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CONTENT PAGE

Heinrich Heine University guidelines on dealing with sexualised 2

discrimination and violence

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HEINRICH HEINE UNIVERSITY GUIDELINES ON DEALING WITH SEXUALISED DISCRIMINATION AND VIOLENCE

Contents

Art. 1 Objective and purpose

Art. 2 Scope

Art. 3 General principles

Art. 4 Definition of terms

Art. 5 Information and reporting obligations

Art. 6 Counselling in the event of sexualised discrimination

Art. 7 Complaint procedure

Art. 8 Prohibition of disciplinary treatment

Art. 9 Entry into force

Art. 1 Objective and purpose

Heinrich Heine University sees itself as a place where everyone treats each other with appreciation and respect. The objective of these Guidelines is therefore to prevent cases of sexualised discrimination, harassment and violence, and define effective intervention procedures. These Guidelines serve to protect all individuals affected by sexualised acts.

Art. 2 Scope

(1) These Guidelines apply for all members and affiliates of Heinrich Heine University (Art. 9 Higher Education Act of North Rhine-Westphalia (*Hochschulgesetz NRW*)), irrespective of whether they are employed on a temporary, guest or full-time basis, as well as for all apprentices or other individuals employed within the framework of their training.

(2) These Guidelines apply in all University facilities.

Art. 3 General principles

(1) Heinrich Heine University aims to be an exemplary and considerate employer, and assumes responsibility for the individuals stated under Art. 2. Heinrich Heine University should be a safe and violence-free location for education, teaching and work. To this end, it encourages a speak-up culture and calls upon all members and affiliates to assume responsibility for themselves and others. Sexualised discrimination and violence shall not be tolerated at Heinrich Heine University Düsseldorf. Any indications of sexualised discrimination and violence shall be systematically followed up and sexualised discrimination and violence shall be systematically punished.

(2) Heinrich Heine University shall take appropriate measures to encourage affected persons to defend themselves against discrimination. It protects and supports these individuals and shall take preventive measures. It shall also take account of the legitimate interests of persons accused of alleged sexualised discrimination and violence.

(3) The entities responsible for providing advice and information to the persons stated in Art. 2 pursuant to these Guidelines are the Central Equal Opportunities Officer/their representatives and the AGG Complaints Office at the Legal Unit at Heinrich Heine University. The AGG Complaints Office shall implement the complaint procedure set out under Art. 7 and supervise the university management in taking appropriate measures. These two entities shall cooperate closely in performing the duties arising from these Guidelines.

(4) University function holders, in particular those who perform teaching, training and management duties, shall ensure compliance with these Guidelines in their area of work and set an appropriate example. They shall take regular steps to ensure that employees in their area of responsibility are aware of these Guidelines.

(5) In the event that university function holders become aware of sexualised discrimination or violence, or the possibility that they may exist in their own and other areas of work, they are obligated to inform the Central Equal Opportunities Officer/their representatives or the AGG Complaints Office.

(6) Heinrich Heine University shall raise awareness of the issue of sexualised discrimination and violence among its employees and affiliates. By means of public relations work, it shall strive to break down taboos surrounding the topic and offer information materials and training measures to those in management positions.

Art. 4 Definition of terms

(1) In the meaning of these Guidelines, the terms “sexualised discrimination” and “sexualised violence” shall include all behaviour that violates the dignity of the affected person and creates a climate of intimidation, degradation and insults as a result of sexualised acts. Sexualised discrimination is used as a means to demonstrate power and superiority over others and also to impede the careers of others. Sexualised discrimination does not have to be intentional. If the affected person feels they have experienced it, then that is sufficient for it to be deemed to have occurred. Such discrimination shall also be deemed to have occurred even if the affected person tolerates it. They do not have to defend themselves or demonstrate any other form of rejection. A single act may also constitute sexualised discrimination.

(2) The term “sexualised” as used in these Guidelines assumes that the acts of violence and discrimination mentioned here not only have their origins in sexuality, but also that sexuality and sexual acts are instrumentalised.

(3) Examples of forms of sexualised discrimination or violence may include:

a. Sexualised communication

aa) Sexualised use of language such as sexist generalisations, jokes or sayings

bb) Repeated presentation of gender stereotypes in classes

cc) Non-verbal communication such as gestures or suggestive looks

dd) Remarks reduced to physical appearance

ee) Remarks about intimate aspects of a person’s private life

b. Unwanted demonstration and public display of sexualised presentations without academic justification, in particular

aa) Sexualised graffiti in public places (e.g. toilets, lecture theatres, building facades)

bb) Sexualised presentations in verbal, visual or electronic form

cc) Copying, application or use of sexualised computer programmes and websites

c. Unwanted sexualised acts and demands to perform them, in particular

aa) Exhibitionist acts

bb) Physical contact

d. Pursuit, stalking and assault with a sexual background

e. Physical attacks

f. Rape

Art. 5 Information and reporting obligations

(1) The responsible entities shall inform the members and affiliates of Heinrich Heine University about these Guidelines as well as the counselling and training offers available. They shall also report any need for action to the university management and work to realise preventive measures.

(2) The responsible entities pursuant to Art. 3 (3) of these Guidelines shall report the number of cases handled to the university management once a year.

Art. 6 Counselling in the event of sexualised discrimination or violence

(1) The responsible entities pursuant to Art. 3 (3) of these Guidelines shall define a procedure for providing counselling on issues relating to sexualised discrimination and violence. Such procedures can be implemented irrespective of any complaint procedure initiated pursuant to Art. 7 of these Guidelines.

(2) In addition to training measures, the responsible entities pursuant to Art. 3 (3) of these Guidelines shall also offer general personal consultations on dealing with sexualised discrimination and violence. These consultations are aimed at providing information on how to deal with incidents of sexualised discrimination or violence independently of any concrete case. Advice can also be provided on how pre-emptive measures can prevent sexualised discrimination and violence. The offering is aimed in particular at function holders pursuant to Art. 3 (4), but is also open to all members and affiliates of Heinrich Heine University Düsseldorf.

(3) The responsible entities pursuant to Art. 3 (3) of these Guidelines shall advise persons affected by sexualised discrimination and violence or individuals they trust about what action can be taken and what measures and support offers are available. In such cases, consultations may be conducted anonymously in the event that no personal information about the discriminating person is provided. The responsible entities may advise the initiation of a complaint procedure pursuant to Art. 7 of these Guidelines and support the affected persons during this procedure.

Art. 7 Complaint procedure

(1) The complaint procedure serves to clarify allegations of sexualised discrimination and enable the initiation of further measures against the person or group of persons responsible for the sexualised discrimination or violence. It also serves to identify measures that serve or should serve to prevent and avoid sexualised discrimination and violence in general and specific cases.

(2) The complaint procedure is initiated with presentation of the facts by the affected person. The affected person may be accompanied to this introductory step in the complaint procedure by an individual they trust. The Complaints Office shall record the facts and undertake the measures necessary to clarify the case. To this end, they shall give the accused person an opportunity to respond to the presented facts.

(3) All members and affiliates of Heinrich Heine University are called upon to support the Complaints Office by providing information and evidence. The Complaints Office has the right to view all official documents and files.

(4) The Complaints Office shall examine whether sexualised discrimination or violence has occurred and make recommendations to the corresponding department with regard to appropriate remediation measures and measures to protect the affected persons and prevent further cases. Where necessary, the Complaints Office can order provisional measures directly. The rights of employee representatives shall remain unaffected.

(5) Insofar as the sexualised discrimination or violence has been perpetrated by members or affiliates of Heinrich Heine University, the following sanctions may be implemented:

a) Disciplinary hearing

b) Verbal or written caution/reprimand

c) Limited or unlimited exclusion from the use of university facilities

d) Limited exclusion from one or more classes

e) Limited or unlimited ban on entering the premises

f) Written warning

g) Transfer to another workplace at the University

h) Withdrawal of a teaching assignment

i) Initiation of a disciplinary procedure

j) Termination of employment with or without notice

k) Criminal charge

Heinrich Heine University shall impose severe sanctions in the event that sexualised discrimination or violence occur as a result of the abuse of dependent relationships and/or within the framework of relationships involving a duty of care.

(6) When defining measures, “sexualised discrimination” or “sexualised violence” must be explicitly stated as the cause. The Complaints Office shall inform the complainant in writing about the result of the examination and the measures initiated. It shall monitor and document the implementation of the recommendations by the corresponding department.

Art. 8 Prohibition of disciplinary treatment

University members and affiliates may not experience discrimination as a result of asserting rights pursuant to these Guidelines or refusing to follow a discriminatory instruction. The same shall apply for persons who support university members and affiliates in such cases or who give evidence as witnesses. The rejection or toleration of discriminatory behaviour by affected persons may not form the basis for a decision which affects these persons.

Art. 9 Entry into force

These Guidelines shall enter into force on 1 October 2017 following a resolution adopted by the Rectorate of Heinrich Heine University on 31 August 2017.