

The University of Greifswald's Guidelines on Sexual Discrimination, Harassment and Violence

Preamble

The University of Greifswald is committed to assuring the equal and respectful collaboration of its members and associates and promotes measures to establish and retain a pleasant working environment which conforms to this idea. Within its area of responsibility, the University assumes the duty of protecting the members' and associates' personal rights.

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§ 1 General Commitment

(1) The University of Greifswald is committed to the prevention and detection of cases of sexual discrimination, harassment and violence and to the implementation of countermeasures.

(2) These guidelines protect all members and associates of the University (§ 3 Basic Regulations of the University of Greifswald), as well as visitors and guests. It is to be used in cases of sexual discrimination, harassment and violence caused by members of the University, including students and by third parties. The Guidelines are meant to concretise the *Allgemeine Gleichbehandlungsgesetz* (General Act on Equal Treatment) and the state of Mecklenburg-Vorpommern's law for the equality of men and women in state public service (*Gleichstellungsgesetz - GIG M-V*) and to create comparative regulations for groups of people who are not covered by this law, in particular students, external PhD candidates and holders of scholarships.

(3) The Guidelines apply to the physical and functional areas of the University.

§ 2 Definition of Terms

(1) Sexual discrimination, harassment and violence is any unwanted, sexually related behaviour which harms the dignity of the person affected and creates an atmosphere of intimidation, humiliation and abuse due to sexualised conduct.

(2) Examples of types of sexual discrimination, harassment and violence are:

- a) sexualised/sexist and discriminative use of language e.g. generalisations, jokes or phrases,
- b) humiliating remarks or jokes about individuals, their bodies, their behaviour or intimate life,
- c) non-desired gestures and behaviour with sexual reference,
- d) spoken, visual or electronic presentation of pornographic or sexist depictions, which are shown to humiliate the persons being presented,
- e) unwanted body contact,
- f) unwanted request or coercion to perform sexual acts,
- g) persecution or coercion with a sexual background,
- h) rape.

On assessment, particular emphasis should be given to the perception of the person affected.

(3) Sexual discrimination, harassment and violence which occur as an exploitation of dependent relationships during apprenticeships and at the workplace or during studying and teaching are particularly severe. This applies in particular if any threats were made regarding personal study or career-related disadvantages or if any advantages were assured.

(4) If topics with sexual content are covered in teaching, studies and examinations, the boundaries of academic work must be respected.

§ 3 Personal Rights and Limits Set by Individuals

(1) The University is committed to promoting equal and respectful cooperation between people of either gender, on all levels of the academic and non-academic worlds. Sexual discrimination, harassment and violence are encroachments of the personal rights and limits set by the persons affected.

(2) Due to their disturbing and damaging effect to University operations, sexual discrimination, harassment and violence also represent a violation of employment, service, civil service and University duties.

(3) All members and associates of the University, in particular those charged with training, qualification and managerial tasks, are obliged not to take advantage of the special aspects of power and dependent relationships that their positions entail and to adhere to their professional self-conception in respecting the personal rights and

individually set limits of all persons at the University.

§ 4 Preventive Measures

(1) The University informs its members and associates about the problematic nature of sexual discrimination, harassment and violence.

(2) Competence in dealing with the problems of sexual discrimination, harassment and violence is an important element of managerial quality; it constitutes an element when evaluating staff according to the state's corresponding guidelines. Managerial staff should attend corresponding training courses. The University informs its staff about training courses on this topic and, in so far as possible, offers courses itself.

(3) The University takes measures to identify and to eliminate or reduce potential sources of danger in its buildings and facilities with regard to sexual discrimination, harassment and violence.

(4) At regular intervals, the University holds surveys, which are as broad as possible, on sexual discrimination, harassment and violence amongst its members. The results are published.

(5) The University supports measures and initiatives to fight sexual discrimination, harassment and violence at the University of Greifswald on a financial and organisational front.

§ 5 Detection of Sexual Discrimination, Harassment and Violence

(1) All members of the University who have managerial, supervisory or training tasks are obliged to report every suspicion of sexual discrimination, harassment and violence immediately to one of the persons named in sub-sections 4 to 6, as long as this does not contradict the will of the person affected.

(2) All members of the University who have managerial, supervisory or training tasks notify persons affected of their rights to report sexual discrimination, harassment and violence, to turn to the persons named in sub-sections 4 to 6 and to complain to the University's governance.

Persons affected should be encouraged not to accept sexual discrimination, harassment and violence, but to voice their disapproval unequivocally and to defend themselves against it.

(3) If a complaint about sexual discrimination, harassment and violence has been made, a commission is to be summoned to resolve the case and to advise the University's governance on taking measures and implementing sanctions. The commission should be made up of a representative from the HR Department, a representative from the Legal Services Office, the central Equal Opportunities Officer and the Diversity Officer. If needed, a representative of the student self-government (Students' Union - AstA, departmental student representative councils - Fachschaftsrat) should be brought in. If no criminal procedure is in progress, the

commission will also resolve the case.

(4) Persons affected can also turn to the University's Diversity Officers (as stipulated in § 13 AGG - Act Implementing European Directives Putting Into Effect the Principle of Equal Treatment), to the central Equal Opportunities Officer or the Faculties' Equal Opportunities Officers, to the Staff Council or the HR Department. These advise the persons affected, pass on notifications with consent from the person affected to the case commission and must be informed of the result of the internal examination. The unit that received the complaint, informs the claimant immediately about the result of the commission's examination.

(5) Students affected can turn to the bodies of student self-government (Students' Union - *AstA*, departmental student representative councils - *Fachschaftsrat*). Sub-section 4 sentence 2 applies correspondingly.

(6) Persons affected can turn to the University's governance immediately.

(7) The Rector names a male member of staff as a further point of contact and person of trust for persons who have been affected by sexual discrimination, harassment and violence.

(8) Legal employment and service measures, which are based on the accusation of sexual discrimination, harassment and violence, may only be issued by the Rector.

§ 6 Protection of the Parties Affected and Accused

(1) The names of the persons affected and accused may not be made public. The identities of the persons affected are only allowed to be made known to prosecuting criminal authorities or disciplinary authorities as part of legal requirements. If formal measures are to be taken, the name of the person affected may only be communicated to the person accused if there is corresponding legal entitlement to do so or it is critical for the accused's defence. For informal measures, the person affected has an unlimited right to remain anonymous. The person affected can be represented by a person of trust of their choice or, if this is not possible, certainly be accompanied by them.

(2) The presumption of innocence in favour of the person accused must be respected. If an accusation is proven to be unfounded, care must be taken to assure that the person accused does not experience any disadvantages.

(3) It must also be ensured, that no personal or professional disadvantages arise for the claimant or his/her persons of trust due to the complaint. The same applies to refusals to carry out instructions, which violate these guidelines (see § 16 AGG).

(4) In severe cases, especially if there is a justified suspicion that other persons are in danger, the University's governance can also act without the consent of the person affected. This person should however be informed; suitable protection must be guaranteed for him/her. The Equal Opportunities Officer must also be informed accordingly.

(5) The rights of the person affected to exercise other legal means, remain unaffected.

§ 7 Measures and Sanctions

(1) The measures which are to be taken clearly show that the University does not tolerate sexual discrimination, harassment and violence in any form. The University will take appropriate measures according to the circumstances of the individual case, including the need for the protection of the persons affected. The following will be considered:

- a) staff appraisal,
- b) verbal or written admonition,
- c) written warning,
- d) moving the person accused to another workplace at the University,
- e) institution of measures according to Mecklenburg-Vorpommern's *Landesdisziplinarordnung* (State Disciplinary Regulations),
- f) dismissal for gross misconduct,
- g) ban from entering the premises (ban from using the University of Greifswald's facilities, exclusion from certain classes),
- h) withdrawal of account (for abuse via computer),
- i) deregistration,
- j) report of the offence to the police by the Rector.

(2) Persons affected will be informed about the measures which are going to be taken as long as they pledge to remain silent about them; the right to file suit remains unchanged. If measures taken are only sanctionary, the information passed on will be limited to an indication that an appropriate decision has been made.

§ 8 Support for the Parties Affected

(1) If an incidence of sexual discrimination, harassment or violence is brought to light, appropriate measures to protect the person affected must be taken immediately, if this is desired by the individual.

The commission dealing with the case must be informed correspondingly.

(2) As part of its fiduciary duty, on request, the University of Greifswald will arrange psychological and legal advice for the persons affected.

§ 9 Final Provisions

(1) The objectives set out in these guidelines are constituents of the University of Greifswald's self-conception.

(2) These guidelines will be made accessible to all members of the University and handed out to all staff members on appointment or assumption of office. It will be displayed for students in the Registration Office.

(3) The guidelines become effective on the day after their publication.

Drawn up after a decision made by the Rectorate on the 15/03/2016

Greifswald, 26/04/2016

The Rector
of the University of Greifswald
Prof. Dr. Johanna Eleonore Weber

Publication note: made public and accessible to all members of the University on the 28/04/2016

Accompanying Measures

1. Information Policies

The University commits to publicising possible (both internal and external) points of contact. The names and availability of the Equal Opportunities Officers and current legal and psychological advice centres will be provided on specific pages of the University website and in the central lecture timetable. The institutes and departments are requested to also publish this information in their lecture timetables or to hang them out visibly for the public. The Student Body is asked to include this information accordingly in its publications.

2. Equal Opportunities Officer

The University of Greifswald stresses the central role of the Equal Opportunities Officer as a point of contact and person of trust with regard to any questions concerning sexual discrimination, harassment and violence.

3. Further Contacts

The Student Body is asked to name persons of trust for the students.

4. Availability

The availability of all points of contact is guaranteed. The names and availability must regularly be made accessible on the University website and on the central lecture timetable.