



**Directive concerning sexualised discrimination  
and sexual violence  
at the  
EBS Universität für Wirtschaft und Recht**

**Issued by resolution of the Senate of the  
EBS Universität für Wirtschaft und Recht  
(hereinafter referred to as „EBS“)**

**on 7 May 2019**

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## Preamble

The EBS shall ensure within its scope of competence that the personal rights of individuals are respected and preserved. Sexualised discrimination and sexual violence constitute a violation of personal rights and a massive disruption to university operations.

With this Directive, EBS stipulates a procedure that must be followed if the principles formulated here are violated. The Directive is also intended to promote an environment of mutual respect and recognition between all members of the University.

## §1 Scope of application

This Directive shall apply to all members<sup>1</sup> of the EBS.

In this context, members are full-time or part-time employees working at EBS, external lecturers, other lecturers and within the framework of any other contractual relationship with EBS, students and doctoral students registered at the University.

This Directive also applies to anyone contractual partner or guest of EBS.

## § 2 Principles

1. EBS attaches great importance to trustful cooperation between all those working at EBS and to a good atmosphere for work and study.
2. The EBS shall not tolerate sexual violence or gender discrimination or assault in its areas of activity.
3. EBS shall promote cooperation on equal terms between all sexes at all levels of study, teaching, research and administration.
4. All persons referred to in § 1 shall subscribe to and implement the principles of the EBS. The members of the EBS, in particular, who have a leadership function, serve as role models and are responsible for ensuring that there will not be any kind of sexual harassment and that this is considered and treated as an infringement of rights.

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<sup>1</sup> Where, for reasons of legibility in the text, the masculine form has been chosen for designations of persons and functions, the chosen designations apply to both genders.

### § 3 Forms of sexualised discrimination and sexual violence

1. In accordance with this Directive, conduct and behaviour shall be considered sexualised discrimination and sexual violence which are generally perceived as sexually degrading, offensive or coercive and which violate the dignity of EBS members in accordance with § 1, in particular by creating an intimidating, hostile, degrading, offensive or humiliating environment.
2. Sexualised discrimination and sexual violence in the workplace and at university may take the form of gender-related behaviour expressed in verbal, non-verbal, physical or symbolic form, which overlap in practice.

In particular, these include:

- sexual acts and conduct which are punishable under criminal law, and
  - sexual acts and unsolicited invitation to these,
  - sexually offensive language,
  - gestures and other non-verbal communication with sexual reference,
  - verbal, visual or electronic presentation of pornographic or sexist representations,
  - remarks or jokes with sexual reference about people, their body, their behaviour or their intimate private life,
  - sexually degrading touching and intrusiveness as well as physical assaults,
  - pestering by persistently seeking physical proximity or constantly establishing contact, including misuse of personal data outside the official call of duty,
  - unsolicited stalking and coercion in a (also indirect) sexual setting,
  - inappropriate and unsolicited physical contact.
3. Sexualised discrimination and assault by exploiting relationships of dependence in the workplace or during studies, under threat of personal, work- and study-related detriment or under promise of advantages are considered particularly serious.

## § 4 Advice and complaint procedures

1. Persons affected are asked not to tolerate sexualised discrimination and assault.
2. The persons concerned have the right and are encouraged to complain to the competent authorities at EBS if they feel sexually harassed in the terms of § 3.
3. Those responsible are:
  - University Management
  - Deans
  - Executive staff
  - Ombudsperson or Diversity Officer
  - Works Council
  - Student representatives
4. All consultations will be treated confidentially. Counselling principles are: anonymity, voluntariness, (professional) independency, professionalism and neutrality. The counselling interviews are offered and conducted in particular by staff members of "Coaching at EBS".
5. The parties called upon shall examine the complaint and take appropriate measures to prevent harassment continuing. If the party called upon is not in a position to take the appropriate measures mentioned above, this party is obliged to report the incident (if possible, with the consent of the person concerned) to the next competent party within the University.
6. It must be ensured that the measures taken do not result in any personal, professional or study-related disadvantages for the person lodging the complaint.
7. Those affected should also demand support from those present, employees and/or managers. In acute cases, those affected should contact the police directly.
8. The right of those affected to protect themselves against sexualised discrimination and violence without the participation of University contact persons alone or together with trusted third parties remains fundamentally unaffected.
9. Persons affected also have the possibility to pursue their rights and interests in civil and criminal law. Possible measures include, for instance, restraining orders and injunctions, compensation for damages for pain and suffering, fines right up to imprisonment in accordance with the legal regulations.

## § 5 Measures and sanctions

1. If a competent authority under § 4 No. 3 becomes aware of the suspicion of sexual harassment or discrimination, it may take the following measures depending on the conditions and severity of the individual case:
  - Consultation between a person from the competent authority and the person concerned.
  - Personal discussion between the affected person and the person accused of sexual harassment in the presence of a person from the competent authority.
  - Personal interview between the manager of the person concerned or a person from the competent authority and the person accused of sexual harassment, with reference to the incident.
2. If steps referred to in § 5 No. 1 are unsuccessful or do not appear to be sufficient or appropriate in light of the severity of the incident, in particular the following measures will be taken, depending on each individual case, with the involvement of the university management, taking legal provisions into account:

*With respect to students and doctoral candidates:*

- Oral or written admonition
- Exclusion from lectures
- Exclusion from the use of university facilities and/or, if applicable, exclusion from the EBS Students' Association
- Ban on entering the university premises
- Exmatriculation after terminating the student contract

*With respect to EBS employees:*

- Conducting a formal interview
- Oral or written admonition/warning
- Written cease-and-desist warning
- Transfer to another workplace within EBS
- Ordinary or extraordinary notice of termination
- Exclusion from the use of university facilities
- Ban on entering the university premises

*In respect of other persons referred to in § 1 sentence 3:*

- Ban on entering the university premises
- Ordinary or extraordinary notice of termination of the contractual relationship

## **§ 6 Prevention**

1. EBS has an obligation to protect its members from sexual harassment at work and during studies.
2. EBS expects all persons associated with the university to be sensitive to the issue of gender equality and to the problem of sexualised discrimination and sexual violence at work and at university.
3. In this context, the EBS shall also take preventive measures, in particular through training courses or other measures to prevent sexual harassment (e.g. information on the legal situation, possibilities for complaints, sanctions, as well as through EBS internal and external contact persons and advisory centres).

## **§ 7 Entry into force**

This guideline shall take effect upon its publication.