

## Guidelines for dealing with sexual harassment

### I. Preamble

The Executive Board, Works Council and Undergraduate Student Government/Graduate Student Association are agreed that sexual assault and harassment constitute a significant impairment of the victim, the victim's personal rights, right to sexual self-determination, employment contract and/or the right to study undisturbed. Moreover, sexual harassment disrupts work flows, impairs the quality of work and study results as well as the work and study atmosphere. It prevents the victims from making use of their capabilities and from performing their professional work and tasks meaningfully, effectively and in good quality.

Supplementary to the provisions of the General Equal Opportunities Act (AGG) and other relevant legislation which applies to students at CU, these guidelines are intended to help prevent acts of sexual harassment or respectively to clarify and penalise any such incidents by

- encouraging the victims to file a complaint,
- settling clear limits for (potential) perpetrators and clearly stating the possible consequences,
- creating an atmosphere which allows everyone on campus to work and study without fear and without intimidation.

### I. Validity

These guidelines apply to all employees and students at CU. They also apply to external persons who are essentially integrated into the company, such as interns, visiting academics, guest students, training course attendees, PhD candidates, scholarship holders, external teaching staff and adjunct professors, even if not explicitly referred to below.

These guidelines apply throughout the entire premises of CU. They also apply during business trips and university events.

## II. Definition of terms

1. Within the meaning of these guidelines, “parties” or “parties concerned” refers to the accused and the alleged victim.

2. Sexual harassment within the meaning of these guidelines refers to all sexually coloured, unwelcome, verbal and/or non-verbal behaviour which is intended to or which causes the victim to feel intimidated, subject to hostility, humiliated, offended or de-graded.

3. In accordance with this definition, the following acts in particular which are unwelcome by the victim are deemed to be sexual harassment:

- intrusive or offensive sexual comments or jokes,
- requests to commit sexual acts,
- inappropriate invitations to a date or meeting,
- suggestive looks and gestures, permanent staring,
- indecent exposure,
- groping,
- patting, stroking, pinching, embracing or kissing which is inappropriate in the given context or repeated physical advances into the victim’s intimacy zone, i.e. at a distance of less than 50 cm,
- verbal gaffes,
- unwelcome behaviour which crosses accepted borders,
- unwelcome pet names,
- whistling after a person,
- unwelcome advances by letter, mail and/or other electronic media,
- showing or sending text and/or pictures with pornographic or sexual contents.

4. An incident of sexual harassment is deemed particularly severe in situations where there is a dependent relationship between the parties concerned and/or if the victim is promised a reward for tolerating the act or threatened with a penalty for failure to tolerate the act.

### III. Bodies

The guidelines provide for two bodies to deal with incidents of sexual harassment:

#### 1. Ombudsperson

CU shall appoint four ombudspersons who can be contacted by victims of sexual harassment. At least one of these four ombudspersons shall be female, one male and at least one shall be an external party who is not connected with CU.

The ombudspersons shall be appointed as follows:

- one ombudsperson is appointed by the Undergraduate Student Government/Graduate Student Association
- one ombudsperson is appointed by the Works Council
- one ombudsperson is appointed by the Executive Board
- one external party is appointed by the Works Council and the Executive Board

#### 2. Complaints Board

A Complaints Board will be established; this shall consist of the Head of Security & Safety and three members which are appointed respectively by the Executive Board, the Works Council and the Undergraduate Student Government/Graduate Student Association. The composition of the Complaints Board shall correspond to that of the internal ombudspersons. If the complaint refers to a member of the Complaints Board, the member concerned shall not participate in the decision-making process. In that case, the party which appointed that member shall appoint a substitute member.

3. The members of the above bodies are obliged to treat all matters as strictly confidential. They are not obliged to follow instructions when performing their duties. The University shall ensure that the members of the above bodies receive appropriate training which enables them to perform their duties; further details are stipulated in the Implementing Regulations. The members of the above bodies shall not suffer any disadvantages because of their duties as members of these bodies.

4. If the complaint refers to a member of one of the bodies, the member concerned shall be excluded from all further duties as a member of the body.

## IV. Reporting suspected incidents

Each employee and/or student at CU has the right to contact an ombudsperson if he suspects an incident of sexual harassment. It makes no difference whether the reporting person is the victim or a third party who has otherwise become aware of an incident.

## V. Procedures

1. The procedure for clarifying a suspected incident of sexual harassment involves the following steps:

- Reporting the incident to one of the ombudspersons
- Informing the Head of Security & Safety of the facts and circumstances
- The ombudsperson takes statements from the parties involved, prepares a written summary of the facts and circumstances and then reports to the Complaints Board
- The Complaints Board decides.

When conducting the above procedure, it should be borne in mind that the matter could affect certain rights under civil law, employment law and/or criminal law and that certain periods of time may have to be observed for claiming these rights. All parties must be informed of this from the beginning. All the investigating parties are therefore called upon to conduct the procedure as quickly as possible. In particular it must be noted that sexual harassment can constitute grounds for summary dismissal; pursuant to Section 626 German Civil Code, the employer is obliged to give notice of summary dismissal within two weeks of being informed of the cause for dismissal.

In cases in which there are grounds for taking legal action against the perpetrator, the Complaints Board shall explicitly advise the victim of this option. The option of reporting the offence to the prosecuting authority remains open at all stages of the procedure (also after completion of the procedure) if the victim decides to do so.

The internal university procedure shall be discontinued at any time at the request of the potential victim. It shall be ensured that the reporting party does not suffer any discrimination at work or any other disadvantages.

The accused shall be presumed innocent until found guilty. The procedure must be therefore conducted in strict confidentiality and everything which could potentially lead to premature condemnation of the accused must be omitted. In the event of false

accusations, it shall be ensured that the accused does not suffer any discrimination at work or any other disadvantages.

2. After a suspected incident has been reported, the ombudsperson shall give the accused (and also the victim if the incident was reported by a third party) the opportunity to state his case. This can be done either in writing or orally.

In suitable cases, the ombudsperson shall invite the parties concerned to attend a meeting and shall endeavour to find a mutually acceptable solution.

On request, the parties concerned have the right to be accompanied by a person of their choice (and also by a lawyer if necessary).

After receiving the statement and holding the meeting (if appropriate in the case concerned), the ombudsperson shall prepare a report. The parties shall be informed about the report. The report shall be archived in the files of the Complaints Board, separately from the personnel/student file, for a period of three years as from the end of the year in which it is prepared and subsequently destroyed by a member of the Complaints Board. Only the author of the report and the Head of Security & Safety shall have access to the report. A record shall be kept of all access and/or any amendments to the report. The parties concerned shall be entitled to inspect the report at any time. Both parties shall also receive a copy of the report.

3. In cases where one of the parties rejects a meeting or no mutually acceptable solution can be found, the ombudsperson shall submit his report, together with a proposed solution, to the Complaints Board as the next-higher stage. Both parties shall be entitled to file an objection with the Complaints Board if necessary.

4. The Complaints Board then discusses the case on the basis of the report and can hear the parties and/or witnesses if necessary. The Complaints Board rules on the case. Both parties shall receive a report from the Complaints Board in which it states the reasons for its decision.

## VI. Penalties

1. If the Complaints Board comes to the conclusion that a case of sexual harassment is given, it shall initiate suitable steps which are intended to demonstrate that such conduct is not tolerated at CU. These steps are also intended to help prevent similar incidents in future and show the victims that they need not tolerate sexual harassment.

2. There is a distinction between the measures which apply to employees and those which apply to students.

Employees may be faced with consequences under employment law (such as an entry in their personnel file, a letter of caution, transfer within the place of work, transfer to a different place of work, revocation of the teaching post, withdrawal of staff responsibility or dismissal).

Students and training course attendees may suffer negative consequences for their residential and living situation on campus or for their student or training contract.

These measures can include, in particular:

- Entry in the student's file,
- Disqualification from a study or training course
- Revocation of the right to use computer facilities,
- Ban on entering the colleges and/or the leisure facilities on campus,
- Termination of the lease agreement or student contract.

## VII. Prevention

1. Suitable preventive measures are intended on the one hand to encourage potential victims to reject unwelcome advances, to set clear limits and, in case of doubt, to initiate a complaints procedure. On the other hand, these measures are intended to give (potential) perpetrators a sense of the kind of behaviour that can be perceived as sexual harassment and how to recognise rejection, even if the rejection is not stated verbally. As a general rule, the atmosphere at CU should be one which does not permit sexual harassment to occur in the first place.

2. The following preventive measures are obligatory:

- Each employee and each student who enrolls after these Guidelines have entered into force shall receive and sign a copy of the "Consent to a university without sexual harassment or violence".
- Information brochures on this subject (e.g. from the Federal Anti-Discrimination Agency) shall be made available in suitable places.
- An in-house training curriculum shall be extended to include the subject "Sexual harassment at the workplace". Employees shall be informed about further training courses on this subject at regular intervals.

3. The following additional measures could also be considered:

- Organisation of in-house training sessions
- Organising a themed week on this subject with appropriate keynote lectures
- A questionnaire on the subject of sexual harassment can be used to determine the extent to which employees and students are affected by this topic.

## VIII. Entry into force

The guidelines for dealing with sexual harassment at Constructor University Bremen shall enter into force on display of the guidelines and relevant implementing regulations. The implementing regulations shall be resolved jointly by the Executive Board and the Works Council.

Bremen, October 2019