

Guideline

for Protection Against Discrimination According to the General

Equal Treatment Act

of RWTH Aachen University

(Fair Treatment When Working and Studying at

RWTH Aachen University)

Dated December 11, 2013

Please note: This publication is an English translation. Only the German original of these regulations as published in the Official Announcements of RWTH Aachen University (“Amtliche Bekanntmachungen”) is legally binding.

On the basis of Section 2 Paragraph 4 Sentence 1 of the law governing the Universities of the Federal State of North Rhine-Westphalia (HG) in the version dated October 30, 2006 (Law and Official Gazette of the State of North-Rhine Westphalia 2006, p. 474), most recently amended by Art. 6 of the Recognition Act of North Rhine-Westphalia dated May 28, 2013 (Law and Official Gazette of the State of North-Rhine Westphalia 2013, p. 271) in conjunction with Sections 12 (5) and 13 (1) of the General Equal Opportunities Act of August 14, 2006 (BGBl. I p. 1897), most recently amended by Article 8 of the Act on April 3, 2013 (BGBl. I p. 610), RWTH Aachen University has issued the following guideline:

Preamble

RWTH Aachen University attaches great importance to ensuring that no person is discriminated against within University life on the basis of gender, ethnic or social origin, age, disability, sexual orientation or identity, religion, world view or political opinion.

RWTH Aachen University promotes a culture of looking out for each other, which is based on respectful and appreciative interaction between all parties. RWTH Aachen University is a place to work and study which values and promotes fairness, equal treatment, appreciative communication, and cooperative behavior among all employees and students in all collaborative activities, but also in dealing with conflicts.

This includes, above all, addressing problems and seeking and pursuing common solutions. The personality of each individual is to be respected and their dignity ensured. Behavior aimed at hurting others in their personality is to be refrained from.

This guideline lays out instructions for preventing discrimination, harassment and violence, stalking and bullying and, in the event of a conflict, for outlining clear procedures and options to sanction violations. This guideline serves to reduce and prevent discrimination.

Section One:

Guiding Principles and Definitions

§ 1

Scope of Application

This guideline applies to members in the sense of § 9 (1) HG as well as to trainees, scholarship holders, habilitation candidates, lecturers, part-time and external instructors, professors who have been relieved of their duties or retired, extraordinary professors, honorary professors, part-time, temporary or guest lecturers at the University, and private lecturers (Privatdozenten).

It shall also apply in cases of discrimination, harassment and violence, stalking and bullying by third parties or against third parties on University premises if at least one person involved belongs to the group of individuals mentioned in sentence 1.

§ 2

Guiding Principles

- (1) Within its area of responsibility, RWTH Aachen University assumes responsibility for ensuring that the personal rights of all individuals mentioned in § 1 sentence 1 are respected and protected, regardless of gender, ethnic or social origin, external appearance, age, disability, sexual orientation or identity, religion, ideology, or political convictions.

- (2) All persons pursuant to § 1 sentence 1 are obliged to contribute to RWTH Aachen University being and remaining a place of work and study characterized by tolerance, openness and mutual respect.
- (3) In particular, members of RWTH Aachen University active in management, teaching and learning, and training shall behave in an exemplary manner, and they shall counter misconduct brought to their attention in accordance with these guidelines.
- (4) Affected persons shall be encouraged to exercise their rights and to report and seek advice, about cases of discrimination, harassment, violence, stalking or bullying that they have experienced.

§ 3 Prohibition of Discrimination

Discrimination, harassment, violence, stalking, and bullying based on the characteristics listed in § 2 (1) are prohibited.

Definition of Terms

The definitions given here supplement the concepts of discrimination and disadvantages within the meaning of § 3 General Equal Opportunities Act and serve to better clarify the cases covered by this guideline. However, they do not represent an exhaustive catalog. Discrimination, sexualized or racially motivated harassment and violence, stalking or bullying is considered to be particularly serious if it emanates from persons with managerial or supervisory responsibilities and is directed against subordinates.

1. Discrimination

Discrimination occurs when a person receives less favorable treatment on the basis of a characteristic listed under §2 (1) than a comparable individual who does not have the characteristic. Any form of discrimination, disregard, disrespect, disparagement, exclusion, or impermissible unequal treatment of individuals or groups on the basis of actual or ascribed group-specific characteristics is discriminatory.

2. Sexualized or racially motivated harassment and violence

are, for example, the following verbal, non-verbal, or physical actions:

- a. Posting, distributing or displaying images of sexist or racist content (e.g. posters, screensavers, calendars, software)
- b. Sexist or racist graffiti on campus
- c. Copying, application and/or use of electronic data of pornographic or racist content on service computers and IT equipment of the University
- d. Sexist or racist addressing of persons (including the use of "terms of endearment") and insulting statements
- e. Unwanted verbal sexual advances
- f. Sexually suggestive or racist remarks, statements, jokes, comments about other people, their appearance or their bodies
- g. Unwanted, unnecessary physical contact
- h. Solicitation for sexual acts
- i. Threats of violence, persecution, coercion
- j. Physical assault and rape

3. Stalking

"Stalking" means the intentional and repeated following, pestering, harassing of an individual so that their way of life is seriously impaired or their safety is threatened. Stalking manifests itself in many different forms:

- a. Phone calls, SMS, messages on the answering machine, mails - at all times of the day and night
- b. "Expressions of love" such as love letters, flowers, gifts
- c. Orders of goods on behalf of the victim
- d. Following and ambushing the individual, for example, in front of their apartment, workplace, supermarket
- e. False accusations, for example, about the victim to their employer
- f. Questioning the victim's circle of acquaintances about the victim
- g. Damage to property
- h. Insults, slander
- i. Threats, coercion

4. Bullying

Bullying is defined as systematic and repeated hostility, harassment, and exclusion with the goal or consequence of making the person(s) being bullied feel insecure and belittled and ostracized from the study or work environment. Bullying can manifest itself in the following verbal, non-verbal or physical actions, among others:

- a. Spreading rumors about employees or students
- b. Systematic withholding of information relevant to studies or work
- c. Refusal of contacts relevant to study or work, exclusion from discussions
- d. Persons with managerial and supervisory responsibilities assigning the victim pointless, annoying, unsolvable, unhealthy tasks or no tasks at all.
- e. Insults, defamatory and humiliating treatment
- f. Threats, coercion, humiliation in front of others
- g. Intentionally causing stress
- h. Acts of violence

§ 5 Principles

- (1) Discriminations within the meaning of Section 4 constitute violations of personal rights and may also constitute breaches of duty under employment contracts or employment law, or may also constitute criminal offenses.
- (2) Violations of the Guiding Principles may be punished.

Section Two: Prevention

§ 6 Duties of University Management and Persons with Management and Supervisory Duties

- (1) RWTH Aachen University has the obligation to neither directly nor indirectly disadvantage individuals according to § 1 for the reasons mentioned above. It also undertakes to protect

them from disadvantages or discrimination by other employees, students, or other third parties.

- (2) RWTH Aachen University undertakes to take action, in consultation with the parties concerned, against persons who are found to be in breach of this guideline.
- (3) RWTH Aachen University shall ensure that persons lodging complaints do not suffer any disadvantages (prohibition of disciplinary actions).
- (4) Members of RWTH Aachen University with personnel responsibility and/or with responsibilities in management, teaching, and training in the areas of teaching, research, administration, and committee work are required to
 - a) contribute, through their conduct and appropriate preventive measures, to promoting respectful and non-discriminatory interaction and respecting the integrity of all employees and students,
 - b) ensure that dependency relationships are not exploited in the area of teaching and learning as well as at the workplace,
 - c) investigate complaints about and indications of cases of discrimination, harassment and violence, bullying and stalking, to advise and support those affected or to provide them with appropriate help and to seek possible solutions – if necessary by contacting the relevant officers or units at the University.
 - d) In the event of non-compliance with a) to c), they shall be advised of their responsibility by University management or the next higher superior.

§ 7 Preventive Measures

- (1) The "Round Table for Equal Treatment & Anti-Discrimination", founded in September 2010 by the Equal Opportunities Office, works as an alliance for a culture of looking out for each other at RWTH Aachen University. It develops measures to strengthen values such as fairness and equal treatment at the University and to avoid cases of unequal treatment, unfair behavior, aggression, discrimination, bullying, and sexual violence. The Round Table includes representatives from various institutions and counseling centers at RWTH Aachen University.

The Equal Treatment & Anti-Discrimination Round Table has the following tasks:

- a) Development and initiation of preventive measures
- b) Networking among all participating institutions
- c) Establishment of a consulting network

- d) Professionalization of counseling and guarantee of minimum standards, with the aim of empowering those affected.
- e) Sensitization of the University public and especially of the Executives

(2) Training sessions

As part of the induction events for newly enrolled students, the University's continuing education program, and the training of executives at RWTH Aachen University, regular continuing education measures are held on the topics of the General Equal Opportunities Act, a discrimination-free University, supervisors' best endeavors obligation, and procedures in the event of violations, or these topics are integrated into workshops on conflict management and in communication or management seminars.

(3) Security on the University Campus

RWTH Aachen University ensures that sources of danger and areas of fear with regard to discrimination, harassment, and violence are eliminated or avoided with the help of alarm reporting and emergency response systems and a central incident reporting system on the University campus.

Section Three:

Complaints Procedure

§ 8 Basics

The complaint procedure consists of consultations (non-formal procedure) and the complaint to the Complaints Office (formal procedure).

§ 9 Advice and Support in the Complaints Procedure

- (1) Various counseling centers shall be available to the group of persons referred to in § 1 for counseling sessions and for their own protection and action against discrimination, harassment and violence, stalking and bullying. The counseling centers pursuant to Paragraph 3 shall support the persons concerned in asserting their interests and, upon request, also accompany them on the way to a formal complaint pursuant to Section 11. This also includes formulating in writing the grievances presented orally and writing them down for submission to the grievance office (Section 10), if the grievant so desires and wishes to initiate formal grievance proceedings. Further details on the complaints procedure are governed by § 11.
- (2) All consultations mentioned in sentence 1 shall be treated confidentially unless the parties to the consultation mutually agree to pass on the content of the consultation or parts thereof to third parties.
- (3) The following counseling centers are available to those affected:
 - a) The Staff Councils (Non Scientific Staff, Staff Council for Academic Staff)
 - b) AStA Students' Committee
 - c) Student Advice Centre

- d) Representative Council for Staff with Disabilities
- e) Equality Office with Family Services Center
- f) Social Counseling

§ 10 Complaints Officer

The complaints officer of RWTH Aachen University is the Rector of RWTH Aachen University. The tasks are assigned to Department 9.0 - Legal Services.

§ 11 Complaints Procedure

- (1) Persons referred to in §1 shall have the right to officially lodge a complaint with the Complaints Office, thereby initiating the formal complaint procedure. The complaint must be submitted in writing or verbally to the Complaints Office for recording. In case of an oral statement by the person making the complaint, the employee of the Complaints Office shall record the complaint in writing and draw up a record of the content of the conversation. The transcript is presented to the person making the complaint at the end of the interview for review and subsequent signature.
- (2) The complaint must describe the events perceived as disadvantageous and discriminatory. Witnesses and, if necessary, evidence should be named, if available. The complaint should state which other persons have already been informed about the incidents and whether any action has already been taken.
- (3) After receipt of the complaint, the person making the complaint shall be informed by the Complaints Office in an initial interview about their rights, obligations and about the further procedure. They shall be informed about support measures through advocacy and counseling services.
- (4) The Complaints Office may involve responsible persons from the respective affected institutions. This applies in particular when immediate measures are required to stop violence, discrimination, or disadvantages.
- (5) The Complaints Office shall ask the accused person to respond to the complaint in writing. On this basis, the Complaints Office shall conduct a personal interview with the accused person within 10 working days. At the request of the accused person, a person of their confidence may participate in the interview.
- (6) The Complaints Office shall investigate the facts of the case. The Complaints Office shall inform the Rector, via the Chancellor, of the result of the examination and propose the further course of action.
- (7) The Complaints Office shall document all hearings and the established facts and inform both parties of the outcome of the discussions and reviews.
- (8) The Rector decides on further measures and possible consequences in accordance with § 13 of these regulations.

§ 12 Sanctions

(1) The following measures may be taken against employees of RWTH:

- a) conducting a formal interview
- b) oral or written instruction
- c) written warning
- d) initiation of disciplinary proceedings
- e) exclusion from the use of University facilities
- f) premises ban
- g) criminal complaint by the Rector

(2) The following measures may be taken against students and all those named in §1 sentence 1 who do not have an employment relationship with RWTH Aachen University:

- a) oral or written instruction
- b) exclusion from a course
- c) exclusion from the use of University facilities
- d) premises ban
- e) criminal complaint by the Rector

§ 13 Entry Into Force

This guideline will be published in the Official Announcements of RWTH Aachen University and it shall be handed out upon hiring and assumption of office. It shall enter into force on the day following its publication.

Issued based on the decision of the Senate dated 12/5/2013.

Rector
of RWTH
Aachen University

Aachen, Dec 11, 2013

sgd. Schmachtenberg
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