

Anti-Discrimination and Anti-Harassment Policy

Rhine-Waal University of Applied Sciences

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Contents

Preamble

- Section 1 Scope of Application
- Section 2 Basic Principles
- Section 3 Prohibition of Discrimination
- Section 4 Definitions
- Section 5 Handling of Violations
- Section 6 Responsibilities of the University
- Section 7 Preventative Measures
- Section 8 Avenues of Redress
- Section 9 Informal Advising Process
- Section 10 Office Responsible for Formal Complaints
- Section 11 Formal Complaint Process
- Section 12 Disciplinary Action
- Section 13 Entry into Force

Preamble

Enshrined in the mission statement of Rhine-Waal University of Applied Sciences is the respectful interaction between all of its teaching staff, students and other members, regardless of gender, race, social background, ideology, nationality, appearance, age, disability, sexual orientation or identity, religion or political beliefs. Equal rights and opportunities, inclusion, tolerance and a mindful treatment of one another in an international setting are considered core principles of our institution.

Rhine-Waal University of Applied Sciences promotes a culture of taking notice that is grounded on the principle of treating others in a respectful and appreciative manner. As both an employer and an institution of higher learning, Rhine-Waal University of Applied Sciences attaches great importance to the ideals of justness and fairness, equal opportunities, appreciative communication and the spirit of partnership among all members when working together and managing conflict. Whenever and wherever possible, Rhine-Waal University of Applied Sciences will act to ensure that an individual's rights are respected and upheld, and advocate for an appreciative and supportive work environment. Speak out about issues, as well as the continuous search for and implementation of shared solutions is an essential part of its approach. The personal rights and dignity of every individual must be upheld and respected. Conduct that infringes on the rights and dignity of others must be prevented.

Discrimination, harassment, bullying and stalking result in a degrading work and academic environment and can cause long-term physical and psychological damage. Rhine-Waal University of Applied Sciences does not and will not tolerate any form of discrimination, harassment, bullying or stalking, it will exhaust all legal options to safeguard victims and it will rigorously enforce all legal and preventative measures at its disposal.

The basis for the policy document you are reading is formed, in particular, by the German General Equal Treatment Act (AGG)¹. The policy document you are reading addresses all discriminatory conduct on the basis of gender, race, social background, ideology, nationality, appearance, age, disability, sexual orientation or identity, religion or political beliefs.

Section 1 Scope of Application

(1) This policy document applies to all members of Rhine-Waal University of Applied Sciences as defined by Section 9 HG NRW and includes the following: all students; staff; full-time professors; apprentices; scholarship holders; doctoral candidates; post-doctoral researchers; sessional lecturers; part-time professors; professors who have been relieved of their duties or are retired; associate professors; honorary professors; substitute professors; any other person who works for the University on a part-time or temporary basis or as a guest; lecturers with the title of *Privatdozent*; members of the Board of Governors and the Executive Board; research staff; honorary citizens; honorary senators; visiting students from another institution and all auditors.

(2) This policy shall also apply to cases of discrimination, harassment, stalking or bullying directed against or committed by third parties on the premises of Rhine-Waal University of Applied Sciences if at least one of the involved persons is affiliated with a group listed in para. (1).

(3) This policy will be applied to all cases occurring on the campuses of Rhine-Waal University of Applied Sciences in Kleve and Kamp-Lintfort or at any official off-campus event of the University.

(4) It shall apply to all cases of discrimination, harassment, bullying or stalking if affected and accused persons are considered members of Rhine-Waal University of Applied Sciences according to Section 9 HG NRW.

Section 2 Basic Principles

(1) Within its remit, Rhine-Waal University of Applied Sciences will assume responsibility for ensuring that the personal rights of all persons defined under Section 1 sent. 1 are protected and treated with respect regardless of their gender, race, social background, ideology, nationality, appearance, age, disability, sexual orientation or identity, religion or political beliefs.

(2) All persons defined under Section 1 sent. 1 are obliged to do their part as well to ensure that Rhine-Waal University of Applied Sciences is and remains a place of work and study characterised by tolerance, openness and mutual respect.

(3) In particular, members of Rhine-Waal University of Applied Sciences in a position of leadership, education or qualification must endeavour to conduct themselves in an exemplary manner and commit to addressing issues of misconduct that have been brought to their attention in accordance with this policy.

(4) Victims should feel empowered to exercise their legal rights and to speak about, consult with others about and lodge complaints about any cases of discrimination, harassment, stalking or bullying they

¹The General Equal Treatment Act, or *Allgemeines Gleichbehandlungsgesetz* (AGG), was enacted on 14 August 2006 (published in BGBl. I p. 1897) and last amended by Article 6 of the Law of 3 April 2013 (published in BGBl. I p. 610).

have experienced.

Section 3 Prohibition of Discrimination

Discrimination, harassment, bullying or stalking on the basis of any of the characteristics defined in Section 2(1) is hereby prohibited.

Section 4 Definitions

The definitions provided below supplement the existing definitions on discrimination in Section 3 AGG and serve to better clarify the specific cases affected by the policy you are reading. They do not constitute an exhaustive list. Cases of discrimination, harassment, bullying or stalking are considered particularly serious if they are committed by a person in a leadership or mentoring position and directed towards his or her subordinates. Misconduct remains misconduct regardless of whether it occurs verbally or non-verbally, digitally or face-to-face. Discrimination, harassment, bullying and stalking can come in many forms.

1. Discrimination

Discrimination occurs when a person is subject to differential or unequal treatment on the grounds of the characteristics defined in Section 2(1) as compared to a similar person who does not share the same characteristics. Every form of disadvantage, omission, disregard, degradation, exclusion or unacceptable differentiation of individuals or groups due to group-specific characteristics, real or imagined, is considered discrimination.

2. Harassment

Harassment is defined as any unwelcome behaviour in connection with the characteristics defined in Section 2(1) that has the goal or effect of violating the victim's dignity or general right to personal identity and which creates an environment of intimidation, hostility, humiliation, degradation or abuse.

Harassment can include, but is not limited to:

- Posting, distributing or presenting images or videos with sexist or racist contents (posters, screen savers, calendars, software etc.);
- Sexist or racist graffiti on campus;
- Saving or using data containing pornographic or racist content on any computer of the University;
- Addressing others in a sexist or racist manner (including the use of "terms of endearment") and the use of any degrading or insulting language;
- Unwelcome sexual advances or improper physical contact;
- Using racist or sexually charged language, making jokes and comments about others, their appearances or their bodies;
- Unwanted requests for sexual acts;
- Threats of violence or persecution;
- Physical assault and rape;
- Coercion and violence.

3. Bullying

Bullying is defined as systematic and repeated acts of hostility, harassment and marginalisation with the intended or unintended effect of intimidating, degrading and alienating the victim from his or her place of work or study. Bullying can include, but is not limited to:

- Spreading rumours about employees or students;
- Systematically withholding information of importance to a person's work or studies;
- Refusing to share contact information relevant to a person's work or studies, exclusion from meetings or conversations;
- For those in leadership and mentoring positions: assigning pointless, insulting, unsolvable or otherwise harmful tasks, or refusing to assign any tasks at all;
- Insults, offensive or humiliating treatment;

- Public humiliation;
- Deliberately causing stress;
- Becoming physical with a person up to including the use of direct violence.

4. Stalking

Stalking is defined as deliberate and repeated instances of following, pursuing or harassing a person with the intended or unintended effect of endangering the victim or gravely undermining his or her ability to live a life of self-determination. Stalking takes on many different forms, including, but not limited to:

- Repeated telephone calls or messaging, including emails, instant messages or texts;
- Repeated and unwanted “demonstrations of affection”, including love letters, flowers or other gifts;
- Ordering or purchasing products in someone else’s name;
- Persistently being near a person, following or ambushing;
- Making false statements, for example to an employer;
- Interrogating friends and acquaintances of the victim;
- Making insulting or slanderous statements.

Section 5 Handling of Violations

Discriminatory misconduct as defined under Section 4 shall be deemed a violation of an individual’s personal rights and may also be considered breaches of duty with regard to an employment contract or applicable civil service regulations or criminal acts.

Section 6 Responsibilities of the University

(1) Rhine-Waal University of Applied Sciences pledges not to discriminate against any persons defined under Section 1, whether directly or indirectly, on the grounds of their gender, race, social background, ideology, nationality, appearance, age, disability, sexual orientation or identity, religion or political beliefs. The University shall not tolerate any form of discrimination, harassment, bullying or stalking and pledges to protect all persons defined under Section 1 from discrimination, harassment, bullying or stalking caused by employees, students or third party individuals.

(2) Rhine-Waal University of Applied Sciences pledges to take action, in accordance with the victim’s wishes, against any person who has demonstrably violated this policy.

(3) Rhine-Waal University of Applied Sciences is responsible for protecting victims from reprisals for speaking out.

(4) All members of Rhine-Waal University of Applied Sciences in positions of leadership, education or qualification are obliged to:

- a) promote a discrimination-free environment of respect and appreciation through their conduct and by taking suitable preventative measures, and to respect the integrity of all students and staff;
- b) safeguard against the exploitation of relationships of dependency that exist in places of work and study;
- c) investigate complaints or indications of cases of discrimination, harassment, bullying or stalking, and to advise and support victims by guiding them through the correct channels and seeking solutions for them, where necessary through the responsible offices at the University.
- d) In the case of non-compliance with a) to c), the employee in question shall be reminded of his or her responsibilities by the central administration and/or his or her supervisor.

Section 7 Preventative Measures

(1) A Roundtable on Equal Treatment and Anti-Discrimination shall be established in order to actively promote a culture of taking notice at Rhine-Waal University of Applied Sciences and develop methods for bolstering values such as fairness and equal treatment of others at the University and for preventing cases of discrimination, harassment, bullying and stalking. This coalition shall be made up of representatives of the offices and persons listed in Section 9(3). It shall meet at least once annually at the behest of the responsible member from the Executive Board. The Roundtable on Equal Treatment and Anti-Discrimination shall have the following responsibilities, in particular:

- Developing and providing new impulses for preventative measures within the spirit and meaning of this policy;
- Establishing exchange and dialogue among responsible persons and offices;
- Building up a network of advisors;
- Professionalising advising services and ensuring that minimum standards are upheld with the objective of empowering victims;
- Raising awareness among the University and, in particular, people in positions of leadership;
- Developing a culture of equal opportunities;
- Publishing an annual report on its activities.

(2) Training and learning opportunities dedicated to the topics of the German General Equal Treatment Act, non-discriminatory academic environments, supervisors' duty to action and filing complaints will be provided regularly, in particular during orientation weeks, as training programmes for staff and as training seminars for employees in a position of leadership at Rhine-Waal University of Applied Sciences. These topics can also be integrated into existing workshops on conflict management, professional communication and leadership skills. In addition, the Anti-Discrimination Officer shall be given the regular opportunity to participate in training seminars.

(3) Rhine-Waal University of Applied Sciences pledges to find suitable systems and measures for minimising and eliminating both sources and places of discrimination, harassment and violence.

Section 8 Avenues of Redress

Victims have two avenues of redress: an informal advising process (Section 9) and/or filing a formal complaint through the responsible office (Section 11).

Section 9 Informal Advising Process

(1) Rhine-Waal University of Applied Sciences will appoint an Anti-Discrimination Officer to represent all of its members and their interests vis-à-vis this policy. He or she will be a first point of contact for victims and provide initial advising with regard to personal safety and possible next steps in response to discrimination, harassment, bullying and stalking. The Anti-Discrimination Officer will support victims by looking after their interests and accompanying them, should they wish, through the steps needed to file a formal complaint (Section 11). His or her duties include accurately putting the affected person's verbal complaint to paper and submitting it to the responsible office (Section 10) if the affected person agrees to this course of action and wishes to file a formal complaint. For more details on this process, please see Section 11.

(2) All conversations held on the basis of the preceding paragraph will be treated with utmost confidentiality; the contents of any conversation or parts thereof will only be passed on to third parties with the express consent of all conversation partners.

(3) In addition, the affected person can contact the following persons or offices who will act in accordance with para. 1 sent. 3 to 5 and para. 2, or who will – with the express consent of the affected

person – contact the Anti-Discrimination Officer on his or her behalf:

- Executive Board of Rhine-Waal University of Applied Sciences;
- Equal Opportunities Representative of Rhine-Waal University of Applied Sciences;
- Equal Opportunities Representative of the Faculties;
- Deans' Offices;
- Link Professors;
- Immediate supervisors;
- Academic and Non-Academic Staff Council;
- AStA
- Psychological counselling services of the University;
- Disability Liaison Officer.

Section 10 Office Responsible for Formal Complaints

The office responsible for initiating a formal complaint process and following through depends on the group affiliation of the accused person. This is:

- the top-level manager for staff (offices of the chancellor or president), or
- the office of the president for students or third parties.

Section 11 Formal Complaint Process

(1) Persons defined under Section 1 have the right to file an official complaint with the aforementioned responsible office and thus initiate the formal complaint process. Complaints must be made in writing or communicated verbally to the responsible office for transcription. Staff of the responsible office will write down verbal complaints and keep minutes of the conversation with the affected person. These minutes will be presented to the affected person at the end of the conversation for review and approval. Filed complaints may be withdrawn at any time.

(2) Formal complaints must describe all events perceived to be discriminatory. Both witnesses and evidence, if available, must be clearly stated as well. The responsible office must also be informed of any other persons who have already been notified of the events in question and whether steps have been taken in response.

(3) After a complaint has been filed, the responsible office will provide the affected person with an initial consultation on his or her rights and responsibilities, as well as the next steps in the process. Specific attention will be given to support services provided by advocacy representatives and advising offices at the University.

(4) The responsible office may involve supervisors from the affected teams and areas of the University. This is particularly necessary if immediate steps must be taken to eliminate any ongoing misconduct as defined under Section 4.

(5) The responsible office will request the accused person to provide a formal statement within ten working days. If warranted by the circumstances, the affected and accused persons will be offered the opportunity for a clarifying discussion together with the responsible office. The accused person may request the presence of a person of confidence at this discussion.

(6) The responsible office will conduct a fact-finding investigation and necessary interviews, document its findings and inform both the affected and accused persons of the results of the investigation after its conclusion.

(7) The responsible office shall decide whether follow-up steps or disciplinary actions listed under

Section 12 are considered necessary.

(8) The Anti-Discrimination Officer must be notified when a formal complaint process has been initiated.

Section 12 Disciplinary Action

(1) After the fact finding investigation concludes, the following disciplinary actions may be taken depending on a person's group affiliation and applicable legal regulations:

1. Staff:

- Disciplinary meeting;
- Verbal or written instruction;
- Written reprimand;
- Relocation;
- Being placed on leave,
- Termination of employment, regardless of notice periods;
- Official administrative inquiry in the case of public officials (*Beamte*).

2. Students:

- Partial and temporary ban from entering the premises;
- Temporary ban from attending lectures or official events.

3. Third parties:

- Partial and temporary ban from entering the premises;
- Exclusion from official events.

(2) If evidence emerges that a crime has been committed, it will be reported to the proper authorities.

Section 13 Entry into Force

(1) This policy shall be published in the Official Notices of Rhine-Waal University of Applied Sciences and distributed to all new employees and appointees to the University.

(2) It shall enter into force on the day after its publication.

(3) By entering into force, this policy replaces and repeals the Guidelines against Discrimination and Harassment at Rhine-Waal University of Applied Sciences from 24 May 2017 (Official Notices 8/2017).

Note: This Anti-Discrimination and Anti-Harassment Policy of Rhine-Waal University of Applied Sciences entered into force on 12 April 2019.