

# Amtliche Mitteilungen

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### **Guidelines for Respectful Conduct at The University of Siegen**

Dated 26 October 2020

The translations provide a service to international students, researchers and staff.  
The legally binding versions of the notifications are available in German only.

Issued by:  
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**Guidelines  
for  
Respectful Conduct at  
The University of Siegen**

Dated 26 October 2020

In accordance with §§ 2(4.1) and 22(1.3) of the Higher Education Act for the State of North Rhine-Westphalia (*Hochschulgesetz*, HG) dated 16 September 2014 (GV. NRW. p. 547), last amended by legislation on 14 April 2020 (GV. NRW. p. 218b), in conjunction with §§ 12 (5, 13.1) of the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*, AGG) dated 14 August 2006 (BGBl. I p.1897), last amended by Article 8 of the law on 3 April 2013 (BGBl. I p. 610), the University of Siegen has issued the following regulations:

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## **Preamble**

The University of Siegen rejects violence and the threat of violence in all forms, regardless of whether this occurs verbally or physically. The university tolerates no discrimination, bullying, stalking, or sexual harassment. As befits its motto of "Shaping a Humane Future," the University of Siegen endeavors to promote a culture of mutual esteem and respect at our institution. This includes a nurturing of sensitivity to problematic situations and encouraging those involved to take action in difficult situations.

The following guidelines are intended to promote fair and respectful interactions, shaped by mutual esteem and tolerance. Discrimination, bullying, stalking, and sexual harassment are an affront to human dignity and every individual's right to personal preferences. Furthermore, they have a negative impact on the working and learning environment, diminishing the effectiveness of that work and learning, degrading the educational processes, and threatening the general atmosphere of trust and collegiality. The University administration and persons with managerial responsibilities bear a particular responsibility to establish an environment in which all members and affiliates of the University of Siegen community can work, learn, teach, and research effectively and positively.

## **§ 1**

### **Scope**

These guidelines apply for all members and affiliates of the University of Siegen community pursuant to § 9 HG NRW, including all employees within the meaning of § 6 AGG.

They apply on all campus grounds and facilities, as well as during all events organized by the University of Siegen, and thus apply to all persons present in the premises, including digital spaces, and other properties of the University of Siegen.

## **§ 2**

### **Definition of Terms**

#### **(1) Discrimination**

"Discrimination" is defined as a person receiving different treatment, in the past, present or in a hypothetical future, on the basis of their ethnic heritage or racist attributions, their gender, religion or world view, disability, chronic illness, age, or sexual identity compared with how another a person in a similar situation would have been treated. This covers both verbal and non-verbal communication.

#### **(2) Bullying**

"Bullying" is defined as the systematic assumption of a hostile position, harassment, and discrimination of employees by one another, by supervisors, or between individual members of a learning and teaching community. "Bossing" is considered a subset of bullying. The perpetrator in this case is a supervisor who harasses their subordinates. "Staffing," by contrast, involves harassment from employees toward their supervisors.

#### **(3) Stalking**

"Stalking" is characterized by one person pursuing another person in an unauthorized manner such that the victim's ability to live freely is severely degraded by the perpetrator's persistent attempts to be in the physical vicinity of the victim. This can include: the use of telecommunication or other communication tools, or the attempt to establish contact through third parties; the misuse of the victim's personal data to order of goods or services for the victim or arranging for third parties to do so; the assumption of contact with the victim; or the threatening of injury to their life, person, or liberty, or the same to their relatives or friends, or comparable actions.

#### **(4) Sexual Harassment**

"Sexual harassment" (which here covers any form of sexualized violence) involves unsolicited behavior of a sexual nature, including unsolicited sexual acts or requests, physical contact of a sexual nature, comments with a sexual content, and/or unsolicited showing or visible application of pornographic depictions that, intended or unintended, harms the dignity of the affected person, especially where this creates an environment of intimidation, hostility, denigration, debasement, or insult.

### **§ 3**

#### **Obligations of the Workplace**

The University of Siegen deplores any and all forms of discrimination, bullying, stalking, and sexual harassment in its working and learning environments.

Using the means at its disposal, it works proactively to protect the members and affiliates of the University community by preventing these behaviors. Persons with teaching, training, managerial, or executive duties bear a special responsibility to act in accordance with these guidelines. Violations against these guidelines are subject to sanction.

### **§ 4**

#### **Rights of the Affected Parties**

Persons who feel themselves to be discriminated, bullied, stalked, or sexually harassed have the right to defend themselves against this behavior. They can seek counseling or submit a complaint. They can also seek support at any time from a person of their confidence.

### **§ 5**

#### **Counseling Offerings**

Conflict situations should whenever possible first be resolved directly between the involved parties. To support with this process, the involved parties can draw on the support of confidential advice from internal counseling offices and/or a person of their confidence (informal process). It is not necessary to hold to the normal chain of command in this situation. By request of the affected person, this informal process can be abandoned at any time.

Within the University of Siegen, concerned parties can also contact the following support offices and contact persons for counseling and support:

- Equal Opportunities Officer
- Staff Councils (WPR and PR MTV)
- Psychosocial Care Providers
- Supervisor or HR Department
- Unit Heads or Executive Managers
- Representative Body for Disabled Employees
- Representative Body for Underage Employees and Trainees
- AStA
- Departmental or Faculty Student Representative Committee

Beyond this, all involved parties are also free to take advantage of other internal or external consultation options.

### **§ 6**

#### **Complaint Process**

Should a direct solution between the involved parties prove untenable, then they have the right to submit their complaint to a relevant complaint resolution body (formal procedure):

1. Complaints can be submitted by affected members and affiliates of the university community pursuant to § 9 HG NRW, including employees pursuant to § 6 AGG.
2. Complaints can be submitted to the following persons or entities:
  - Rector
  - Chancellor
  - Head of HR, insofar as the behavior in question was performed by an employee (complaint resolution body pursuant to § 13(1) AGG)
  - Head of Legal and Academic Affairs, insofar as the behavior in question was performed by a student (complaint resolution body pursuant to § 13(1) AGG)
3. The complaint is to be submitted in writing to the respective complaint resolution body and should contain the following information:
  - Description of the behavior in question
  - Information about other offices that have been informed about the incident
  - Information about which measures have already been implemented
4. The complaint resolution body will review the complaint without delay. Other offices will be involved to clarify the facts of the case or support the complaint resolution body. This relates in particular to the consulting offices and persons denoted in § 5; the complainant will be informed about the widened circle of involved bodies.
5. Once the review of the complaint is complete, the relevant complaint resolution body will inform the complainant, generally within two weeks, in writing about its findings.
6. Insofar as remedial measures cannot be conducted within 4 weeks, the complainant will be issued an interim report including information on the expected date of completion.
7. Persons who use counseling services and/or have contacted a complaint resolution body must not suffer disadvantages due to this.

## **§ 7**

### **Sanctions**

1. Students who violate these guidelines are subject to the following potential consequences as enumerated in § 51a HG NRW:
  - Official notification
  - Official warning
  - Official reprimand
  - Ban from university premises
  - Threat of termination of registration
  - Exclusion from participation in individual courses for up to one semester
  - Exclusion from use of university facilities
  - Termination of registration
2. Employees who violate these guidelines are subject to the following consequences in particular:
  - Formal notification meeting
  - Oral or written notification
  - Written warning

- Written final warning
- Reassignment to a different working area
- Termination
- Ban from university premises
- Disciplinary process (for civil servants)

If the relevant actions involve the leveraging of dependent relationships and/or fall within the context of a supervisory obligation, then such circumstances will be considered as aggravating factors. Potential criminal legal consequences are unaffected by the aforementioned consequences.

## **§ 8**

### **Confidentiality and Data Privacy**

All persons involved in the process are obligated to confidentiality and must prevent any disclosure of personal data. The disclosure of person data to third parties may only be made in consultation with the affected party and only in a scope and time frame as required to full one's duties.

## **§ 9**

### **Preventative Measures**

To encourage sensitivity on this issue, suitable continuing education sessions, informational events and in-house seminars will be offered on the topics of handling discrimination, bullying, stalking, and sexual harassment. These offerings are oriented in particular toward the counselors at the counseling and complaint resolution bodies, who also have the option of seeking anonymous advice from their colleagues.

## **§ 10**

### **Implementation and Public Notice**

These guidelines will be published in the "*Amtliche Mitteilungen der Universität Siegen*" and other appropriate channels at the University of Siegen.

## **§ 11**

### **Entry into Effect**

These guidelines go into effect on the day after their publication in the *Amtliche Mitteilungen* of the University of Siegen.

It contains elements ratified by the Senate on 19 August 2020.

Siegen, 26 October 2020

Rector

signed

(University Professor Dr. Holger Burckhart)