

**Guidelines for protection against
discrimination pursuant
to the General Equal Treatment Act
(*Allgemeines Gleichbehandlungsgesetz, AGG*)**

at the Bauhaus-Universität Weimar

Guidelines for protection against discrimination pursuant to the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*, AGG) at the Bauhaus-Universität Weimar dated 6 February 2019

Preamble

The Bauhaus-Universität Weimar considers itself an institution affording great potential thanks to the people of different origins and backgrounds that it brings together. It is eager to facilitate, foster and take advantage of this diversity. This requires a culture of appreciative cooperation and respectful behaviour.

The Bauhaus-Universität Weimar attaches great importance to ensuring that nobody at the University is disadvantaged in any way on the grounds of their gender, ethnic or social background, age, disability, sexual orientation, religion or world views.

The Bauhaus-Universität Weimar promotes a culture of awareness based on a respectful interaction with others. As a place of work and study, importance is attached to fairness, equal treatment, appreciative communication and cooperative behaviour by all members and affiliates of the Bauhaus-Universität Weimar both during cooperation and while dealing with conflicts.

The personality of each individual must be respected and their dignity upheld. Conduct aiming to harm others will not be tolerated.

These guidelines shall lay the foundations for preventing harassment, discrimination and violence, stalking and bullying. They aim to eliminate and prevent all forms of discrimination.

§ 1 Scope

(1) The guidelines apply for all members and affiliates of the Bauhaus-Universität Weimar in the sense of § 4 of the University charter (Grundordnung) in the performance of their duties or during their studies, also vis-à-vis third parties. They also apply for all other persons in a teaching or employment relationship (lecturers, honorary professors, etc.) as well as for persons at the Bauhaus-Universität Weimar temporarily or as a guest.

(2) These guidelines apply for all departments of the Bauhaus-Universität Weimar.

(3) They also apply in the event of harassment, discrimination and violence, stalking or bullying by or against third parties on the University premises if at least one of the persons involved belongs to one of the categories of persons referred to in §1(1).

§ 2 Basic principles

- (1) These guidelines aim to raise awareness for and draw attention to forms of discrimination at the Bauhaus-Universität Weimar, to take preventive action and to offer support to all victims of discrimination at the Bauhaus-Universität Weimar.
- (2) The guidelines should facilitate measures to prevent discrimination on the grounds of ethnic origin, gender, religion or world views, disability, age or sexual orientation. In particular, sexual and racist harassment, discrimination, harassment or stalking as well as psychological and physical violence in the workplace or at the University should effectively be counteracted. Such conduct is unlawful.
- (3) All University members and affiliates, particularly those with educational, qualification and management tasks in teaching, research, training, administration and self-administration, are responsible in their area of responsibility according to their duty of care to ensure that particularly sexual and racist harassment, discrimination and violence are avoided or eliminated and treated as a violation of rights. Sexual harassment, discrimination and violence that exploit relationships of dependence in the workplace or in education, potentially under threat of personal or professional disadvantages, are regarded as particularly serious.
- (4) The victim(s) should be encouraged to exercise their rights and to report incidences of harassment, discrimination or violence, stalking or bullying that they have experienced to the relevant person (see appendix), to seek advice and to lodge a complaint.
- (5) Artistic and scientific work that remains within the boundaries permitted by law shall not constitute a violation of these guidelines.

§ 3 Definitions

The definitions provided in the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*, AGG), including the case law based thereupon, shall also apply accordingly for these guidelines. The following definitions serve to supplement these.

- (1) Sexually or racially-motivated harassment and violence
 1. Sexual or racist harassment in the workplace is any sexual or racist conduct that violates the dignity of staff and students, particularly when an intimidating, hostile, degrading, humiliating or offensive environment is created. Sexual or racist harassment includes disparaging or derogatory remarks, gestures or depictions of a sexual or racist nature, the unwanted showing and visible display of pornographic or racist images, and the copying, use and enjoyment of obscene, sexually derogatory or racist websites within or relating to the University's IT infrastructure that violate an individual's dignity.
 2. Sexual or racist harassment, discrimination or conduct that violates an individual's dignity may be verbal, non-verbal and/or physical in nature.

3. Sexual violence in the narrower sense includes all kinds of unwanted sexual advances and physical contact, exhibitionist acts as well as everything from sexual coercion up to rape.

(2) Discrimination

Discrimination occurs when a person is treated less favourably based on a characteristic detailed in the preamble than a comparable person who does not have this particular characteristic. Any form of discrimination, disregard, contempt, degradation, exclusion or inadmissible inequality of individuals or groups on the basis of actual or attributed group-specific characteristics is discriminatory.

(3) Stalking

Stalking is the deliberate and repeated pursuit and harassment of a person that causes their lifestyle to be gravely impaired or even their safety threatened. Stalking usually consists of a series of actions, such as insults, defamation, slander, damage to property, coercion and physical injury, which are committed over a longer period of time. Stalking can take a variety of different forms, these include:

- unwanted phone calls, SMS, answerphone messages
- emails at all times of the day and night
- manipulation of public platforms and social networks
- unwanted presence as well as pursuit and ambush, e.g. in front of the person's apartment or place of work or study
- ordering of goods on the victim's behalf
- false accusations
- unwanted attention (such as undesired "declarations of love" or gifts)
- questioning the person's acquaintances

(4) Bullying

Bullying is systematic and repeated hostility, harassment or discrimination with the aim or consequence that the person concerned feels insecure, degraded, excluded from their study or work environment or otherwise subjected to intimidation, hostility, humiliation or a degrading or insulting environment. Among others, bullying can manifest itself in the following ways:

- spreading of rumours/damage to reputation
 - insults, defamatory and humiliating treatment
 - threats, coercion, humiliation in front of others
 - everything from pushing and shoving to direct violence
- As well as in the following unjustified verbal, non-verbal or physical conduct:
- systematically withholding information relevant to studies or work
 - refusal to provide contacts relevant to studies or work
 - exclusion from conversations
 - assignment of meaningless, insulting, unsolvable or health-damaging tasks or non-assignment of tasks by persons with a management or care function
 - deliberately inducing stress

§ 4 Sanctions

The types of discrimination in the sense of § 3 constitute violations of personal rights. They are punishable according to labour law, employment law or regulatory law. They may also constitute criminal offences.

§ 5 Raising awareness and prevention

(1) The University, its members and affiliates take preventive measures to create a work environment that is free from harassment, and to prevent harassment, discrimination and violence as well as stalking or bullying in the workplace and at the University.

(2) University members with personnel responsibilities and/or management, training and qualification functions in teaching, research, administration and self-administration have a duty

1. to contribute through their conduct and appropriate preventive measures to encouraging a respectful and non-discriminatory interaction with others and respect for the integrity of all staff and students;
2. to ensure that relationships of dependency are not exploited during studies, in the workplace or at the University;
3. to investigate complaints about and reports of harassment, discrimination and violence, harassment or stalking, advise and support the victims, and provide the appropriate assistance.

§ 6 Contacts

(1) Victims of discrimination are encouraged to actively defend themselves against harassment, discrimination and violence, stalking or bullying.

(2) Victims have the right to contact one of the competent bodies referred to in § 4 either in person or represented by a person of trust for advice and/or to lodge a complaint.

(3) A complaint lodged, report or consultation as per § 2(4) shall not result in discrimination against the complainant(s) and/or the victim(s). The matters discussed during a consultation to provide information and advice shall be treated as confidential.

(4) The attached information sheet indicates who to contact for advice or to lodge a complaint; please see the Bauhaus-Universität Weimar website for their contact details.

§ 7 Entry into force

These guidelines were agreed upon by the Senate of the Bauhaus-Universität Weimar on 6 February 2019. They shall enter into force on the day following their announcement in the communications of the Bauhaus-Universität Weimar.

Weimar, 6 February 2019

Prof. Dr. Winfried Speitkamp
President

Information sheet

A. Contacts for staff at the Bauhaus-Universität Weimar:

- Head of Personnel (Complaints Office for Discrimination pursuant to AGG)
- Chair of the Staff Council
- Diversity Officer
- Equal Opportunity Officer
- Representative for Persons with Severe Disabilities

B. Contacts for undergraduates, doctoral students and scholarship holders at the Bauhaus-Universität Weimar:

- Head of the Office of Student and Academic Affairs
- Diversity Officer
- Equal Opportunity Officer
- Representative for Students with Chronic Illnesses and Disabilities
- International Student Ombudsperson
- Faculty advisors

C. Additional contacts:

- Student representatives (StuKo)

Please see the Bauhaus-Universität Weimar website for the contact details.