

Guideline

for respect and protection of all university members against discrimination, harassment and violence

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Preamble

Technische Hochschule Ingolstadt (THI) is committed to equal and respectful cooperation between all members and employees at all functional levels. The aim of this policy is to prevent discrimination, harassment and disadvantage of any kind - whether based on ethnic origin, gender, religion, ideology, disability, age or sexual identity. This explicitly includes awareness-raising and protection against anti-Semitism.

The guideline is intended to raise awareness of discrimination, highlight preventative measures and regulate the handling of complaints. It calls on every member of the university to prevent discriminatory behaviour and to report incidents to the relevant authorities. Violations of this policy will be consistently pursued and constitute a breach of labour, service and university law obligations.

This is based on the General Equal Treatment Act (AGG) as amended.

§ 1 Scope of application

- (1) This guideline applies to all members of the university within the meaning of Art. 19 para. 1 sentences 1 and 3 of the Bavarian Higher Education Innovation Act (BayHIG).

Members of the Ingolstadt University of Applied Sciences are:

- Professors and retired professors
- Scientific staff
- Teachers for special tasks
- Other active civil servants and employees
- Students
- Lecturer
- Honorary professors
- Honorary senators

- (2) In particular, persons who are not covered by the General Equal Treatment Act (AGG), such as students and external doctoral candidates, are also included.
- (3) The guideline also applies to actions by members of THI that took place either on the university premises or outside the university grounds, provided that the event was an official university event or an caused by university-related functions.

§ 2 Definitions

- (1) Discrimination is a disadvantage if a person is treated less favourably on the basis of ethnic origin, gender, religion, ideology, disability, age or sexual identity without there being an objective reason justifying the unequal treatment.
- (2) Direct discrimination exists if a person is treated less favourably than another person in a comparable situation on the grounds specified in para. 1. Direct discrimination on grounds of gender also exists pursuant to Section 2 (1) nos. 1 to 4 AGG if a woman is treated less favourably due to pregnancy or maternity.
- (3) Indirect discrimination occurs when seemingly neutral regulations, criteria or procedures discriminate against persons on the basis of a ground referred to in paragraph 1, unless they are objectively justified, appropriate and necessary.
- (4) Harassment is discrimination if unwanted behaviour related to one of the grounds mentioned in paragraph 1 is aimed at or has the effect of violating the dignity of the person concerned and creates an environment characterised by intimidation, hostility, humiliation, degradation or insult.
- (5) Sexual harassment is considered discrimination within the meaning of Section 2 para. 1 nos. 1 to 4 AGG if it involves unwanted, sexually oriented behaviour. This unwanted sexual behaviour and requests for such behaviour, physical contact of a sexual nature, remarks with sexual content and the display or visible attachment of pornographic images. These behaviours violate the dignity of the person concerned, especially if they create an environment of intimidation, hostility, humiliation, degradation or insult.
- (6) Sexualised discrimination and sexualised violence at the place of study or work includes any gender-related behaviour that manifests itself in verbal, non-verbal or physical form and violates the dignity of employees or students.

These include:

- sexual acts and behaviour that are punishable under criminal law,
- other forms of sexualised behaviour, such as sexually degrading language, unwanted gestures and non-verbal comments with a sexual connotation, the verbal, pictorial or electronic presentation of pornographic or sexist content, unwanted advances or requests for unwanted sexualised acts, unwanted touching and intrusiveness, repeated unwanted stalking and coercion with a direct or indirect sexual background, inappropriate physical contact, sexualised physical assaults and sexually degrading touching.

- (7) Anti-Semitism is a certain perception of Jews that can be expressed as hatred towards Jews. Anti-Semitism is directed in word or deed against Jewish or non-Jewish individuals and/or their property as well as against Jewish community institutions or religious organisations. Examples of anti-Semitism include
- the spread of anti-Jewish stereotypes,
 - the demonisation of Jews or Jewish communities,
 - the promotion or dissemination of anti-Semitic conspiracy theories,
 - the denial or distortion of historical events, especially in the context of the Holocaust,
 - Defence against guilt or perpetrator-victim reversal,
 - Anti-Zionism when it attacks the state of Israel as a Jewish collective.

§ 3 Prohibition

The university prohibits any kind of discrimination, violence, harassment and disadvantage based on ethnic origin, gender, religion ideology, disability, age or sexual identity.

§ 4 Rights of appeal

Any member of THI who feels discriminated against or has experienced violence as a result of behaviour that violates boundaries is encouraged to complain and must not be disadvantaged or discriminated against for exercising this right to complain. The same applies to members of THI who have observed such incidents. Persons affected by discrimination, harassment and sexual harassment as well as sexualised violence and anti-Semitism are expressly encouraged not to accept their situation, but to take action against it. THI ensures that those affected do not suffer any disadvantages as a result of exercising their right to lodge a complaint.

§ 5 Responsibility

- (1) A complaints office in accordance with § 13 AGG will be set up within the university. This is responsible for complaints regarding violations of this guideline. It is also the complaints office within the meaning of § 13 para. 1 AGG and Art. 25 para. 2 sentence 1 BayHIG. The complaints office consists of at least two persons of different genders. Both persons can be contacted as representatives of the complaints office via the e-mail address beschwerdestelle@thi.de. They deal with the concerns of both university locations.
- (2) It provides constructive advice to those affected in dealing with any kind of discrimination at the university and informs them of their rights.
- (3) In addition, the complaints office must develop preventative measures to protect against discrimination, sexual harassment or sexualised violence as well as anti-discrimination and measures to raise awareness of these issues among the university public.

- (4) Those affected can use of the counselling service anonymously. The staff at the complaints centre are committed to neutrality and confidentiality.
- (5) If requested by the parties concerned and if the severity of the incident permits, the complaints office will conduct a moderated mediation meeting to resolve the conflict amicably.
- (6) The names of the persons concerned and the respondents may not be made public, but may only be disclosed to the criminal prosecution or disciplinary authorities within the framework of legal obligations. The respondent may only be informed of the names of the persons concerned if this is essential for a proper statement and defence. Otherwise, the persons concerned have an unrestricted right to anonymity. If their anonymity is to be preserved, the persons concerned may be represented by a person they trust.
- (7) The right of those affected to defend themselves against discrimination without the involvement of the university remains unaffected.
- (8) The complaints office carries out the formal complaints procedure in accordance with § 7.

§ 6 Counselling procedure and confidential support

- (1) THI appoints a contact person against discrimination, sexual harassment and sexualised violence, as well as anti-Semitism. This contact person informs affected persons about conflict resolution options. The contact persons against discrimination, against sexual harassment and sexualised violence and against anti-Semitism can be combined in one person (cf. § 5 para. 1).
- (2) The contact details of the relevant officers, including the ability to communicate confidentially, will be published clearly and accessibly on the University's website to ensure that all members of the University can reach them easily.
- (3) Victims and observers can approach people they trust and interest groups for support in counselling on options for action and protection, including the initiation of a complaints procedure. The contact persons offer affected persons information on protection and action options and provide support in deciding whether a complaint should be submitted. Corresponding recommendations for action can be found in the enclosed appendices.
- (4) THI offers all contact persons regular training programmes that should help them in their role as contact persons. This includes, in particular, knowledge about further (external) counselling centres and the basics of dealing with people affected by discrimination, sexual harassment and anti-Semitism.

§ 7 Complaints procedure

- (1) All persons falling within the scope of this Directive who

feel discriminated against, harassed or affected in a sexual or anti-Semitic way by other members and members of the university have the right to lodge a formal complaint with the Complaints Office, which will initiate the formal complaints procedure.

- (2) The complaint must be submitted to the complaints office in text form and must describe the event that is perceived as disadvantageous and discriminatory.
- (3) Witnesses and evidence - if available - should be named. In addition, it must be stated who has already been informed about the complaint, what measures have already been initiated and with whom discussions have been held.
- (4) The complaints office will the person making the complaint about their rights, obligations and the further procedure. There is no entitlement to anonymous handling of the complaint. Submitting a complaint does not extend the two-month deadline for filing a complaint in accordance with Section 15 (4) AGG. The complainant is also referred to external support services offered by interest groups and counselling centres. In individual cases, it must be examined whether and to what extent preliminary measures should be taken to protect the person concerned.
- (5) The complaints office can those responsible from the areas concerned, in particular superiors, in the further procedure. This applies in particular if immediate measures are required to prevent violence, discrimination and disadvantages.
- (6) The complaints office shall request the respondent to respond to the complaint in writing within a set period of time. This period should not exceed two weeks. To this end, the complaints office will inform the respondent of the main content of the complaint. On this basis, the complaints office will then conduct a personal interview with the respondent in a timely manner. The line manager may be invited to the interview. The invitation to the hearing will be issued in writing. At the request of the respondent, a person they trust may attend the interview.
- (7) The complaints office interviews witnesses separately and checks the evidence if known. If desired, the interviewees can accompanied by any THI confidential counsellor. The right to consult a legal adviser remains unaffected. All oral interviews, statements and discussions are recorded and signed by the participants.
- (8) If the investigation of the facts does not provide sufficient evidence of discrimination, sexual harassment or anti-Semitic behaviour, the proceedings will be discontinued. Nevertheless, it is possible to take measures to resolve the conflict.
- (9) The complaints office draws up a final report based on its investigation of the facts of the case with the results of the investigation and a proposal for further action. This may also contain proposals for measures that are not related to labour or employment law. These include, in particular, proposals for mediation and preventative training. The complaints office informs both parties of the outcome of the discussions and the respective examinations.

- (10) The final report is sent to the Human Resources and Organisation Service and the Legal Department for further processing. The Human Resources and Organisation Service and the Legal Department examine the final report, prepare a statement on it, which should also comment on or propose sanctions, and forward the case to the respective superior (President or Chancellor) for a decision.
- (11) The respective superior (President or Chancellor) makes the final decision on the complaint. The person making the complaint will be informed of this in writing by the complaints office. The decision must be substantiated.
- (12) In the event of behaviour that to be classified as discrimination or harassment, the President or Chancellor shall decide on appropriate, necessary and proportionate measures. These should include measures within the scope of the duty to intervene against the persons who have misbehaved, as well as measures to eliminate the discrimination, insofar as this is possible, appropriate and necessary. Furthermore, as part of the duty to prevent, measures should be taken insofar as this is possible, appropriate and necessary in order to avoid similar offences in the future.
- (13) If the person making the complaint withdraws the complaint during the ongoing complaint procedure, this will result in the complaint procedure being discontinued.

§ 8 Measures and sanctions

- (1) If an employee of THI is disadvantaged by functionaries or bodies of the university, they can assert claims for compensation and damages in accordance with Section 15 (1) AGG.
- (2) Depending on the severity of the individual case and taking into account the protection needs of the persons concerned, the university management has the option of organising a personal meeting between the persons involved or a meeting between the supervisor or one of the persons responsible within the university and the respondent as an informal measure.
- (3) Depending on the position of the complainant under labour, service or university law, the following steps in particular may be considered as formal measures with the involvement of the university management:
 - a. Conducting a formal appraisal interview,
 - b. oral or written instruction,
 - c. written warning,
 - d. Transfer to another workplace within or outside the university,
 - e. Exclusion from a course,
 - f. De-registration,
 - g. House ban,
 - h. Exclusion from the use of university facilities,

- i. Termination of employment with or without notice or initiation of disciplinary proceedings,
 - j. Criminal complaint by the university management.
- (4) This list does not claim to be exhaustive. The requirements and procedures of the individual sanctions are governed in detail by the relevant provisions.
- (5) The prosecution of criminally relevant behaviour is the sole responsibility of the state prosecution authorities.
- (6) If the results of the investigation do not provide sufficient factual evidence of the existence of disadvantage, harassment, discrimination and/or violence, the university management will discontinue the procedure internally.
- (7) If the allegation of disadvantage, harassment, discrimination and/or violence proves to be unjustified, care must be taken to ensure that the wrongly accused respondent suffers no further disadvantages.
- (8) If measures are to be taken in connection with the complaint, in particular if personnel and transfer measures are considered, it must be ensured that the person making the complaint does not suffer any disadvantages. If there is an urgent suspicion of disadvantage, harassment, discrimination and/or violence, the head of the organisational unit must that the university management takes provisional measures to protect the person concerned.
- (9) If a claim is made against the university due to disadvantage, discrimination or the use of violence, it can claim compensation from the complainant ner within the framework of the statutory provisions due to the breach of contractual or official and university law obligations.
- (10) THI has an obligation to protect its members from disadvantage, discrimination, violence or harassment, including of a sexual nature, as well as anti-Semitism at the workplace and place of study, and to raise awareness of this, as well as to promote effective equality and take preventive measures in this context, in particular:
 - Raising awareness of the problems of disadvantage, discrimination, violence and harassment in the workplace and at university.
 - Building skills in dealing with sexualised discrimination and sexualised violence.
 - Commitment to dealing with sexualised discrimination and sexualised violence as a management task.
 - Building skills to combat anti-Semitism.
 - Provision of information material on dealing with disadvantage, discrimination, violence and harassment at regular intervals.
 - Further training for the complaints office referred to in § 5, insofar as this imparts knowledge that is necessary for the activity.

- Further training and other measures to prevent disadvantage, discrimination, violence and harassment for managers, employees and students (information on the legal situation, complaint options and sanctions).
- The establishment of a permanent working group to discuss equal treatment and anti-discrimination at THI.

§ 9 Data protection

The members of the counselling and complaints centres maintain strict confidentiality with regard to the personal data in accordance with Art. 4, 5 of the General Data Protection Regulation (GDPR) to which they gain access or knowledge in the course of their work. The processing of personal data is carried out compliance with all data protection regulations in order to ensure the protection of all data subjects.

§ 10 Entry into force

- (1) The Directive shall enter into force on the day of its publication.
- (2) Future members of the university will be informed of this guideline in an appropriate form when they are hired, take up office or begin their studies.

Ingolstadt, 01.12.2024

signed.

Prof Dr Walter Schober

President

Christian Müller

Chancellor

Attachments

Appendix 1: Measures taken by the data subject

Transgressive behaviour is not to be tolerated by the persons concerned. People who have experienced transgressive behaviour are encouraged to report it and make a complaint.

Possible measures of the person concerned are

- Documentation of all incidents with date, time, place, type of disadvantage, discrimination, use of violence and/or harassment.
- Inform the perpetrator of the transgressive behaviour about the undesirability of the behaviour and draw attention to possible consequences.
- Speak to a person of trust and/or functional contact person (complaints stelle@thi.de).
- Complaint to the supervisor of the perpetrator. In the case of disadvantageous, discriminatory, violent or harassing students, the complaint should be addressed to the Dean of the Faculty.
- The data subject has the right to lodge a complaint with the competent offices of THI. The data subject may also do so by involving a trusted third party in order to preserve their anonymity.
- The person receiving the complaint will consult and discuss the next steps with the person concerned. All information will be treated confidentially. The person making the complaint has the right to be informed about the status of the procedure.
- The person concerned has the option of filing a criminal complaint with the competent authorities.

Appendix 2: Orientation guide

Behaviour in the event of discrimination, harassment, violence or bullying

Help for those affected

Those affected to trivialise what has happened or avoid the people who are harassing or discriminating against them. However, this does not solve the problems, it only postpones them. Those affected should therefore take action and make use of their right to complain:

- Make it clear that discriminatory or sexual comments, glances and advances are to be refrained from immediately. Tell that you will lodge a complaint (in the event of a repeat offence) and that this may have consequences under employment law, labour law, university law or even criminal law.
- Make a note of the incident with the date, name, location and possible witnesses.
- Save any evidence.
- In the event of stalking: Block your telephone numbers for the perpetrator and cancel the contact.
- Get in touch with counsellors or internal university contacts. You can discuss further measures with them.
- If necessary, seek legal advice outside the universities.
- In the event of massive harassment or threats of violence, call the police.

Tips for trusted persons

- If those affected contact you, confidentiality must be maintained above all.
- Encourage the person concerned to deal with the problem proactively and seek further support if necessary.
- Think together about which people, institutions or counselling centres can help.
- Discuss the further procedure and clarify the possible steps to be taken.

Tips for supervisors and teachers

- Take responsibility for ensuring that the dignity of all employees and students is respected in your area of work and that sexual harassment, discrimination, bullying or violence do not occur.
- Create the conditions for a respectful working environment and learning environment and take action in good time before a situation escalates.
- Take advantage of the opportunity to receive confidential counselling, e.g. to run through and weigh up different options for action. If you require further training, please contact the SRPE department.

- The university's central contact persons will be happy to support you in acute individual cases.

Tips for witnesses

- If you have witnessed sexual harassment, discrimination, bullying or violence, make a note of the time, place, people and circumstances of the incident.
- Offer the person concerned your help and assure them of your discretion.
- Support the person concerned and make it clear that you find the observed behaviour inappropriate.
- Contact a trusted person alone or together.