

## Principles for Protection against Sexual Harassment and Sexualized Violence at the University of Regensburg (pursuant to Art. 25 Para. 1 BayHIG)<sup>1</sup>

### 1. Preamble

Sexual harassment or sexualized violence by and towards university members is a violation of the human dignity protected by the German Constitution (Articles 1 and 3 GG) and will not be tolerated at the University of Regensburg (UR). The UR contributes to the protection against discrimination, harassment, and violence through preventive and reactive measures by

- sensitizing all members about sexual harassment and sexualized violence,
- actively supporting those affected in enforcing their right to complain and file a complaint,
- sanctioning sexual harassment and sexualized violence.

Criminally relevant facts will be reported immediately.

The following information serves to assess the phenomena of sexual harassment and sexualized violence and shows effective and offensive options for action for affected persons.

### 2. Scope of Application

Notwithstanding the rights and obligations of university members arising from overriding binding standards (labor law, civil service law, etc.), these principles apply to all persons who perform research, teaching, learning and work tasks at the UR - even temporarily or as guests - or who perform services there as employees of outside companies. In the event of incidents of sexual harassment and sexualized violence, in particular those in which dependency relationships play a role, they are to be consulted in a binding manner.

### 3. Prevention

All members of the university contribute to the protection of those affected when they become witnesses of sexual harassment or sexualized violence through personal interventions (intervention in events, reports to the complaints offices).

Supervisors sensitize their employees to the topic.

Since the beginning of 2023, the Anti-Discrimination & Diversity Officer has been the official contact person for cases of sexual harassment and sexualized violence (BayHIG Art. 25). Her portfolio includes training courses on the topic of raising awareness of and preventing sexism and sexual harassment (for students, for academic staff incl. doctoral students and professors).

The Anti-Discrimination Office, established in 2020, acts as a counseling and complaints office for all UR members affected by discrimination and offers status group-specific workshops and information on discrimination. In addition, there is a section on the UR Diversity Portal for each of the discrimination dimensions according to the General Equal Treatment Act (AGG) and the Diversity Charter, in which the various measures, initiatives, cooperations and references are assigned in a professional manner. Current information is also reliably posted here.<sup>2</sup>

The Equal Opportunity Coordination Office and the Equal Opportunity Office play a leading role in public relations work on the prevention of sexualized discrimination, harassment, and violence against women through their printed materials and websites. The activities of the Equal Opportunity Coordination Office and the Equal Opportunity Office also include the organization of continuing education and training formats for the prevention of sexualized discrimination, harassment, and violence. The Equal Opportunity Coordination Office is in contact with organizations in Regensburg that offer self-defense or assertiveness courses.<sup>3</sup>

<sup>1</sup> Dealing with discrimination and conflicts and with antisemitism at the UR is regulated in separate documents.

<sup>2</sup> <https://www.uni-regensburg.de/diversity/startseite/index.htm>

<sup>3</sup> <https://www.uni-regensburg.de/chancengleichheit/frauenbeauftragte/index.html> / <https://www.uni-regensburg.de/gleichstellung/startseite/index.html>

In addition, self-defense courses are regularly offered at the UR sports center for all UR employees.<sup>4</sup>

#### 4. Legal classification and clear definition of sexual harassment and sexualized violence

##### a) Sexual harassment according to the General Equal Treatment Act (AGG)

Guiding the understanding of sexual harassment and sexualized violence is the legal interpretation of the AGG, sexual harassment in § 3 para. 4 subsumed under discrimination (disadvantages) and defined as follows:

“Sexual harassment is a disadvantage in relation to § 2 para. 1 nos. 1 to 4, if an unwanted, sexually determined behavior, which also includes

- sexual acts and requests for these,
- sexually determined physical touching,
- remarks of sexual content as well as
- displaying and visibly affixing pornographic representations

has the purpose or effect of violating the dignity of the person concerned, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment.”

Thus, all verbal, non-verbal and physical approaches with sexual connotations that are perceived as unwanted, border-crossing, threatening, degrading or humiliating are to be classified as sexual harassment.

In any case, the right of complaint applies to experiences of sexual harassment in the professional environment. However, exercising this right depends on the will of the persons concerned.

##### b) Sexual harassment and sexualized violence according to the German Criminal Code (StGB)

Criminal offenses against sexual self-determination are regulated in the 13th section of the Criminal Code (StGB §§ 174 to 184).

This also includes sexual harassment, insofar as it is accompanied by sexually determined physical touching. It can result in imprisonment of up to two years or a fine, but is generally only prosecuted on application/report. (§ 184i StGB)

The term "sexualized violence" covers sexual acts without the consent or capacity to consent of the person concerned (Section 177 [1] and [2] StGB). They are considered official offenses, are prosecuted ex officio and are punishable by imprisonment from six months to five years. The penalty depends on the type and degree of violence and the victim's ability to consent.

#### 5. Options for persons affected by sexual harassment or sexualized violence at the UR.

Persons affected by sexual harassment or sexual violence have the option of informal anonymous counseling or a formal non-anonymous complaint, and counseling may result in a complaint.

##### a) Counseling

It is the task of the counseling agencies to offer the affected person an opportunity to speak out and to inform him or her about forms of support as well as the option of a complaint procedure. They clearly communicate the possibilities and limits of their offer as well as the counseling process; if necessary, they refer to internal and/or external counseling services. The counseling persons are available for

- Accompaniment to further informal talks
- arranging contact with a psychosocial counseling center
- accompaniment in the event of a complaint.

##### b) Complaint

The purpose of the complaint is to inform the department to investigate the allegations and, if necessary, to take further action against the accused person(s). The complaint may be lodged by

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<sup>4</sup> [https://hochschulsport.uni-regensburg.de/angebote/aktueller\\_zeitraum/\\_Selbstverteidigung.html](https://hochschulsport.uni-regensburg.de/angebote/aktueller_zeitraum/_Selbstverteidigung.html) > Self defense and self-assertion

the person concerned or by a third party on his/her behalf, even without a prior informal procedure. During the complaint procedure, it is possible to be accompanied by one of the advisory bodies.

6. Counseling and complaint centers for cases of sexual harassment and sexualized violence at the UR (depending on the group of persons)

<b>For academic and artistic staff (research and teaching)</b>	<b>For students (as appropriate)</b>	<b>For academic support staff (administration, technology)</b>
the supervisor or the department responsible for personnel	a representative of the Central Student Advisory Service	the supervisor or the department responsible for personnel
		a representation of the staff council (e.g. the mobbing and conflict officer)
		Beschwerdestelle nach Allgemeinem Gleichbehandlungsgesetz (AGG)
Anti-Discrimination Office of the University of Regensburg		
Contact person for cases of sexual harassment and sexualized violence		
the Vice President for Internationalization and Diversity		
Company medical service		
<b>Additionally</b>		
<b>For women</b>		
the women's representative		der*/die Gleichstellungsbeauftragte
<b>For persons with disabilities</b>		
the representative for severely handicapped persons	the senate's representative for chronically ill and handicapped students	the representative for severely handicapped persons

All contact persons are required to participate in training and continuing education in the relevant subject area.

#### 7. Procedural principles for intervention in cases of suspicion.

The contact persons will investigate any concrete suspicion of sexual harassment or sexualized violence in a procedure governed by the rule of law without regard to the person.

All agencies investigating allegations of sexual harassment or sexual violence will make appropriate efforts to protect both the person making the allegation and the person affected by the allegation.

- The investigation of allegations of sexual harassment or sexual violence shall be conducted at all stages of the process with explicit regard to the presumption of innocence.
- Even in the case of unproven misconduct, the person making the allegation must not suffer any disadvantages for his/her own studies or academic or professional advancement, unless it can be proven that the complaint was made against his/her better knowledge.
- The person affected by the allegations as well as the person providing the information will be given the opportunity to comment at every stage of the procedure.

All contact persons are subject to confidentiality and must reach agreement with the person affected for all steps taken to clarify the matter or, depending on the problem, take measures to protect the victim.

However, if the suspicion of sexual harassment or sexualized violence becomes concrete and/or allegations against a person increase without the affected person wishing to file a complaint, the advisory offices take action while preserving the anonymity of the affected person by consulting the

contact person for sexual harassment and sexualized violence, speaking with the accused, and/or reporting to the university board (Women's representative, Vicepresident for Internationalization & Diversity, President).

Anonymously given tips can only be reviewed in a procedure if the person giving the tip presents the contact person with resilient and sufficiently concrete facts. Deliberately incorrect or wanton allegations may themselves constitute misconduct.

The person making the complaint has the option of requesting the suspension or withdrawal of the complaint procedure at any time; however, the procedure may also be continued against the changed will of the person concerned if the university is obliged to act (e.g. by employment or service law requirements).

## 8. The complaint procedure

Concrete steps after receiving a complaint are:

- the care and counseling of the person concerned,
- the holding of an interview with the person affected by the allegations,
- the examination of the incident by
  - o establishing the facts of the case by the person concerned and documenting them in a protocol (type, place and time of the incident, identification of the\*/the accused),
  - o the accused is also heard and his/her point of view is documented accordingly,
  - o any witnesses and further evidence are included and also documented,
  - o if necessary, an offer of discussion is made to the parties to the conflict.
- the information of the university board.

If the accusation is not confirmed, care will be taken to ensure that the person unjustly accused does not suffer any disadvantages as a result of the matter.

## 9. Possible sanctioning measures

In the event of proven violations against sexual self-determination, the UR will take appropriate, necessary and reasonable measures to protect the person concerned in the individual case. These depend on the employment, service, civil service or university law status of the respondent and the existence of the respective requirements. The following regulations do not restrict the university's powers under employment, service, civil service and higher education law.

<b>For employees of the UR</b>	<b>For students, doctoral students and other persons without employment at the UR</b>
• regulating conversation	• regulating conversation
• instruction	• instruction
• admonition	• admonition
• exclusion from using university facilities	• exclusion from using university facilities
	• exclusion from participation in courses
• warning	• disenrollment
• transfer or relocation to another workplace at the university	
• withdrawal of a teaching assignment	
• termination of a doctoral or post-doctoral procedure	• termination of a doctoral procedure
• ban from the house	• ban from the house
• dismissal	
• disciplinary measures provided for by law (in the case of civil servants)	

Criminal offenses will be reported immediately.

## 10. Data collection, evaluation

Counseling and complaint cases are documented by the respective counseling and complaint

offices. All counseling and complaint offices institutionalized at the UR collect case numbers as well as discrimination categories in anonymized form and in compliance with all data protection regulations. The data is queried anonymously by the anti-discrimination office at the end of each semester. This serves to ensure the quality of the counseling and support services and to develop targeted prevention services.

#### 11. Legal basis and definitions

Grundgesetz für die Bundesrepublik Deutschland, Art. 1 und 2, Allgemeines Gleichstellungsgesetz, § 2 und § 3, Bayerisches Hochschulinnovationsgesetz, Art. 25; Bayerisches Disziplinargesetz, Art. 14; Europäische Menschenrechtskonvention, Art. 6.

Regensburg, 06/26/2023

University of Regensburg  
- The President –

Prof. Dr. Udo Hebel