courts.

## **CHAPTER 6 FINAL PROVISIONS**

### **Article 20 Miscellaneous**

1. The contact details of the various internal and external bodies mentioned in the Guidelines are indicated in **Annex 1**.
2. The services of the external bodies shall be paid for by the Geneva Graduate Institute.

### **Article 21 Entry into Force**

1. These Guidelines have been adopted by the *Foundation Board* on 8 September 2022, after a positive *préavis* by the *Collège des enseignant·e·s*, and shall enter into force on 12 September 2022.
2. Any modification thereto must be approved by the Foundation Board, after a positive vote by the *Collège des enseignant·e·s*.