

Guidelines for the Prevention of Harassment, Discrimination, Bullying and Stalking Respecting Boundaries 20 September 2017

- Adopted by the University of Bamberg Senate in its

Meeting of 12 July 2017

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Preamble

The University of Bamberg is committed to promoting its employees' health and wellbeing in the workplace. Collegial workplace conduct positively influences health. A good working and study environment is a crucial precondition for the university's success and the satisfaction of all university members. Harassment, discrimination, bullying and stalking, as well as transgressions based on age, disability, skin colour, ethnic or national origin, religion, ideology or sexual identity are destructive to this working and study climate.

These guidelines serve to improve workplace conditions and the overall working environment.

§ 1 Scope of application

¹These guidelines apply to all members of the University of Bamberg as defined by Article 17 Paragraph 1 of the Bavarian Higher Education Act (*Bayerisches Hochschulgesetz*) in conjunction with §§ 65 to 67 of the University of Bamberg's constitution (*Grundordnung*) in their respective current versions. ²Members of the University of Bamberg are particularly those persons active in a non-temporary capacity and not merely as guests, those active in part-time academic and artistic capacities, all other civil servants and staff employed at the university, and all students. ³University membership also includes retired and emeritus professors and persons on whom the distinction of honorary senator, honorary citizen or honorary university member has been conferred. ⁴Doctoral candidates and those persons enrolled at the Trimberg Research Academy, as well as persons with an affiliate membership are also members of the university.

§ 2 Objectives

¹These guidelines are meant to contribute to the creation and maintenance of a healthy working, teaching and learning environment. ²The guidelines oblige all involved parties to abide by the principles stated hereinafter. ³The guidelines are meant to serve a preventive function by raising awareness and providing information on such topics as disciplinary action in cases of discriminatory behaviour. ⁴Furthermore, the guidelines form a supportive framework when cases of harassment, discrimination, bullying or stalking occur.

§ 3 Definitions

(1) Harassment

¹Broadly, harassment is conduct intended to harm the dignity of the person concerned and to create an environment marked by intimidation, hostility, humiliation, degradation or defamation. ²Sexual harassment, specifically, is unwelcome, sexually motivated behaviour. ³This includes, in particular, unwelcome sexual acts and solicitation, sexually motivated physical contact and remarks with a sexual purport, and any unwelcome exhibition or open display of pornographic materials that cause or intend harm to the dignity of the person concerned. ⁴While the concept of harassment is laid down in § 3 of the General Act

on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz*), it also comprises criminal conduct as it pertains to the criminal code and other statutory provisions.

(2) Discrimination

¹Discrimination demeans a person's dignity and restricts his or her rights and freedoms. ²This comprises any unjustified disadvantage to a person based on a factor that the person concerned cannot influence by his or her own action.

(3) Bullying

¹Bullying can denote any act that aims to torment a person and to cause them emotional distress. ²It comprises a multitude of actions which include, for example, the withholding of information, ostracism, ridicule or the assignment of work that is either excessively difficult or excessively easy. ³Non-recurring conflicts do not constitute bullying. ⁴Bullying is intentional and targeted, and occurs both systematically and over an extended period of time.

(4) Stalking

Stalking is understood as the deliberate and persistently repeated following or harassment of a person whose physical or psychological integrity can thereby be threatened and damaged in an immediate, indirect or long-term manner (cf. § 238 of the criminal code/*Strafgesetzbuch*).

§ 4 Contact persons

- (1) The following contact points with trained personnel are available to university members:

The university's equal opportunity officer, the university and faculty women's representatives, the staff council, the representative officer for the severely disabled, the members of the conflict committee and the staff of the legal affairs unit.

- (2) Affected persons and third parties can also contact their immediate superiors or any other confidant.

- (3) ¹All persons approached by those affected or seeking advice are obligated to keep the information they have obtained in this context confidential. ²They may only take specific further action with the consent of the person seeking advice. ³Persons affected by behaviour specified in this document are encouraged to seek direct dialogue on the matter.

§ 5 Principles

- (1) ¹All members of the University of Bamberg value tolerant and respectful interaction and bear responsibility for preventing the occurrence and toleration of harassment, discrimination, bullying and stalking – all of which shall be regarded and handled as

serious transgressions. ²University members are obligated to conduct themselves courteously and should contribute to maintaining peaceful labour conditions and a good working environment. ³This means, above all, that problems be addressed and that solutions be sought and implemented collectively. ⁴Every member's character and dignity are to be respected. ⁵Conduct aimed at harming another person's character is not permitted. ⁶Harassment, discrimination, bullying and stalking represent extreme violations of personal integrity. ⁷Should any member of the University of Bamberg observe any of the practices listed above, that university member is obligated to report such behaviour to one of the persons referred to in § 4 (1).

- (2) ¹Superiors are to provide a working environment characterised by mutual respect. ²They shall take appropriate measures to prevent harassment, discrimination, bullying and stalking. ³Superiors shall handle complaints and ensure that any indication of harassment, discrimination, bullying or stalking is promptly addressed. ⁴They shall provide support and counsel to the affected parties.
- (3) ¹Germany's General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz*) already obligates the university to take adequate and appropriate measures against harassment, discrimination, bullying and stalking. ²The university demonstrates these principles by way of its own presentation as well as by information and training provided to its members. ³Regarding the duty to care for the welfare of its members, the university is obligated to protect them and to pursue disciplinary action according to the measures specified in § 6 in concrete cases of harassment, discrimination, bullying and stalking, insofar as the university has been alerted to such incidents. ⁴Persons defending themselves against harassment, discrimination, bullying or stalking according to these guidelines or those persons who assist others in this endeavour must at no point be disadvantaged for doing so.

§ 6 Measures and procedural steps

- (1) ¹In cases of harassment, discrimination, bullying, stalking and transgressions concerning age, disability, skin colour, ethnic or national origin, religion, ideology or sexual identity, the following procedural steps and measures can be taken.

Step 1:

²The affected persons report promptly to the contact person of their choice as per § 4 (1) in order to initiate a conversation about the issue.

Step 2:

³The circumstances of the issue are to be investigated, and a decision, involving direct superiors where appropriate, is made on how to proceed.

Step 3:

⁴ The conversation partners seek potential solutions together.

Step 4:

⁵ Appropriate measures are established in order to eliminate the disadvantage.

Step 5:

⁶ Following the implementation of the adopted measures, another conversation will be held with the affected person to determine whether the disadvantage has been resolved.

(2) Measures

¹Information and awareness training:

- Provision and regular updating of information on the topics of harassment, discrimination, bullying and stalking
- Provision of informational and educational events

²Support and resolution of the issue at hand:

- Counselling and assistance for affected persons
- Mediation in conflict situations
- Delegation to a third party or implementation of measures with the affected persons' consent.

³Disciplinary action / sanctions

- Clarification of the issue, threat and implementation of appropriate measures concerning labour or disciplinary law in individual cases (e.g. verbal reprimand, written warning, relocation, termination of employment).
- Initiation of criminal proceedings

§ 7 Entry into force

These guidelines enter into force on the day of their promulgation.

Bamberg, 20 September 2017

Signed

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