

Guidelines for dealing with sexualised discrimination, harassment and violence

Preamble

Osnabrück Student Services seeks to ensure that all Student Services staff and all users of Student Services facilities cooperate in a spirit of equality, respect, trust and non-discrimination. It is committed to providing effective protection against sexualised discrimination, sexual harassment and sexual violence in all its organisational units.

We are committed to the values enshrined in the Lower Saxony Equal Opportunities Act (NGG), and aim to create and maintain the conditions that enable the enforcement of gender equality and the elimination of existing disadvantages. It sees itself as a place where all individuals treat each other with respect and appreciation.

1. Principles

(1) Sexualised discrimination, sexual harassment and sexual violence are prohibited on the premises of Student Services.

(2) Student Services seeks to ensure that the right to sexual self-determination is respected within its area of responsibility and that personality rights under the German Basic Law (GG) are protected.

Intimidating, stressful and degrading behaviour will not be tolerated in Student Services facilities.

(3) Student Services raises awareness among staff of the problems associated with sexualised discrimination, harassment and violence. Violations of personality rights and of the right to sexual self-determination are considered serious (health) impairments and a gross interference with personality rights.

Those affected should be encouraged not to put up with sexualised discrimination, harassment and violence, but to clearly spell out their rejection of such behaviour and to actively oppose it.

2. Scope of Application

(1) These guidelines, together with the organisation's Anti-Discrimination Policy, apply to all Student Services staff in the course of their official duties.

(2) These guidelines also apply to all users of Student Services facilities.

3. Definitions

(1) For the purpose of these guidelines, sexualised discrimination, harassment and violence is

- unwanted conduct or behaviour of a sexual nature which is intended to, or has the effect of, violating the dignity of the person affected
- when an intimidating, hostile, humiliating, degrading or offensive environment is created.

(2) There are many forms of sexualised discrimination, harassment and violence. It can occur verbally, non-verbally or in the form of physical assault, in particular:

- Sexual comments, such as using sexually derogatory language and making sexually derogatory gestures
- Degrading comments or jokes about people, their bodies, their sexual orientation or their intimate private lives that are placed in a sexual context
- The unwanted showing and public exhibition of obscene, sexually degrading or pornographic images in Student Services facilities, e.g. in the form of graffiti.
- The verbal, visual or electronic presentation, including the copying, application or use of digital media and websites on computer systems
- Unwanted sexual acts and requests to carry out sexual acts, in particular physical contact of a sexual nature
- The creation and exploitation of situations that are intended to, or have the effect of, engendering behaviour of a sexual nature
- Incitement to sexualised or sexual behaviour or acts
- Sexually motivated stalking and coercion (also of an indirect nature)
- Physical assault
- Rape

(3) The exploitation of relationships of dependency and the threat of personal or professional disadvantages or the promise of advantages constitute a particularly serious form of sexualised discrimination, harassment and violence.

4. Organisational Duties of Student Services

Student Services raises awareness and informs all staff by publicising these guidelines

(1) Student Services supports measures and initiatives aimed at tackling sexualised discrimination, harassment and violence in the area served by Student Services.

(2) Student Services ensures that complaints about incidents of sexualised discrimination, harassment and violence are followed up.

(3) Student Services will, within its financial capacity, take the necessary measures to prevent, identify and, with reasonable effort, eliminate or reduce sources of risk of sexual discrimination, harassment and violence in its facilities and buildings.

(4) Due to their duty of care, the heads of organisational units are responsible for ensuring that sexualised discrimination, harassment and violence do not occur in their area of work and/or that such behaviour is stopped, where applicable.

(5) Individuals who fail to comply with these guidelines may be excluded from the use of Student Services facilities.

5. Complaints Procedure

(1) The following persons are responsible for receiving complaints from users of Student Services facilities

- relating to dining halls and cafeterias, the head of University Catering (phone: +49 541 33107 41)
- relating to housing complexes, the head of Student Housing (phone: +49 541 33107 27)
- relating to all other areas, the head of Human Resources. This person simultaneously acts as the Discrimination Complaint Office for Student Services staff (phone: +49 541 33107 18).

(2) Those responsible hold a confidential discussion with the persons concerned, outlining the further options for action. In particular, they provide information on further counselling services and on the complaints procedure. A list of counselling services is provided in the appendix.

(3) The person affected is free to decide, either during or after the discussion, whether they want to take up the offer of counselling and/or file a written complaint.

(4) With the consent of the person affected, those responsible document the facts of the case.

(5) In the event of a complaint, it will be forwarded to the management of Student Services. The management then decides how to proceed.

(6) If there are sufficient grounds for suspicion, the person affected will be heard and the accused individual will be given the opportunity to comment. All steps are to be documented in writing.

(7) The names of the person affected and the accused individual must not be made public. The identity of the person affected and the accused individual may only be disclosed to the disciplinary or prosecution authorities in accordance with legal obligations.

(8) Implementation of a complaints procedure under these guidelines shall not exclude criminal proceedings.

(9) In urgent cases, the management may take provisional measures to protect the person affected.

6. Measures

(1) If the results of the investigation do not provide sufficient evidence of the existence of sexualised discrimination, harassment or violence, the procedure will be discontinued.

(2) Otherwise, the management will decide, at its discretion, on the measures to be taken against the accused individual, taking into account the individual case and the severity of the incident.

Potential measures applicable to staff include, in particular:

- Conducting a formal discussion
- A verbal or written admonition
- A written warning
- Transfer within the office or relocation to another office
- In a particularly serious case of sexualised discrimination, harassment and violence, termination of the employment relationship and filing of a criminal complaint

Potential measures applicable to users include, in particular:

- Exclusion from the use of Student Services facilities
- A ban on entering the premises
- Filing of a criminal complaint

7. Entry into force

These guidelines enter into force on the day following their publication.