

Policies for Protection against Sexualized Discrimination and Violence

Preamble

Sexualized discrimination and violence are not tolerated at the University of Bonn. In fact, it should go without saying that discrimination of any kind has no place at the University of Bonn as a workplace, where we cultivate an atmosphere of mutual respect and trust between all students, faculty members, staff, and visitors. In line with its governance role, the Rectorate takes responsibility for ensuring the protection of the rights of the individual to personal freedom, dignity, and privacy, and for pursuing violations of these policies and implementing corresponding preventive measures.

The University of Bonn provides education for the skilled workforce and leaders of tomorrow, whose knowledge and skills shape workplace cultures and larger societal developments in significant ways. The University strives to contribute to this by raising awareness of non-discriminatory and non-violent interaction in the workplace through anchoring its campus culture to the values of equal opportunity and mutual respect.

All faculty members, staff, and students at the University of Bonn — and staff with responsibilities related to HR, training, and qualification in particular — are called upon to stand up for and vigorously defend the rights of affected individuals irrespective of hierarchical level or area of work at the University, as well as to ensure that relevant incidents are systematically followed up, to impose consequences for detrimental and discriminatory acts as appropriate, and to anchor effective preventive measures within their respective sphere of activity.

The goal is to have a culture in place at our institution where we neither look away from nor ignore allegations of discriminatory, abusive, or violent behaviour, and where such acts are labelled as such and are not tolerated once recognized.

This policy document outlines the principles of conduct, procedures, and potential responses in cases of sexualized discrimination and violence. This document replaces the previous 'University of Bonn Policies Addressing Sexual Harassment' dated 20 December 2011. All individuals falling within the scope of these policies are to be sensitized for the need to ensure a non-discriminatory and non-violent campus and are called upon to actively support these policy aims as students, faculty members, or staff members.

Section 1 Scope of application

(1) These policies apply to all staff (both faculty and administrative personnel), trainees, students, interim professors, and contract lecturers (adjuncts) at the University of Bonn. These policies also apply to external individuals including visitors, scholarship holders, and individuals involved in job application and appointment procedures insofar as they are acting on behalf of the University of Bonn. These policies also apply in cases of sexualized discrimination and violence committed by or perpetrated against third parties on campus where an individual falling within the scope as per the above is/was involved.

(2) These policies apply on all premises of the University of Bonn campus, including satellite campus areas/offices and leased spaces. These policies also apply for any events taking place outside of campus premises which are connected with the University, including business trips, excursions, University festivals, and operations-related outings. Also falling within the scope are digital spaces created by the University of Bonn, which include video conferences and university-wide digital platforms for operational interaction, such as eCampus, Sciebo, and Confluence.

Section 2 Terms and definitions

(1) Sexualized discrimination and violence within the context of these policies are behaviours/acts causing sexual harassment, degradation, or discrimination on the basis of gender/gender identity or sexual orientation. Such behaviours include illegal acts and minor offences perceived as demeaning by the affected parties. Sexual harassment in accordance with the German General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz, AGG) is proven verbal or non-verbal behaviour of a sexualized nature or intent which is aimed at or results in the violation of the dignity of the affected person. In particular, such violation occurs in environments characterized by intimidation, hostility, humiliation, degradation, and/or insults.

(2) Sexualized discrimination and violence occur in many forms. In particular, these include:

- Derogatory expressions of a sexual nature and verbal sexual harassment through inappropriate, sexualized comments (lewd jokes, remarks about appearance, unwanted use of terms of endearment)
- Inappropriate questions concerning the private or intimate lives of individuals
- Acts of harassment, such as staring or whistling
- Inappropriate physical closeness or unwanted touching, even if seemingly accidental
- Solicitation of sexual acts
- Stalking, including cyber-stalking
- Using sexually degrading content on University devices, including copying it and using corresponding applications
- Dissemination/distribution of texts or images of a sexist nature (posters, calendars, screensavers, email attachments, graffiti, etc.)
- Sexualized newbie/first-year/hazing rituals at the University (such as the 'clothing chain' challenge involving bodily exposure)
- Promoting events via use of content of a sexist nature
- Making images or videos of intimate body areas without consent, including 'upskirting' (images/video taken under someone's clothing) without consent and 'downblousing' (images/video taken down someone's clothing), as well as the distribution of such content
- Sexual harassment in the form of an unwanted physical touching of sexual nature or intent, including, for example, forced kissing and touching of intimate body areas
- Distribution of illegal pornographic content
- Sexual assault, molestation, and rape

An act may also be deemed sexual in nature based on the circumstances of a particular case.

(3) Sexualized discrimination and violence often take place within the context of hierarchies or the exercise of power, whether on or off campus. Cases of sexualized discrimination and violence are seen as particularly grave where advisor or superior/subordinate relationships are exploited in connection with employment, study, or training opportunities by making threats of personal or career disadvantages or offering incentives.

Section 3 Blanket prohibition

Sexualized discrimination and violence create an intimidating and stressful work, teaching, and study environment that subverts human dignity, causing a major disruption of University operations. Such acts are prohibited under the applicable laws and administrative policies, and violate civil service and regular employment contract provisions as well as our legal obligations as a higher education institution.

Section 4 Principles of procedure

(1) The University of Bonn shall take measures (see Section 8) in the event of incidents of misconduct falling within the scope of this policy document (hereinafter: "misconduct"). In an urgent, emergency situation, the affected person may call Campus Security directly. The emergency call numbers are posted on the homepage of the University of Bonn website and on the informational web pages pertinent to this policy document.

(2) Affected persons are expressly encouraged to promptly seek advice, even for what may be considered a minor incident, instead of tolerating sexualized discrimination and violence. Affected persons may contact the counselling providers specified under Section 5(4) at any time.

(3) In response to an incident, an affected person has the option to seek advice (informal procedure) as per Section 5 and/or file a complaint (formal procedure) as per Section 6).

(4) Upon becoming aware of a potential incident of sexualized discrimination and violence, all individuals holding a teaching, advisory, training, or managerial role are obligated to inform one of the offices specified under Section 5(4) or Section 6(3) without delay, subject to the requirement that consent to this has been given by the affected person(s). University functionaries and individuals holding a teaching, training, or managerial role have a responsibility to ensure compliance with these policies within their area of work.

(5) Any accused individual shall be assumed innocent until allegations of misconduct have been proven, as the University of Bonn is aware of its duty of care in this regard as well. Where an individual has been wrongly accused, the University of Bonn is obligated to protect the personal and academic reputation of the person(s) concerned within the scope of these policies.

(6) All individuals involved in a relevant procedure are bound to confidentiality.

(7) All parties retain their right to take legal action on their own.

Section 5 Advice and counselling services

(1) Individuals affected by sexualized discrimination and violence may contact the advice and counselling services and/or the trained and qualified contact persons named under paragraph 4 (informal procedure). If they wish, they can have a person attend the counselling meeting with them for support (hereinafter: “person of confidence” or “support person”). The affected individual may arrange for a third party to initiate contact, on an anonymous basis, if desired. It is not necessary for the affected individual to go via her or his manager.

(2) The counselling services and contact persons as per paragraph 4 assist affected individuals with matters of concern and, if desired, will accompany them throughout the formal complaint procedure as per Section 6, if one is initiated. This includes assisting the affected individual with documenting in writing the content of a complaint made verbally.

(3) Professional mediation by a neutral third party is an option which may be chosen instead of the formal complaint procedure, subject to the consent of all parties involved.

(4) A number of offices and contact persons which provide counselling are available at the University of Bonn. See Appendix 1 for a list of available internal and external counselling services. These include the University Gender Equality Office and the faculty gender equality officers, who provide confidential advice on matters concerning sexualized discrimination and violence.

(5) The counselling services listed in Appendix 1 may also be consulted by individuals accused of misconduct in order to obtain advice. In particular, the advice services for individuals accused of misconduct include Staff Psychosocial Counselling and Conflict Mediation and the office specified in the first sentence of Section 6(3).

(6) Counselling sessions as per paragraphs 1 and 5 are confidential unless the parties attending the session agree (in text form as a minimum) that the discussed content, or part thereof, is to be forwarded to third parties, including in particular the responsible contact as per the first sentence of Section 6(3), law enforcement authorities, and psychological counselling services, internal or external. Witness obligations remain unaffected.

Section 6 Responsible office for complaints

(1) It is not necessary for any individual affected by sexualized discrimination and violence to take the informal procedural route as per Section 5 first before filing a complaint (formal procedure) in response to a relevant incident.

Disciplinary proceedings against an accused student enrolled at the University of Bonn are governed by the regulations adopted in accordance with Section 51a of the Higher Education Act of North Rhine-Westphalia (*Gesetz über die Hochschulen des Landes Nordrhein-Westfalen, HG NRW*). In such cases, the office specified in paragraph 3 informs the office responsible for initiating such proceedings pursuant to those regulations.

(2) The objective of the complaints process is to inform the University of Bonn of a particular matter, the circumstances of which are to be clarified and addressed.

(3) Filing a complaint involves reporting the relevant facts to the Administrative Office for Anti-Discrimination Matters (the complaints desk in accordance with the General Act on Equal

Treatment). Complaints are filed in writing or in the form of records of verbal statements. The affected individual must sign the record of the verbal statement, which must outline in precise detail the incident(s) perceived as harassment or discrimination. Any witness testimony and/or available evidence, such as emails or messages via a messenger service, should be documented as well.

(4) When a complaint is received, the office specified under the first sentence of paragraph 3 holds a consultation meeting with the affected individual to inform the latter of the subsequent procedure and to ask the individual questions regarding the incident(s). The fundamental content discussed in the consultation meeting is documented in the form of a written protocol.

(5) The office specified under paragraph 3 informs an accused individual of allegations made against him or her. The accused individual is given the opportunity to respond to the allegations in writing and may be questioned regarding the alleged incident in a meeting with the office stated in paragraph 3. Accused individuals are notified in advance of their right to contact their relevant representative body and to obtain external support.

(6) Upon reviewing and evaluating the incident(s) concerned and hearing all testimony and statements, the office stated in paragraph 3 informs the manager or HR department of the accused individual of the finding(s) made and issues recommendations for any measures to be taken. The manager or HR department then decides which measures (Section 8), if any, are to be taken against the accused individual to prevent repeat offences and to protect those affected, involving the relevant administrative areas and the responsible manager from the areas of work or study concerned as necessary. Affected individuals can neither demand that the University of Bonn take any measures nor prevent such measures from being taken. In exceptional cases, the manager of the accused individual may, upon being informed by the office stated in paragraph 3, take immediate measures before reading any response statement by the accused.

(7) Once the relevant facts in the matter have been definitively clarified, the affected individual and the accused individual are both promptly informed of the findings of the review as well as of any measures that have been taken.

Section 7 Anti-discrimination ombudsperson

The Anti-Discrimination Ombudsperson gives the Rectorate and the Administrative Office for Anti-Discrimination Matters advice on and support with assessing situations and taking appropriate measures in response to incidents of sexualized discrimination and violence.

Section 8 Sanctions

(1) In fulfilling its duties of care and protection towards affected individuals, the University of Bonn may implement appropriate protective measures requested by those individuals. In particular, the University of Bonn ensures, as far as possible, that filing a complaint does not have any negative consequences of a personal, study-related or work-related nature for the affected individuals, for persons of confidence or support persons they involve, or for other parties that may be involved.

(2) Measures to be taken against an accused individual should be decided in consideration of the aims of making insistently clear that misconduct is being addressed, preventing repetition, and communicating unambiguously that sexualized discrimination and violence are not tolerated at the University of Bonn. Whether or not sanctions are imposed is to be decided upon exclusively on a case-by-case basis. In particular, the following sanctions may be taken, as permitted by law in a particular case:

In cases involving a University employee:

- Conducting of a formal employer meeting by the employee's manager or competent HR department
- Verbal or written censure and notification by the employee's manager or competent HR department
- Written disciplinary warning
- Initiation of disciplinary proceedings (with the associated investigative measures, possibly with temporary suspension)
- Implementation
- Formal release from duty
- Extraordinary termination
- Barring from use of University facilities
- Premises ban

In cases involving a student:

- Issuance of a reprimand
- Threat of expulsion
- Barring from use of University facilities
- Barring from enrolment in specific courses for a period of up to one semester
- Expulsion

(3) The University of Bonn may file criminal charges if an incident of sexualized discrimination and violence constitutes a criminal offence.

(4) Charges and penalties may be incurred for abusing the right to file a complaint.

Section 9 Prevention

(1) The University of Bonn and all persons falling within the scope of these policies are obliged to take an active role in prevention. Individuals holding training, teaching, advisory, and managerial roles are, as role models, of particular importance in this regard, inter alia as individuals who educate future leaders and, therefore, multipliers. Such individuals shall implement appropriate measures within their respective area of work to prevent sexualized discrimination and violence.

(2) The University of Bonn shall inform all parties campus-wide of these policies, including newly recruited personnel and newly matriculated students in particular. Cooperation partners and other contractual partners are notified accordingly and are required to agree to uphold these policies.

(3) The University of Bonn offers training and educational seminars aimed at raising awareness of issues of sexualized discrimination and violence, including assertiveness training and self-defence courses.

(4) The University of Bonn utilizes architectural and technical planning as much as possible as part of its commitment to maintaining a campus that feels safe. Appropriate interpersonal distance must be maintained during office hours, in study and teaching situations, and in workplace contexts where students interact with instructors or staff; rooms should be arranged in a manner that reflects the principles of openness and transparency, as the circumstances in a particular case permit.

Section 10 Review

The Rectorate shall review these policies, including all procedures outlined in this document, bi-annually, and amend these policies as appropriate. The Gender Equality Commissioner, the Gender Equality Commission and staff councils shall be involved in this process. The Rectorate may also involve an external organization as appropriate.

Section 11 Public notice

Public notice of these policies will be given in the Gazette section of the Official Announcements of the University of Bonn.