

University of Bamberg



Guidelines for the Prevention of Harassment, Discrimination, Bullying, Stalking and Violence – “Respecting Boundaries” – 15 April 2024

Adopted by the University of Bamberg Senate in its
Meeting of 29 November 2023

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Preamble

¹The University of Bamberg is committed to promoting a respectful and appreciative environment, as this creates a healthy and satisfying working and study atmosphere.

²Harassment, discrimination, bullying, stalking, violence as well as transgressions based on the following protected characteristics

- “age”
- “disability and chronic illness”
- “parenthood and caretaking responsibilities”
- “ethnic origin or racist attributions”
- “gender and gender identity”
- “religion and ideology”
- “sexual orientation”
- “social origin” and
- “attributions based on skin colour or appearance”

are destructive to this working and study atmosphere. ³These guidelines shall serve to raise awareness about harassment, discrimination, bullying, stalking, violent and transgressive behaviour, and to establish measures and procedures to address prevention and intervention.

⁴The guidelines shall serve to improve the workplace and study conditions which are crucial preconditions for the university’s success and the satisfaction of all university members.

§ 1 Scope of application

¹These guidelines shall apply to all members of the University of Bamberg as defined by Article 19 (1) of the Bavarian Higher Education Innovation Act (*BayHIG*, *Bayerisches Hochschulinnovationsgesetz*, hereinafter *BayHIG*) in conjunction with §§ 67 to 70 of the University of Bamberg’s constitution (*Grundordnung*) in their respective current versions as well as to the groups of persons listed below. ²As per Article 19 (1) Sentences 1 and 2 *BayHIG*, members of the University of Bamberg are all persons other than those employed on a temporary or guest basis as defined in Article 53 (4) *BayHIG*, in particular, full-time professors, assistant professors, academic and artistic staff, teachers on special assignment (*Lehrkräfte für besondere Aufgaben*), doctoral candidates, all other civil servants (*Beamte*) and staff employed at the university, and all students. ³According to Article 19 (1) Sentences 3 and 4 *BayHIG*, university membership also includes honorary professors, *Privatdozierende*, adjunct professors, part-time lecturers, part-time academic and artistic staff, retired and emeritus professors as well as persons on whom the distinction of honorary senator, honorary citizen or honorary university member has been conferred. ⁴In accordance with § 67 (3) of the University of Bamberg’s constitution, these guidelines shall further apply to all persons, who are enrolled at the Trimberg Research Academy (TRAc), doctoral and habilitation candidates within the meaning of Article 73 (1) Sentence 1 Clause 2 *BayHIG*, or persons receiving a scholarship in order to perform academic work at the University of

Bamberg. ⁵These guidelines shall also apply to trainees, interns and affiliate members in accordance with § 69 of the university's constitution. ⁶These guidelines apply to all users of the University of Bamberg as well as temporary university members and guests.

§ 2 Objectives

¹These guidelines are meant to contribute to the creation and maintenance of a healthy working, teaching and learning environment. ²These guidelines oblige all involved parties to abide by the principles stated hereinafter. ³The guidelines are meant to serve a preventive function in that they raise awareness and provide information on such topics as disciplinary actions in cases of discriminatory behaviour. ⁴Furthermore, these guidelines provide a supportive framework in cases of harassment, discrimination, bullying, stalking, violence or transgressions.

§ 3 Definitions

(1) Harassment

The purpose or effect of harassment is to harm the dignity of the person concerned and to create an environment characterised by intimidation, hostility, humiliation, degradation or insults.

(2) Sexual Harassment

¹Sexual harassment is unwelcomed, sexually motivated behaviour. ²Above all, this includes unwelcome sexual acts and solicitation, sexually motivated physical contact, unwanted comments with a sexual content; furthermore, any unwelcome exhibition or display of pornographic materials that cause or are intended to cause harm to the dignity of the person concerned. ³The term sexual harassment used here is based on § 3 Paragraph 4 of the General Act on Equal Treatment (*AGG, Allgemeines Gleichbehandlungsgesetz*), but also includes criminal conduct pertaining to the German criminal code (*StGB, Strafgesetzbuch*) and other statutory provisions.

(3) Discrimination

¹Discrimination demeans a person's dignity and restricts their rights and freedoms. ²This comprises any unjustified disadvantage to a person based on a factor that the person concerned cannot influence by their own action. ³Any instructions to discriminate against a person based on a characteristic mentioned in the preamble shall also be deemed as discrimination. ⁴The guidelines cover direct and indirect forms of discrimination based on the dimensions and characteristics mentioned in the preamble. ⁵Direct discrimination is

deemed to exist when a person experiences, has experienced or would experience a less favourable treatment than another person in a comparable situation because of one or more of the dimensions and characteristics mentioned in the preamble. ⁶Indirect discrimination is deemed to exist when apparently neutral regulations, criteria or procedures put people at a particular disadvantage compared to other people because of one or more of the dimensions and characteristics mentioned in the preamble. ⁷Persons protected by these guidelines shall not be disadvantaged for exercising their rights under this Section or for refusing to comply with any instructions contrary to this Section. ⁸The same applies to individuals who support the person in question or who testify as witnesses. ⁹Discrimination according to §§ 5 and 6 is not deemed to exist if the disadvantage according to the provisions of the AGG is objectively justified by a legitimate aim and the means to achieve this aim are proportionate.

(4) Bullying

¹Bullying can denote any act of systematic, targeted, repeated and long-term attack on the physical and/or psychological integrity of a person with the aim of excluding the affected person, harassing them and causing them emotional distress. ²Bullying comprises a multitude of actions such as active, physical acts of bullying (physical violence, theft or damage to the affected person's belongings) as well as passive, psychological acts of bullying (the withholding of information, ostracism, ridicule, humiliation, insults, ghosting, gas-lighting, ignoring, hurtful comments, fabrication of rumours, threats of violence).

(5) Stalking

Stalking is understood as the deliberate and repeated, persistent 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 German Criminal Code/*Strafgesetzbuch*).

(6) Violence

¹Violence refers to any physical and/or psychological coercion towards people as well as all deliberate, intentional actions that harm people, animals or objects. ²Sexualised violence refers to acts that violate a person's right to sexual self-determination.

§ 4 Contact persons

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

1. the Contact Person for Anti-Discrimination

2. the Contact Person regarding Questions for the protection against sexual harassment and violence
3. the Academic Equal Opportunity Officers of the faculties
4. the Family Office
5. the Equal Opportunity Officers
6. the Graduate Centre Trimberg Research Academy (TRAc)
7. the Members of the Committee for Conflict Resolution in Academic Workplaces
8. the Staff Council
9. the Health Management / Human Resources Development Executive Administrative Unit
10. the Severely Disabled Employee Representatives
11. the Central Student Advisory Services

(2) As part of the counselling services, the contact points or the individual counsellor provide information about conflict resolution strategies and measures, possible courses of action and protection, university and external support offerings, and about the complaints procedure.

(3) ¹Affected persons or third parties may also contact their immediate superiors or any other confidant. ²Affected persons are encouraged to seek direct dialogue on the matter and are free to decide for themselves which one of the contact points or persons they would like to consult.

(4) 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.

(5) ¹An overview of various university and external advisory services is available via the support and advisory services for students and for university staff. ²The university advisory services provide counselling based on these “Respecting boundaries” guidelines.

§ 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, stalking and violence – all of which being behaviour that shall be regarded and handled as serious transgressions. ²University members are obligated to conduct themselves courteously and should contribute to maintaining a good working and study 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, stalking and violence represent extreme violations of

personal integrity.⁷ Affected persons are encouraged to exercise their rights and seek advice from one of the contact points mentioned in § 4 (1).⁸ Should any member of the University of Bamberg observe any of the practices listed above, that member is obligated to report such behaviour to one of the contact points referred to in § 4 (1).

(2)¹ Superiors are to provide a working environment characterised by mutual respect.² They shall take appropriate measures to prevent harassment, discrimination, bullying, stalking, violence and transgressions.³ Superiors shall ensure that any reports and any indication of harassment, discrimination, bullying, stalking, violence and transgressions is promptly addressed.⁴ They shall provide support and counsel to the affected persons.

(3)¹ Germany's General Act on Equal Treatment (*AGG, Allgemeines Gleichbehandlungsgesetz*) already obligates the university to take adequate and appropriate measures against harassment, discrimination, bullying, stalking, violence and transgressions, and to protect the right to equal treatment of all members mentioned in § 1.² The University demonstrates these principles by way of its own image as well as by information and training provided to its members.³ Regarding the duty to care for the welfare of its members, the university is obligated to protect all members mentioned in § 1 and to pursue disciplinary action in concrete cases of harassment, discrimination, bullying, stalking and violence as specified in § 6 insofar as the university has been alerted to such incidents.⁴ Persons defending themselves against harassment, discrimination, bullying, stalking or violence according to these guidelines or those persons who assist others in this endeavour must at no point be disadvantaged for doing so (protection from disciplinary action).

§ 6 Measures to protect against discrimination and unjustified disadvantage

(1) Measures to protect against harassment, discrimination, bullying, stalking, violence and transgressions:

– Counselling and supportive measures provided by the contact points (as per § 4):

Trustworthy, resource- and solution-oriented advice, assistance, reduction of emotional distress, and information for affected and potentially affected persons and witnesses on possible strategies.

1. Mediation in conflict situations, for example through mediated talks. (Mediation is a structured procedure in which the parties in conflict, voluntarily and autonomously, seek an amicable resolution of their conflict with the help of a neutral, mediating person.)
2. Referring the person seeking advice to third parties within or outside the university as part of the university's counselling services.
3. Initiation of measures in agreement with those affected.
4. Support in further steps at the request of the person affected.

– Complaint procedure according to § 13 General Act on Equal Treatment (*AGG, Allgemeines Gleichstellungsgesetz*), disciplinary proceedings and sanctions:

1. Providing information on filing complaints, the complaints unit and the complaint procedure.
2. At the request of the person affected, participation in any complaint procedures.
3. The contact points providing counselling can only offer advice on possible complaint procedures; they cannot impose sanctions, punishments, labour law-related or disciplinary measures themselves.
4. The contact points providing counselling are not complaints units.
5. The complaint procedure as well as the complaints units are set out in the “Guidelines for the complaint procedure in the event of discrimination, disadvantage and (sexual) harassment at University of Bamberg”.

(2) Establishment of working and peer counselling groups:

– “Respecting Boundaries” working group:

¹The “Respecting Boundaries” working group comprises the contact person for anti-discrimination, the contact person for questions regarding protection against sexual harassment and violence, the Academic Equal Opportunity Advisor, a Severely Disabled Employee Representative, the Equal Opportunity Officer, a member of the Health Management / Human Resources Development Executive Administrative Unit as well as the head of the Staff Council and a member of the Personnel department. ²The working group meets once per semester. ³The working group is chaired by the contact person for anti-discrimination. ⁴The meetings are convened by the contact person for anti-discrimination. ⁵The meetings’ goals and topics are to monitor counselling and complaint cases, determine awareness and prevention needs, develop and evaluate awareness and prevention strategies, determine the need for training, further education and peer counselling courses as well as to identify further strategies for the continued development of the “Respecting Boundaries” guidelines.

– “Counselling” working group:

¹The “Counselling” working group comprises all persons and contact points named in § 4. ²The working group meets once per semester. ³The meetings are convened by the contact person for anti-discrimination. ⁴The meetings’ goals and topics are a regular exchange of information between the persons and contact points providing counselling as well as to determine the need for educational, advanced training and peer-counselling courses.

– Peer counselling (intervision):

¹Moderated peer-led group reflection sessions for counselling personnel are held when required. ²The meetings are convened by the contact person for anti-discrimination.

(3) Positive Measures:

Awareness and prevention:

1. Provision and regular updating of information on the topics of harassment, discrimination, bullying, stalking, violence and transgressions
2. Provision and regular updating of information on both counselling and complaint options at the University of Bamberg
3. Educational and informational events for all university members
4. Educational and informational events on violence prevention
5. ¹Mandatory educational and informational events for university members with management tasks, supervisory and training responsibilities as well as persons and contact points with counselling responsibilities. ²Appropriate educational concepts are identified by the “Respecting Boundaries” working group. ³The university provides sufficient financial resources to implement educational courses and to develop a suitable online training concept. ⁴Above all, the “Respecting Boundaries” working group is responsible for:
 - a) Monitoring and evaluation of rendered counselling services and complaint cases.
 - b) The development, advancement and evaluation of awareness-raising and preventive measures.
 - c) Writing an annual report for the University Executive Board and the Senate including an overview of monitored cases as well as information on the effectiveness of awareness-raising and preventive measures.

§ 7 Entry into force

¹These guidelines shall enter into force on the day of their promulgation. ²At the same time, the guidelines in the version adopted by the Senate on 12 July 2017 shall cease to be valid.

Bamberg, 15 April 2024
Signed
Prof. Dr. Kai Fischbach
University President