

Guideline against gender discrimination and sexual harassment at Trier University of Applied Sciences

§ 1 Scope of validity

The guideline applies to all members of the university, including academic and non-academic staff and professors as well as all students, doctoral candidates, visitors and all users of the university facilities.

§ 2 Principles and objectives

1. Article 3.3 of the German Basic Law prohibits discrimination based on gender. The General Equal Opportunities Act (AGG) refers in particular to labor and civil law. The Rhineland-Palatinate Higher Education Act also includes all university members who are not employees in Section 4 (5) and thus also protects students in addition to the AGG.
2. Trier University of Applied Sciences is explicitly opposed to discrimination, harassment, violence and discrimination in general, and on the basis of gender or sexual identity in particular, in order to maintain a good study and work environment.
3. Trier University of Applied Sciences upholds equal rights and equality for all people, regardless of their gender and sexual identity. It promotes equal cooperation between all people at all levels of activity in studies, teaching, research, administration and service.
4. It protects its members from discrimination, harassment and violence of any kind.
5. All members of the university, in particular managers and persons with supervisory duties in teaching, research and administration, actively contribute to promoting tolerant, respectful and enlightened interaction between all members as well as a healthy teaching, learning and working environment as part of their management duties. In cases of sexual harassment or discrimination, they stand up for the rights of those affected and advocate a constructive approach to misconduct.
6. To this end, the university provides options for action and measures in the event of sexual discrimination or harassment.
7. See §§ 5-6 for the procedure to be followed if a corresponding case becomes known.

§ 3 Definitions

Sexual harassment is any unwanted, sexually oriented behavior that has a negative impact on the person concerned and violates their dignity. The decisive factor is that the behavior is unilateral and unwanted.

These behaviors include, among others:

- unwanted sexual acts and requests for such acts
- unwanted sexual physical contact
- unwanted comments of a sexual nature, e.g.
 - sexually degrading language in general
 - degrading remarks/jokes/implications with a sexual connotation about people, their bodies or their behavior
 - Non-verbal communication with a sexual reference
- unwanted display or visible attachment of pornographic images or forcing/coercing to participate in pornographic acts

Direct sex discrimination occurs when a person is treated less favorably than another person in a comparable situation because of their sex or sexual identity, or when a woman is treated less favorably because of pregnancy or maternity.

Indirect sex discrimination occurs when even seemingly neutral regulations, criteria or procedures can put certain people at a particular disadvantage on the basis of their gender or sexual identity.

The university considers discrimination or sexual harassment to be particularly serious if it occurs in the context of a relationship of dependency (e.g. between lecturers and students, supervisors and employees, in the case of fixed-term employment relationships or under the threat of disadvantages).

§ 4 Prevention

The university protects its members from sexual harassment at the workplace and place of study and also takes preventive measures in this context, in particular

- Further training and other measures to prevent sexual harassment (information on the legal situation, complaint options and sanctions),
- Raising awareness of the problem of sexual harassment in the workplace and at university,
- Provision of an internal advisory service and the establishment and maintenance of a network with external advisory and service centers to support those affected.

§ 5 Measures taken by the persons concerned

1. Sexual harassment should not be tolerated by the person concerned.
2. The person concerned has the right to complain to the relevant university authorities if they feel harassed or discriminated against within the meaning of § 3.
3. The responsible bodies are
 - Central Equal Opportunities Officer, Equal Opportunities Officer of the departments. According to § 4 (5) of the Higher Education Act, if there are complaints received about harassment and sexual harassment at the workplace or place of study from members and affiliates of the university.
 - Presidium
 - Other bodies depending on the relationship of trust, e.g. (Pro-)Deans, persons with management/supervision tasks (supervisors, study program representatives), local staff councils and general staff council, AStA, psychosocial counseling center.
4. As part of the **simple complaints procedure**, an initial consultation takes place in which, for example, information is provided on rights, procedures and options for action as well as the official complaints procedure. The advising body can then initiate suitable measures in consultation with the person receiving the advice.
5. The **formal complaints procedure** can be initiated by one of the responsible bodies/persons or by the person concerned themselves at the Executive Board. It requires a written account of the incident including a description of the incident (with place and date), naming of any persons involved and witnesses, description of any measures already initiated and naming of the persons informed as well as provision of any evidence. The university management then decides on the investigation of the facts ex officio and on further measures to protect the persons concerned and the general public.

§ 6 Measures of the university

The bodies called upon in accordance with Section 5 (3) must examine the complaint and take appropriate measures to stop the harassment. Appropriate measures are

- Clarifying discussion between the accused person and the person with management/supervision responsibilities, if necessary, involving the person concerned and the central equal opportunities officer, in which reference is made to the prohibition of discrimination
- Discussion with the manager of the accused person with reference to the incident.
- Conducting a formal appraisal interview
- Instruction (verbal or written)

In addition, the following measures may be appropriate in individual cases:

- Exclusion from courses
- Exclusion from the use of university facilities
- Exclusion from the use of university EDP and IT
- House ban
- Exmatriculation (according to HochSchG §69, para. 3 no. 4)
- Filing a criminal complaint

In serious cases, the measures may have consequences under labor law or employment law, such as a warning, transfer, relocation, termination or dismissal.

Further information:

1. Affected persons can refuse to participate in internal university steps or have themselves represented.
2. The complainants must not suffer any disadvantages.
3. If an accusation proves to be unjustified, the accused person must not suffer any disadvantages.
4. In the event of an incident being reported by third parties, they will be informed of the outcome of the proceedings.
5. All persons involved in a complaints procedure are subject to a duty of confidentiality in this regard. Such consultations can take place anonymously if desired.

§ 7 Internal and external contact persons and services

Further information on internal and external advice centers and seminars (e.g. on self-defense) can be found on the following website:

<https://www.hochschule-trier.de/go/gsb>

§ 8 Announcement and entry into force

The guideline was adopted by the Executive Board of Trier University of Applied Sciences on 09.03.2022.

It is published within the university: all members of the university receive it by circular mail after it has been adopted, and it is also permanently available for download on the university website and on the website of the Equal Opportunities Office. All new employees and first-year students receive a printed version of the guidelines when they take up their post or start their studies.

Trier, 09.03.2022

Prof. Dr. Dorit Schumann

President of Trier University of Applied Sciences