

Anti-Corruption Code of Conduct for Staff in the Federal State Administration of Mecklenburg-Vorpommern

Announcement from the Ministry of the Interior

from 9th November 2001 - II VR -

Corruption in public service is the abuse of a public office to benefit another, upon their request or your own initiative, for the purpose of obtaining an advantage for yourself or a third party while damaging the official agency and thus the general public.

This Code of Conduct is intended to point out to staff in the Federal State Administration of Mecklenburg-Vorpommern risky situations in which they could become involved in corruption unintentionally. It also aims to encourage staff to fulfil their tasks in a dutiful and law-abiding manner and point out the consequences of corrupt behaviour:

Corruption harms everyone!

**Corruption harms the state's reputation
and that of its employees!**

**Corruption is not a trivial offence;
it leads directly to criminal offences!**

Corruption even includes small favours!

Corruption leads to dependencies!

Corruption leads to unemployment!

That means:

1. Be a role model - show by your behaviour that you neither tolerate nor support corruption!

Corruption can be better prevented if each individual has the goal of fighting corruption. This also corresponds to the obligations to the employer to which each staff member agreed during the hiring process (cf. Secs. 57 ff LBG M-V (*Landesbeamten-gesetz Mecklenburg-Vorpommern*, Civil Service Act of Mecklenburg-Vorpommern), Secs. 6, 8 BAT/BAT-O (*Bundesangestelltentarifvertrag / Bundesangestellten-tarifvertrag-Ost*, Collective Agreement for Federal Employees/Collective Agreement for Federal Employees - East), Secs. 7, 8(8) MTArb/MTArb-O (*Manteltarifvertrag für Arbeiterinnen und Arbeiter des Bundes und der Länder/Manteltarifvertrag für Arbeiterinnen und Arbeiter des Bundes und der Länder-Ost*, Collective Wage Agreement for Federal and State Employees/Collective Wage Agreement for Federal and State Employees - East).

Upon being hired to public service, all employees obligate themselves to protect the free-democratic order as established in the Federal Republic of Germany's Basic Law and other applicable laws and to fulfil their tasks conscientiously. Employees are to behave as expected from a member of public service and, beyond that, to uphold the free-democratic order as established in the Federal Republic of Germany's Basic Law in everything they do. All employees must therefore fulfil their tasks impartially and justly.

These obligations are not empty words. They must be reflected in the professional and private life of the individual.

Corrupt behaviour contradicts these obligations and damages the reputation of public service in Mecklenburg-Vorpommern. It not only destroys the people's trust in the administration's impartiality and objectivity but also in the ethical-moral principles of the state, society and economy that provide the foundation of living together in communities.

Employees are thus tasked with being behavioural role models for their colleagues and fellow citizens.

2. Stop attempts at corruption immediately and inform your supervisor and the contact person for corruption prevention without delay!

For external contacts, e.g. with applicants for controlling activities, you must ensure that relationships are clear from the beginning and stop any attempt at corruption immediately. The impression must not be given that you are open for 'small presents'. Do not be shy about returning a present or sending it back - while asking for their understanding that you must adhere to the rules.

If you are employed in an area of the administration that deals with **awarding public contracts**, you must be especially sensitive to attempts by third parties to influence your decisions. *This is the area in which most corrupt actions take place.*

Please take note of the Ministry of the Interior's order on 6 May 1999 "Prohibition against Accepting Rewards and Presents in Public Administration" (Gazette Mecklenburg-Vorpommern, p. 558 ff.) in which all details of this point are regulated.

If you have been asked to perform a questionable favour by a third party, immediately inform your superior and the responsible *contact person for corruption prevention*. That will help avoid any suspicion of corruption against you, but it will also make it possible to potentially initiate legal action against the third party or his supervisor.

If you stop an attempt at corruption but do not report it, then the person will turn to one of your colleagues and make the same attempt. You should therefore also protect your colleagues by always reporting corruption attempts by outside parties. All employees (supervisors and staff members) must work together in order to present a united and credible front.

3. If you think that someone wants to ask that you give him preference in a manner that goes against your duties, ask a colleague to act as a witness!

Sometimes you will suspect that a discussion will include a questionable request and that it will be difficult for you to refuse it. In such cases, clear distancing is often not enough. You should not go into such a situation alone. Instead, ask a colleague to join you in the discussion. Speak to your colleague ahead of time and ask them to avert any attempt at corruption with their behaviour.

4. Work in a way that allows your work to be verified!

Your working methods should be transparent and verifiable for everyone.

Because you will usually leave your job at some point (taking on new tasks, being transferred) or you may be absent for a period of time (illness, vacation), your work processes should be so transparent that a successor or replacement can take over for you at any time. You should avoid keeping 'supplementary files' (files with information not contained in the primary file) in order to avoid the impression of dishonesty. Reference files should only be kept if they are unavoidable for you to carry out your work.

5. Strictly separate your professional and private life! Check whether your private interests lead to a conflict of interest with your professional obligations!

Attempts at corruption are often started by third parties extending professional contact to private contact. Refusing a 'favour' is particularly difficult if you get on with a person very well in your private life and you or your family receives advantages and discounts (e.g. concert tickets, cheaper holidays, invitations to eat at expensive restaurants, etc.).

With private contacts, you should therefore make clear from the outset that you must clearly separate your professional and private life in order to avoid suspicion of accepting benefits or bribes.

Besides this, and regardless of a risk of corruption, you must observe this strict separation of your private interests and professional tasks throughout your career.

Your department and every citizen are entitled to your behaviour being fair, proper and impartial. For every process for which you are responsible, you should therefore check whether your private interests or those of your relatives or organisations to which you are connected, e.g. charitable organisations, political parties or sport clubs, could lead to a conflict of interest with your professional obligations (cf. Secs. 20, 21 *Landesverwaltungsverfahrensgesetz*, Federal State Administrative Procedures Act). You should avoid any appearance of possible partiality. Ensure that you do not give anyone a reason to suspect impartiality, not even with 'atmospheric' influences from interested parties.

When going over a task, if you see that there is a possible conflict of interest between your professional obligations and your private interests or the interests of a third party to whom you feel connected, then inform your supervisor so he/she can react appropriately and re-assign the task to someone else if necessary.

Any **other paid work** you do should also be clearly separated from your primary work. Personal connections made in your other job must not be permitted to influence your full-time job. You should also note that you may face legal consequences if you have other paid work that requires approval but you have not received approval; the same applies to neglecting disclosure obligations (cf. Secs. 67 ff. LBG M-V, Sec. 11 BAT/BAT-O, Sec. 13 MTArb/MTArb-O).

Regardless of this, it will harm your reputation sooner or later - and thus the reputation of the entire public service sector - if you have given priority to your private interests in a conflict of interest. This is particularly true if you have an influential position. In this case, you should be especially careful to only agree on conditions that have been set down for comparable abstract conditions.

6. Support your department in discovering and clearing up corruption! Stop attempts at corruption immediately and inform your supervisor and the contact person for corruption prevention without delay!

Corruption can only be prevented and fought if everyone feels responsible for their department and everyone has the goal of maintaining a 'corruption-free workplace'.

This means that everyone must ensure in the context of their work that no outsiders have the possibility to have improper influence on decisions.

It also means, however, that corrupt colleagues are not covered for out of misconceived solidarity or loyalty. Here, each individual is obligated to contribute to clearing up criminal acts and protecting the department from harm. One 'rotten apple spoils the barrel'. You should therefore not take part in any cover-up attempts.

In your administration, there is a contact person responsible for corruption prevention. You should not be shy in contacting them if your colleague's behaviour gives you concrete and verifiable indications that he/she could be open to bribery. Your contact person will respect your desire for silence and then decide whether and which measures must be taken. It is essential, however, that you have verifiable indications. Colleagues may not be suspected without any concrete reasons.

7. Support your department in recognising flawed organisational structures that foster corruption attempts!

Often long-held processes lead to niches being built, in which corruption can flourish particularly well. These could be processes in which one employee (culture of specialisations!) is solely responsible for the approval of state benefits. It could also include processes that are purposely or unintentionally unclear in order to make review difficult or prevent it entirely (culture of loners!).

Here, a *change in organisational structures* can usually alleviate the situation. In specific cases, however, the organisation unit cannot carry this out because it does not have the specialist knowledge necessary.

That is why all employees are called upon to give suggestions to the organisers in order to contribute to creating clear and transparent work processes.

Within working units, the heads must design processes to be so transparent that corruption cannot arise. Experience has shown that an *internal controlling system (Internes Kontrollsystem, IKS)*, which includes the entirety of an organisation's controls and security mechanisms to create sufficient compliance and security in administrative processes, is effective in averting all types of risks and threats.

8. Take part in further and continuing education on the topic of corruption prevention!

If you work in an area at risk for corruption, take advantage of your department's offers or those of the Fachhochschule für öffentliche Verwaltung und Rechtspflege in Güstrow to participate in further and continuing education courses on the forms of corruption, risky situations, prevention measures and criminal or other legal consequences of corruption.

You will learn how you can prevent corruption and how you need to react if you are corrupted or discover corruption at your workplace. Continuing education courses will give you confidence in dealing with corruption in the right, legal way. For questions on further and continuing education offers, contact your HR Department.

The districts, independent towns, agencies and municipalities as well as corporations, foundations and agencies under public law are advised to adopt the Code of Conduct for their areas of responsibility.

Prohibition against Accepting Rewards and Presents in Public Administration

Notification from the Ministry of the Interior

from 6th May 1999 - II 250 b-0312-2 -

I. General Information

Selfless, altruistic management of professional affairs that is unconcerned with personal advantages is one of the foundations of public service oriented for the common good. Employees who accept presents and rewards or other benefits related to their position or office endanger the public's trust and that of their agency in their reliability and harm the reputation of the entirety of public service. They also raise the suspicion that they are generally accepting of bribes when it comes to official acts and that they do not orient their business affairs solely on objective considerations, but also allow themselves to be influenced by the benefits promised to them, given to them or demanded by them. This cannot be permitted in the interest of a functional, proper and objective administration. The following provisions therefore serve to protect public service and give confidence to those affected in dealing with the issue. The functions, status and other terms used in these regulations apply to both women and men.

II. Legal Situation for Civil Servants

Civil servants must avoid any appearance of being receptive to personal benefits when carrying out their duties. According to Sec. 76 of the Civil Service Act of Mecklenburg-West Pomerania (*Landesbeamtengesetz*, LBG M-V), civil servants may not accept any rewards or presents related to their position even after ending their time as a civil servant. Exceptions, particularly in cases of doubt, require the approval of the responsible authority.

For civil servants, a violation of this provision is considered a disciplinary offence (Sec. 85(1) LBG M-V). For retired or former civil servants with pension benefits, according to Sec. 85(2) No. 3 LBG M-V it is a disciplinary offence if they violate the prohibition against accepting rewards and presents in relation to their former position.

III. Legal Consequences

1. Fine or Imprisonment

A civil servant who accepts, demands or accepts the promise of a benefit for himself or a third party for carrying out a task in relation to his position is guilty of accepting a benefit and, according to Sec. 331 of the Criminal Code (*Strafgesetzbuch*, StGB), may be subject to a fine or up to five years imprisonment.

If the action for which the civil servant accepted, demanded or accepted the promise of a benefit for himself or a third party includes a violation of his duties, then he is guilty of corruption, punishable according to Sec. 332 StGB by six months to five years imprisonment or in less serious cases up to three years; even an attempt is punishable.

2. Additional Legal Consequences

Besides a fine or imprisonment, additional legal consequences are also provided for by law, e.g. that possession of anything derived from the illegal action is transferred to the state (forfeiture, Secs. 73 ff. StGB).

If a civil servant is sentenced to a prison term of at least one year for accepting a benefit or corruption, then his position as a civil servant ends automatically when the judgement becomes final (Sec. 52(1) No. 1 LBG M-V). If the civil servant has retired after committing the offence, when the judgement becomes final he loses his rights as a retired civil servant (Sec. 59 Civil Servants Benefits Act (*Beamtenversorgungsgesetz*)).

If a lesser sentence is imposed, then typically formal disciplinary proceedings are carried out in which the civil servant must expect to be removed from his post, and retired civil servants must expect to have their pension revoked.

Besides this, the civil servant is liable for any damage arising from his illegal and grossly negligent actions (Sec. 86 LBG M-V).

IV. Explanatory Notes

For the explanatory notes,

1. 'Rewards' and 'presents' in the meaning of Sec. 76 LBG M-V are all benefits to which the civil servant has no legal claim and which provide him with a materially or immaterial objective improvement in his situation (advantage).

An advantage also exists if the civil servant has performed a service that is not proportionate to the service granted in return.

This kind of advantage could include

- monetary payments,
- granting gift certificates (e.g. telephone cards or admission tickets) or objects (e.g. vehicles, construction machinery) for private use.

- special discounts for private transactions (e.g. interest-free or low-interest loans),
- payment of a disproportionately high remuneration for other paid work, even if it has been approved (e.g. lectures, expert reports),
- granting airline or other transportation tickets, taking the civil servant on trips,
- hospitality,
- provision of accommodation,
- inheritance benefits, e.g. a legacy or inclusion as an heir,
- other gifts of any kind.

This list is not conclusive and what is relevant is not the value of the benefit or whether the benefit was given directly by the person giving the gift or by a third party on his behalf.

Procuring and accepting external funding for purposes of teaching and research is not an advantage in the meaning of Sec. 76 LBG M-V.

When determining whether Sec. 76 LBG M-V is applicable, it is irrelevant whether the civil servant will obtain the advantage directly or indirectly, for example gifts to family members are also unacceptable.

Passing along advantages to third parties, e.g. relatives, friends, other civil servants or social institutions, does not justify accepting them; in these cases the responsible authority must also give its approval.

2. In the meaning of Sec. 76 LBG M-V, an advantage is given 'in relation to the position' if the person giving the gift does so because the civil servant holds or did hold a certain office. It is not necessary for the benefit to be tied to a specific action.
The 'position' includes, in addition to the primary office, any other office or other paid work done at the request, suggestion or instigation of the supervisor. A benefit can also be given in relation to the position if the civil servant receives it in the context of other paid work connected to his duties in his primary position.

Benefits that are given based solely on private relationships are not given 'in relation to his position'. These kinds of relationships may not be linked to expectations related to the civil servant's professional behaviour, however. If the civil servant realises that these kinds of expectations arise from personal relationships, then he may no longer accept benefits. The obligation described under number 3 to inform the supervisor of attempts at influencing actions also applies here; it must be put on record that the civil servant reported the incident.

3. The civil servant may only accept a benefit requiring approval according to Sec. 76 LBG M-V if the approval of the responsible authority has been given unless it can

be regarded as tacitly approved according to number 5. When requesting approval, the civil servant must completely disclose all information relevant for the decision.

If approval cannot be granted in time, then the civil servant may accept the gift provisionally as an exception, but approval must be sought immediately afterwards. If the civil servant is in doubt as to whether the acceptance of a benefit falls under the purview of Sec. 76 LBG M-V or is tacitly approved, he must seek approval. Beyond this, he is obligated to inform his supervisor of any attempt to influence his duties with offers of gifts or rewards.

4. Approval for accepting a benefit may only be granted if the case does not give reason to fear that the acceptance will affect the civil servant fulfilling his duties objectively or give the impression to third parties who hear of the gift that the civil servant could be biased. Approval may not be granted if it is clear that the person giving the gift desires to influence the actions of the civil servant or if there are doubts as to whether this is intended. Approval may be granted with the stipulation that the gift be transferred to a social institution, to the employer or to another public organisation, institution or foundation; typically it is advisable to inform the person giving the gift that it is to be transferred.

Approval should be granted in writing.

The approval of the responsible authority for accepting a benefit does not, however, preclude criminal liability if the benefit was requested by the civil servant or if the consideration given was a past or future breach of duty.

5. Accepting a small gift generally considered to be of little value (e.g. advertising articles such as pens, calendars or writing pads) or presents from the civil servant's colleagues (e.g. for a birthday or service anniversary) of the conventional value are to be seen as tacitly approved.

Participation in hospitalities for professional reasons, meetings or inspections can be tacitly approved or tacit approval can be assumed if the reason for acceptance is based on rules of relationships and politeness that even a civil servant cannot avoid without violating social conventions. The same applies for accepting benefits that make it easier or faster to carry out business.

This also holds true for typical and appropriate hospitality at general events which the civil servant attends due to his position; in which he participates as a professional duty or in regards to the social obligations placed upon him by his position, e.g. greeting and saying farewell to public officials, official receptions, social events that serve to

maintain professional interests, anniversaries, ground-breaking ceremonies, topping out ceremonies, dedication ceremonies, opening exhibitions, company visits and sessions of business institutions in which the public sector is involved.

Excessively or repeatedly accepting small gifts or typical or appropriate hospitality may also constitute a criminal offence.

The social representation of a public authority is limited to the authority's management and those employees requested by the management to represent the authority.

Tacit approval does not exempt the civil servants from reporting information according to statutory travel cost regulations.

V.

Legal Situation for Apprentices and State Employees who are not Civil Servants

Public service employees who are not civil servants (in the following: 'employees') may also accept rewards or gifts related to their professional duties only with the approval of their employer; they must immediately inform their employer of such offers without being asked to do so (cf. Sec. 10 BAT-O (*Bundesangestellentarifvertrag / Bundesangestellten-tarifvertrag-Ost*, Collective Agreement for Federal Employees/Collective Agreement for Federal Employees – East), Sec. 12 MTArb.-O (*Manteltarifvertrag für Arbeiterinnen und Arbeiter des Bundes und der Länder/Manteltarifvertrag für Arbeiterinnen und Arbeiter des Bundes und der Länder-Ost*, Collective Wage Agreement for Federal and State Employees/Collective Wage Agreement for Federal and State Employees – East). Violating this obligation can be considered an important reason justifying for termination without notice.

In so far as public service employees perform services that assist in tasks of public administration, they are considered equivalent to civil servants for purposes of criminal law. If they accept, demand or accept the promise of benefits when carrying out their duties, they will be punished just as civil servants according to Secs. 331 and 332 StGB. Employees and apprentices who have been obligated according to Sec. 1 of the Law Concerning the Formal Commitment of Non Civil Servants Act (*Verpflichtungsgesetz*) or who are equivalent to this group according to Sec. 2 of the same act are considered equal to civil servants in terms of criminal law.

The explanatory notes under Section III.2. on forfeiture and liability also apply to employees and apprentices.

For Secs. 10 BAT-O, 12 MTArb-O and other corresponding regulations, the principles described in section IV. are to be applied accordingly.

VI.

Duties of the Supervisor / Employer

The civil servants, employees and apprentices are to be informed of the obligations arising from Sec. 76 LBG M-V or the respective collective agreement regulations. The supervisors must ensure that the employees are regularly informed of their obligations and must retain a signed form indicating that this has been done.

Whenever possible, supervisors are to prevent any violations of Sec. 76 LBG M-V (or Sec. 10 BAT-O, Sec. 12 MTArb-O) and Secs. 331 ff. StGB with appropriate organisational and human resource measures (e.g. staff rotation, 'second set of eyes' principle, unannounced controls).

If it is known that certain employees do not have well-ordered finances, they should not be employed in procurement positions or other positions in which they are particularly exposed to improper influence by third parties.

If supervisors breach their duties in this regard, they can be guilty of a disciplinary offence and be subject to criminal prosecution under Sec. 357 StGB.

VII.

Additional Regulations

The highest administrative authority may, in consultation with the Ministry of the Interior, make additional regulations, in particular to address special circumstances in their areas or specific administrative branches. In so far as they contradict this notification, existing regulations must be changed accordingly.

Employees in certain areas may be directed to immediately report gifts that fall under IV.5. for a specific period of time.

Gazette M-V 1999 p.558

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 Gender Equality 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 Gender Equality Officer or the Faculties' Gender Equality Officer, 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 Gender Equality 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 Gender Equality Officer 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. Gender Equality Officer

The University of Greifswald stresses the central role of the Gender Equality 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.

Information about Taking Up Secondary Employment for Civil Servants and Public Sector Employees.

1. Civil Servants

In accordance with § 40 *Beamtenstatusgesetz* (Civil Servants Status Act - BeamStG), secondary employment must be announced to the employer. The relevant legal basis regarding secondary employment is defined in §§ 70 to 78 [Landesbeamtengesetz \(State Civil Servants Act - LBG M-V\) Mecklenburg-Vorpommern](#) and the [Nebentätigkeitslandesverordnung \(State Secondary Employment Ordinance - NLVO M-V\) Mecklenburg-Vorpommern](#) of 20 January 2010.

Here are some of the details:

- ✓ Without approval from a superior, secondary employment may not be commenced until one month has passed after the announcement has been submitted (§ 75 LBG M-V). The announcement should therefore be submitted to the employer at least 2 months prior to taking up secondary employment.
- ✓ If secondary employment is to be performed in the public service sector or a sector with equal status, there is a general **obligation to surrender** the income from the corresponding secondary employment (§§ 8 pp. NLVO M-V). Please also observe the annual **statement obligation** (§ 11 NLVO M-V) according to which the employee is required to submit an unsolicited statement of the payments s/he has received in the public service sector or a sector with equal status by the 31/03 of every year (§ 3 NLVO M-V), if the payments exceed half the yearly amounts stated in § 8(2) NLVO M-V.
- ✓ Written permission must be attained if materials or facilities belonging to the employer are to be used (§ 74 LBG M-V; § 12 NLVO M-V). The employer will decide whether a **user fee** is to be paid. Regulations regarding user fees are stipulated in part 3 (§§ 12 pp.) of the NLVO M-V and § 74(2) LBG M-V. The user fee may be waived in full or in part if the secondary employment is of interest to the employer (§§ 12, 13 NLVO M-V). The person announcing the secondary employment must explain why it is of interest for work.
- ✓ Secondary employment that has been announced can be pursued in an unlimited fashion if it was not refused. The termination of secondary employment must be declared in writing (§ 5(2) NLVO M-V).
- ✓ The kind and scope of secondary employment may not occupy the employee in any way that could impede the fulfilment of official duties. This is usually not the case if the time spent exercising one or more jobs in secondary employment does not exceed 8 hours per week (§ 73(1) LBG M-V).
- ✓ The details that must be provided when announcing secondary employment are stipulated in § 5 NLVO M-V. Please use the [Form](#) for announcing secondary employment, which includes all the necessary details.

2. Employees

The conditions applying to employees taking up secondary employment are defined in § 3(4) TV-L.

- ✓ Employees must [announce](#) paid secondary employment to the employer in writing, prior to commencement. The scope of the term payment is to be considered in a broad manner and also includes non-monetary benefits, but not reimbursement of expenses. Non-paid secondary employment (e.g. voluntary work) must not be announced to the employer.
- ✓ For an announcement of secondary employment to be considered 'on-time', it must be submitted to the employer at a stage in which the employer is still in a position to examine and decide whether there are grounds for refusal.
Therefore, the aim should be to submit the announcement to the employer at least 2 months prior to taking up the secondary employment.
- ✓ The employer can refuse the secondary employment or define conditions if the secondary employment could be detrimental to the employee's work duties or impair justifiable interests of the employer.
- ✓ An **obligation to surrender** income from secondary employment in the public service sector in accordance with the provisions that apply for civil servants towards their employers (see above and §§ 8 pp. NLVO M-V) may be defined as a condition.

This information sheet is by no means comprehensive. For detailed information, please contact the member of staff at the HR Department who is responsible for you.