

Anti-Discrimination Policy

Policies for Protection Against Disadvantages, Discrimination, Harassment, and Violence in Accordance with the General Act on Equal Treatment (AGG) at the University of Bonn

Date: November 15, 2024

The Rectorate of the University of Bonn, in its meeting of October 15, 2024, adopted the following policies for the protection of its staff against disadvantages, discrimination, harassment, and violence in accordance with the General Act on Equal Treatment (AGG) at the University of Bonn:

Preamble

The University of Bonn aims to be an equality-oriented, family-friendly, and discrimination-sensitive institution, while pursuing advances in inclusive study and working conditions in research, teaching, and administration. The University of Bonn does not tolerate disadvantages, discrimination, harassment, and violence within its jurisdiction. The University places the utmost importance on fairness, equal treatment, respectful communication, and cooperative behavior among all employees and students in the workplace and study environment. To this end, it establishes binding policies that protect the personal rights of its members, associates, and guests, and that provide clear procedures and sanctions in case of violations. The University recognizes that, for those affected by disadvantages, discrimination, harassment, and violence, it may sometimes be a difficult step to seek support from the relevant advisory or complaints services. Within the means at its disposal, the University shall accompany and support those affected during the complaints process.

The University of Bonn gives due recognition to the diversity of its members. Consequently, it aims to prevent or eliminate disadvantages, discrimination, harassment, and violence within the University based on ethnic or social origin, gender, religion or belief, disability, age, or sexual identity and sexual orientation. This also includes fostering a continuously developing university culture that is based on equal opportunity. The University of Bonn is committed to a sense of community that is founded on social responsibility, respectful interaction, and mindfulness. This entails fostering a culture of attentiveness and active listening, where discriminatory, intrusive, and violent actions are clearly identified as such and are not tolerated. Those in positions involving training, teaching, supervision, and leadership bear particular responsibility and a duty of care in consequence of their function as role models.

To protect against sexualized discrimination and violence, the University of Bonn has adopted an independent set of policies, approved by the Rectorate in its meeting on December 13, 2022, and published in the Official Gazette of the University of Bonn on March 2, 2023. These policies apply in cases of sexualized discrimination and violence.

Section 1 Applicability

(1) These anti-discrimination policies apply to all employees in academia and the university administration, including student assistants, trainees, and students, as well as substitute professors and temporary lecturers at the University of Bonn. It also applies to external individuals, such as guests and scholarship holders who are active in the University's areas of responsibility, as well as to individuals involved in application and appointment procedures at the University of Bonn. The policies also apply in cases of disadvantages, discrimination, harassment, and violence by or against third parties on the University premises, provided that one of the aforementioned persons is involved. "Third parties" also includes employees within the framework of collaborations and business partnerships at the University of Bonn.

(2) The policies apply to the entire premises of the University of Bonn, including its external sites, branches and rented spaces. It also applies to all University-related events held outside the University grounds, such as business trips, excursions, University celebrations, and staff outings. Additionally, it also covers digital spaces established by the University of Bonn, such as video conferences and digital platforms for University-wide collaboration (e.g. Zoom, eCampus, Sciebo, or Confluence).

(3) These policies apply to disadvantages, discrimination, harassment, and violence, insofar as they are not covered by the Policies for Protection against Sexualized Discrimination and Violence.

Section 2 Definitions

(1) These policies cover all actions that lead to any direct or indirect forms of disadvantage, discrimination, harassment, and violence due to

- ethnic origin or race,
- gender,
- religion or beliefs,
- disability,
- age, or
- sexual identity.

This includes both criminal acts as well as low-threshold acts.

Disadvantage, discrimination, harassment, or violence often occur not only in connection with one of the characteristics mentioned in the General Act on Equal Treatment (AGG) but may also be exacerbated by the characteristic of social origin.

The definitions provided here complement the terms related to disadvantages as defined in Section 3 of the AGG and aim to clarify the cases that fall under these policies. However, they do not constitute an exhaustive catalogue.

(2) Direct disadvantage or discrimination occurs when the different treatment due to one or more of the characteristics mentioned in paragraph 1 has a negative impact on the affected person compared to other persons in a comparable situation, and the different treatment is not justified by the presence of a compelling objective reason.

(3) Indirect disadvantage or discrimination occurs when seemingly neutral regulations, criteria, or procedures disproportionately disadvantage persons or groups of persons who possess one of the characteristics mentioned in paragraph 1 compared to other persons or groups who do not possess the characteristics listed in paragraph 1, without there being an objective reason.

(4) Harassment is considered to be a disadvantage when unwanted behaviors related to one of the characteristics mentioned in paragraph 1 aim to or result in the violation of the dignity of the person concerned and create an environment characterized by hostility, degradation, humiliation, or insults. A particular form of harassment is sexual harassment.

(5) Violence is understood as any physical or psychological impairment of free will and action. The mere threat of violence, meaning the prospect of violence, is sufficient.

(6) The forms of disadvantage, discrimination, harassment, and violence related to one or more of the characteristics mentioned in paragraph 1 include in particular:

- derogatory language using discriminatory or harassing statements or forms of address (e.g., use of racist terms), remarks, comments, jokes, or comments about other persons, their appearance, or their bodies,
- copying, using, or applying discriminatory or harassing content on work devices (except for scientific purposes protected by the Basic Law (Article 5, paragraph 3)),
- displaying, distributing, or showing texts or images with derogatory content (e.g., posters, screen savers, calendars, email attachments, graffiti),
- denying access to people with disabilities or the lack of willingness to reduce both physical and language barriers,
- ignoring disability-related limitations and denying compensatory measures,
- defamation, slander, or libel,
- threatening violence, coercion, and humiliation in front of others, physical assaults, and violence.

Disadvantages, discrimination, harassment, and violence are considered particularly severe when supervisory or dependency relationships in the workplace, educational

setting, or training environment are exploited, including the threat of personal or professional disadvantages.

The discriminatory nature of an act can also arise from the circumstances of the individual case. To clarify whether an action has a discriminatory character based on the circumstances of the case, those affected may contact the Anti-Discrimination Office (AGG Complaints Office, see Section 6, paragraph 3, sentence 1).

Section 3 General Prohibition

Disadvantages, discrimination, harassment, and violence create an intimidating, burdensome and degrading work, teaching, and learning environment, and cause significant disruption to University operations. They are prohibited under the applicable legal and administrative regulations and constitute a violation of contractual, civil service, and University obligations. Furthermore, they may also constitute a criminal offence.

Section 4 Procedural Principles

(1) The University of Bonn is committed to uncovering misconduct. To this end, any persons affected are expressly encouraged not to tolerate disadvantages, discrimination, harassment, or violence, and to seek counseling promptly, even in seemingly minor cases. In principle, those affected can contact the counseling services mentioned in Section 5, paragraph 4 at any time (see also Annex 1). The initial contact and counseling are confidential, although any possible limitations (e.g., legal disclosure obligations) must be made clear during the counseling session (see Section 5, paragraph 6).

(2) If misconduct, as defined by this directive (hereinafter referred to as “misconduct”), is identified, the University of Bonn is committed to taking measures (see Section 8). In urgent cases, affected individuals may contact Campus Security directly by phone. The emergency numbers are available on the homepage of the University of Bonn as well as on the relevant information pages and materials related to the directive, and on the entrances to University facilities.

(3) Potential courses of action for those affected include counseling (informal procedure) as per Section 5 and/or lodging a complaint (formal procedure) as per Section 6.

(4) With the consent of the affected individuals, all persons with teaching, supervisory, training, and leadership responsibilities must inform the Anti-Discrimination Office (AGG Complaints Office, see Section 6 paragraph 3, sentence 1) if there is any suspicion of discrimination, harassment, or violence.

University officials and those with teaching, training, and leadership responsibilities are accountable for upholding this directive within their areas of work.

(5) Until the allegations against an individual are substantiated, the presumption of innocence applies. The University of Bonn acknowledges its duty of care towards the accused as well. Should an individual be wrongly accused, the University of Bonn is obligated to protect that person's personal and academic reputation among those covered by this directive.

(6) The University of Bonn undertakes to ensure that the complainant is protected from disadvantage even in cases where the complaint is not upheld, provided that the complaint was not made in bad faith.

(7) All parties involved in the procedure are bound to confidentiality. Witness obligations remain unaffected.

(8) All parties retain the right to pursue their own legal action.

Section 5 Counseling and Responsible Offices

(1) Those affected by discrimination, harassment, or violence can contact their immediate superiors and/or seek counseling (informal procedure) from the advisory offices and contact persons listed in paragraph 4, who are appropriately trained. They may, if desired, be accompanied by a person of trust (hereinafter referred to as a "trusted person") during discussions. Initial contact may be made by the affected person or on their behalf by a third party, including anonymously. Formal reporting structures need not be followed.

(2) The advisory offices and contact persons mentioned in paragraph 4 support affected individuals in asserting their concerns and also assist them in preparing a formal complaint under Section 6, should a formal procedure be initiated and desired. This includes helping affected individuals to document their complaint verbally in writing.

(3) Mediation by a third, neutral party may be conducted as an alternative to a formal complaint, provided all parties agree.

(4) At the University of Bonn, various departments and contact persons (advisory offices) are available to assist affected individuals. Possible internal and external advisory offices are listed in Annex 1.

(5) The advisory offices listed in Annex 1 are also available to provide counseling to those accused. In particular, the Staff Psychosocial Counseling and Conflict Mediation and the Anti-Discrimination Office (AGG Complaints Office, see Section 6 paragraph 3, sentence 1) offer counseling to accused individuals.

(6) All counseling discussions under paragraphs 1 and 5 are confidential. Any potential limitations to confidentiality must be transparently communicated at the beginning of the discussion (e.g., duty to inform University leadership in case of immediate risk or obligation to testify in court). If all participants agree, at a minimum in writing, to the disclosure of the content or parts of the discussion to third parties, particularly to the responsible office as per Section 6 paragraph 3, sentence 1 (AGG Complaints Office), law enforcement authorities, or internal or external psychological counseling services, permission for disclosure is granted (waiver of confidentiality).

Section 6 Complaint and Responsible Office

(1) The complaint (formal procedure) can be initiated by anyone affected by discrimination, harassment, or violence within the meaning of this directive, without the need for prior informal procedures under Section 5, to address the incidents in question. If allegations are directed at students enrolled at the University of Bonn, the disciplinary process follows the rules issued under Section 51a HG NRW. In such cases, the Anti-Discrimination Office (AGG Complaints Office, see paragraph 3, sentence 1) notifies the office responsible for initiating a procedure under these rules.

(2) The complaint serves to inform the University of Bonn to clarify the facts. Generally, this clarification requires that the personal data of the affected individuals and the content or parts of the complaint be shared with the accused, witnesses, and other relevant offices, and information be gathered from them. Affected individuals must be informed at the start of the initial meeting (see paragraph 4) and their consent obtained. If consent is not granted, the complaint is considered not submitted. A complaint can be withdrawn by the affected individuals, provided the University of Bonn is not obligated to act (e.g., due to employment or service law requirements).

(3) A complaint is initiated by presenting the facts to the Anti-Discrimination Office (AGG Complaints Office). The complaint may be submitted in writing or recorded in the course of a discussion. If a record is made, it must be signed by the affected individual. It must contain a detailed description of the incidents perceived as harassing or discriminatory. Witnesses and any available evidence, such as emails or messages on messaging services, should also be documented.

(4) Upon receipt of the complaint, the Anti-Discrimination Office (AGG Complaints Office, see paragraph 3, sentence 1) informs the affected individuals about the further procedure in an initial meeting and interviews them personally about the incidents. The main points of the discussion are recorded in writing.

(5) The accused individual is informed in writing by the Anti-Discrimination Office (AGG Complaints Office, see paragraph 3, sentence 1) of the allegations made against them. They are given the opportunity to respond in writing. Additionally, they may be interviewed by the Anti-Discrimination Office (AGG Complaints Office) in person regarding the allegations and present their perspective. The accused is informed of

available support options. They may consult their representative body and seek external support.

(6) After evaluating the incidents and all statements, the Anti-Discrimination Office (AGG Complaints Office, see paragraph 3, sentence 1) submits its assessment along with recommendations for any actions that may need to be taken to the supervisor or the personnel office responsible for the accused. This office then decides whether, and if so, which measures (see Section 8) to take to prevent recurrence and protect those affected, in coordination with the necessary administrative areas and the responsible management personnel of the respective work and study areas. Affected individuals cannot demand or prevent personnel or organisational measures from the University of Bonn. In individual cases, the supervisor may take immediate action, informed by the Anti-Discrimination Office (AGG Complaints Office, see paragraph 3, sentence 1), even before the accused person's statement is known.

(7) Upon completion of the investigation, both the affected and the accused individuals will be informed of the outcome of the review promptly.

Section 7 Ombudsperson for Anti-Discrimination

The Anti-Discrimination Ombudsperson, appointed by the Rectorate, advises and supports the University's leadership, the Central Gender Equality Officer, and the Anti-Discrimination Office (AGG Complaints Office, see Section 6 paragraph 3, sentence 1) in assessing situations and taking appropriate action in cases of discrimination, harassment, and violence within the meaning of this directive.

Section 8 Measures

(1) The University of Bonn acknowledges its duty of care and protection towards affected individuals and takes appropriate protective measures with their consent. Within its legal and practical capacity, the University of Bonn ensures that no personal, study-related, or professional disadvantages arise for the affected individuals, their trusted persons, or other involved parties as a result of a complaint.

(2) Measures taken against the accused are intended to underscore the misconduct, prevent recurrence, and affirm that the University of Bonn does not tolerate discrimination, harassment, or violence. Measures are case-specific. Within the relevant legal framework and in consideration of its duty of care, the University may take the following actions:

For University employees:

- The supervisor or the relevant HR department conducts a formal meeting with the employee.

- The supervisor or the HR department issues a verbal or written reprimand and provides guidance.
- Issue a formal written warning.
- Initiate disciplinary proceedings (including any related investigative measures and, if necessary, temporary suspension).
- Reassign the employee to different duties.
- Place the employee on administrative leave.
- Terminate the employment without notice.
- Exclude the employee from access to University facilities.
- Impose a campus ban.

For students:

- Issue a reprimand.
- Threaten expulsion.
- Exclude the individual from access to University facilities.
- Exclude the individual from specific courses for up to one semester.
- Remove the individual from the register.
- Impose a campus ban, if necessary.

(3) If the misconduct constitutes a criminal offence, the University of Bonn reserves the right to file a criminal complaint after review.

(4) If an individual has been wrongly accused, the University of Bonn will take all possible measures to ensure that the individual does not suffer any negative consequences as a result.

(5) Abuse of the right to lodge a complaint will be subject to disciplinary action.

Section 9 Prevention

(1) The University of Bonn actively promotes prevention and expects all individuals subject to this directive to support this commitment. In particular, members of the University of Bonn with leadership, training, or supervisory responsibilities are expected to set an example and address any misconduct brought to their attention that falls under this directive. They must implement suitable measures within their area of responsibility to prevent any form of discrimination, harassment, or violence.

(2) The University of Bonn ensures that the directive is communicated throughout the University, especially during new employee inductions and student enrolment. Cooperation and contract partners are also informed and required to adhere to the directive.

(3) The University of Bonn provides training, awareness-raising, and continuing education opportunities on the topics of discrimination, harassment, and violence, including self-assertion and self-defence courses as well as empowerment seminars.

(4) Within its capabilities, the University of Bonn strives to create a respectful study and work environment and to establish spatial and technical conditions that prevent fear-inducing spaces and dangerous situations on campus. During office hours, in learning and teaching settings, as well as in work contexts, excursions, and other University events where individual contact between students and teaching staff or employees occurs, discrimination-sensitive and professional interactions must be observed.

Section 10 Evaluation

This directive and all procedures described within it are evaluated by the Rectorate in consultation with relevant offices every two years and adjusted as necessary.

Section 11 Publication

The directive will be published in the Official Announcements of the University of Bonn (Verkündungsblatt).

The Rector of the University of Bonn