

Steinbeis University

Policy Document For Dealing With Discrimination, Sex Discrimination, And Threatening Behavior

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1 Foreword

The employees and associates of Steinbeis University make every effort to offer the best possible working conditions and environment for studying. Treating others with respect fosters a working atmosphere of mutual trust, thus laying an important foundation for successful outcomes and satisfaction when it comes to studies and work. This policy document establishes the required rules for safeguarding this environment, which shall exclude discrimination, bullying, stalking, sexual harassment, and threatening behavior.

2 The importance of non-discriminatory behavior

The following principles and guidelines apply to all departments, levels of the organization, situations affecting decision-making, and stakeholders at Steinbeis University. As such they are valid for all parties working in administration, at headquarters, elsewhere, and in academic areas involving professors, lecturers, and students. The fundamental principle of treating others with respect not only excludes discrimination, bullying, stalking, sexual harassment, and threatening behavior, but also establishes that such behavior will not be tolerated. Discrimination, sexual harassment, and threatening behavior of a physical or psychological nature fuel a working and learning atmosphere of intimidation, distress, and humiliation. This can potentially be damaging to health, constituting a monumental infringement of personal rights.

Under no circumstances must such behavior be tolerated. Instead it must be punished under labor law and by taking disciplinary action.

3 Principles regarding actions to be taken

Steinbeis University will not tolerate any form of aggressive behavior, such as discrimination, bullying, stalking, sexual harassment, or threatening behavior toward students, employees, and guests of the university.

The university makes staff aware of the problems caused by discrimination, sexual harassment, and threatening behavior. People affected by such behavior should be encouraged not to accept discrimination or threats, and should make it unequivocally clear that they disapprove and will actively defend themselves against such conduct. Those affected have the option of contacting the university's women's and equal opportunity representative, institute directors, departmental heads, or lecturers. On request, a "place of refuge" may be offered.

Students, associates, and guests of the university are therefore also asked to inform the university's women's and equal opportunity representative, institute directors, departmental management, or

lecturers immediately if they observe or become aware of threatening behavior. Addressing or making others aware of issues will not cause suffering to those pointing out such behavior.

In the event that threatening behavior is reported, it is the responsibility of all members of staff and associates of the university, at all levels of the organization, to forcefully defend the rights of others and to ensure that misconduct is resolved as appropriate.

4 Terminology

4.1 Discrimination

The German Federal Anti-Discrimination Agency defines discrimination in the following way:

*Discrimination is the "less favorable treatment" of others based on a personal characteristic that merits protection, such as gender, ethnic origin, age, a disability, sexual identity, or religion. A decisive aspect of "less favorable treatment" is the **outcome** and not the motive, (such as intention, thoughtlessness, or general administrative practice).*

Used in everyday life, "discrimination" refers to actual experiences of exclusion, insult, and injury. Discrimination can be directly related to individuals (e.g. their appearance, disability, gender, national identity) but can also be indirect through rules and circumstances (e.g. lack of accessibility, work processes).

4.2 Bullying

Bullying can be of a verbal nature or a physical attack on individuals. The intention is to harm a person's social standing, career, health, or property.

It should be noted that bullying does not happen on a one-off basis. Bullying refers to the same – but also different – actions repeated over a longer period of time.

4.3 Stalking

Stalking, as defined by Federal anti-stalking legislation under Section 238 of the German Criminal Code, is the repeated and intentional harassment and pursuit of a person, such that their safety is threatened, seriously infringing their lifestyle.

Acts punishable by law include

- Persistently seeking physical proximity to a person against their will
- Attempting to establish contact using telecommunications, other forms of communication, or by going through third parties

- The misuse of personal data
- Intimidating a person, their relatives, or close acquaintances by threatening life or limb, their health, or personal freedom
- Comparable behavior

Repeated, willful persecution and harassment causes long-term, indirect, or immediate harm and harms a person's psychological or physical well-being.

4.4 Sexual harassment, threatening behavior, and violence

Section 3, Part 4 of the General Act on Equal Treatment defines sexual harassment in as follows:

"Sexual harassment shall be deemed to be discrimination [...] when an unwanted conduct of a sexual nature, including unwanted sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, as well as the unwanted showing or public exhibition of pornographic images, takes place with the purpose or effect of violating the dignity of the person concerned, in particular where it creates an intimidating, hostile, degrading, humiliating, or offensive environment."

For example, sexual harassment is reflected in the following behavior:

- Humiliating sexual remarks about a person or their body
- Showing degrading images of a sexual nature
- Sexually derogatory gestures, requests, or behavior
- Exhibitionism
- Inappropriate and/or unwanted physical contact
- The solicitation of sexual favors and/or acts
- Violent physical encroachment

Sexual harassment and threatening behavior stem from a need to wield power and control over others. As such it is a violation of physical and emotional integrity.

5 Who to contact

Every affected person has the right to inform others of such of behavior and seek advice. The following people can be contacted for support:

5.1 Internal places to register complaints

Who to contact at head office

- The women's and equal opportunity representative of the university and their deputies within departments. An overview can be found [here](#).

Other people to contact:

- Departmental heads and their respective offices
- Academic supervisors
- The Student Council
- University management

All information will be treated in the utmost confidence and further action will be taken after detailed consultation with affected parties. If a person merely wishes to request advice, they have the right to remain anonymous. In the case of measures beyond this, anonymity cannot be guaranteed.

5.2 External places to register complaints

German nationwide support hotline 08000 116 016:

- www.hilfetelefon.de
- 24-hour advice by phone, email, or chat
- Anonymous, multilingual

Frauen gegen Gewalt e.V. (Women Against Violence, registered charity)

- www.frauen-gegen-gewalt.de
- Advice on local support

6 Procedural arrangements

The contact persons under Section 5.1 above are required to react responsibly and promptly on becoming aware of an incident. It should be noted that affected persons must not suffer disadvantage by reporting incidents.

The following actions may be taken on receiving a report of a situation of conflict:

- Discussion with the party affected
- Discussion with the party accused

- If applicable: discussion with witnesses
- If applicable: discussion between both the party affected and the party accused

If these measures are unsuccessful or if the severity of the incident means that these measures would be insufficient, depending on the circumstances the following steps may be taken, assuming the person concerned gives their consent:

- Involvement of department management
- Involvement of university management
- Initiation of mediation proceedings
- Involvement of the human resources manager

7 Measures

In the event of a substantiated case of sex discrimination or threatening behavior, university management shall decide on measures to be taken. Possible measures include:

- Verbal and written warnings
- Investigation into sanctions permissible under labor law
- Exercising of sanctions permissible under labor law
- Exmatriculation
- Exclusion from courses
- Withdrawal from lecturing contracts
- Filing of criminal complaints

It must also be ensured that appropriate measures are taken to protect any parties affected by the incident.

In the absence of sufficient evidence that any of the aforementioned examples of behavior actually did occur, no action will be taken. In such cases, it must be ensured that no suffering is caused to the accused party.

8 Prevention

Members of staff and associates of Steinbeis University take preventive measures to ensure a working environment is established and maintained based on trust, in the absence of intimidation, and that discrimination, bullying, stalking, sexual harassment, and threatening behavior are prevented within the framework of university life.

In particular, the following preventive measures must be taken:

- This policy document should be shared with all members of staff and associates of the university, especially those with responsibility for others
- Affected individuals should be offered help
- Gender-inclusive, non-discriminatory language should be used in keeping with the guidelines on gender-sensitive language
- All members of staff and associates of the university should be made aware of issues relating to discrimination, bullying, stalking, sexual harassment, and threatening behavior in order to spot signals early and introduce appropriate countermeasures
- All members of staff and associates must treat others with respect in an atmosphere of partnership, honoring personal integrity and the dignity of all others.

9 Evaluation

Internal teams responsible for complaints report regularly to the women's and equal opportunity representative on specific instances of lodged complaints. Their reports remain anonymous. Sharing information makes it possible to continuously update procedures for dealing with complaints and review preventive measures.

10 Final provision

These instructions come into force on the day following their publication in the Steinbeis University bulletin.

11 Appendix

11.1 Links

General Act on Equal Treatment (AGG):

<https://www.gesetze-im-internet.de/agg/index.html>

Federal Anti-Discrimination Agency handbook on legal protection against discrimination

<https://www.antidiskriminierungsstelle.de/DE/startseite/startseite-node.html>

https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Diskriminierungsfreie_Hochschule/leitfaden_diskriminierung_hochschule_20130916.pdf?__blob=publicationFile&v=3

Saxony-Anhalt Higher Education Act (HSG LSA)

<https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-HSchulGST2021rahmen>

Higher Education Framework Act (HRG)

<http://www.gesetze-im-internet.de/hrg/>

The Coordination Office for Gender Research & Equal Opportunities in Saxony-Anhalt

[https://www.kgc-sachsen-anhalt.de/Chancengleichheit/Materialien+zu+Gleichstellungsthemen/\(Sexualisierte\)+Diskriminierung.html](https://www.kgc-sachsen-anhalt.de/Chancengleichheit/Materialien+zu+Gleichstellungsthemen/(Sexualisierte)+Diskriminierung.html)

Framework regulations of SHB

<https://www.steinbeis-hochschule.de/Studium-Studierende/Allgemeine-Informationen/Ordnungen>

Federal Conference of Women's and Equal Opportunity Commissioners at Universities (bukof): Online handout on sex discrimination and violence at universities; policy paper on sex discrimination and violence at universities.

<https://bukof.de/online-handreichung-sdg/#1492508190161-5a15838b-94c8>

<https://bukof.de/wp-content/uploads/Grundsatzpapier-SDG.pdf>