

Please note:

*This translation is intended solely as a convenience to the non-German-reading university members and affiliates. Any discrepancies or differences that may arise in translation of the official German version of this policy are not binding and have no legal effect for compliance or enforcement purposes.*

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## **Anti-discrimination Policy at Stralsund University of Applied Sciences**

passed by the Senate May 23<sup>rd</sup> 2023

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### **Preamble**

Stralsund University of Applied Sciences aims for a cooperative work environment characterised by equality between its members and affiliates in all positions in administration, studies, teaching and research. According to its mission statement, Stralsund University of Applied Sciences values cooperation based on trust and respectful interactions. Each member or affiliate is asked to take responsibility for oneself as well as others. Every individual with its own personality and human dignity is to be respected. In case of conflicts, issues should be addressed openly and respectfully, and conflict solutions should be sought out and initiated accordingly.

In accordance with Mecklenburg-Vorpommern's Higher Education Act (*Landeshochschulgesetz*), Stralsund University of Applied Sciences is mindful of its diversity and ensures within its scope of authority that all university members and affiliates are able to fully participate on campus corresponding to their tasks, rights and duties irrespective of ethnicity or background, gender, age, sexual orientation, disabilities, or religion. Non-binary identities are explicitly included in the university's understanding of gender.

With this policy, the protection against discrimination stipulated in the General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz*) will notably apply against and in favour of all university members and affiliates whose affiliation does not pertain to labour or service law.

### **§ 1 Purpose**

(1) This policy serves the protection from direct and indirect discrimination, harassment and assaults as well as bullying at Stralsund University of Applied Sciences.

(2) The purpose of this policy is to prevent or eliminate discrimination based on actual, attributed or assumed characteristics that are protected by section 1 of the General Act on Equal Treatment (§ 1 AGG). This policy applies alike regarding other characteristics or life situations significant in the context of higher education, such as socio-economic background or care responsibilities.

### **§ 2 Scope**

(1) This policy is applicable to all members and affiliates of Stralsund University of Applied Sciences according to sections 4 and 5 of the university's constitution (§§ 4, 5 *der Grundordnung der Hochschule Stralsund*).

(2) This policy may also be applied in cases of discrimination by or of third parties on campus if at least one person involved belongs to any of the relevant groups according to subsection 1.

### **§ 3 Definitions**

(1) The definitions of section 3 of the General Act on Equal Treatment (§ 3 AGG) apply:

- a) Direct discrimination is taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on any of the grounds referred to in section 1 of the General Act on Equal Treatment (§ 1 AGG)
- b) Indirect discrimination is taken to occur where an apparently neutral provision, criterion or practice is liable to put persons at a particular disadvantage compared with other persons on any of the grounds referred to in section 1 of the General Act on Equal Treatment (§ 1 AGG), unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
- c) Harassment is deemed to be discrimination when unwanted conduct in connection with any of the grounds referred to in section 1 of the General Act on Equal Treatment (§ 1 AGG) takes place with the purpose or effect of violating the dignity of the person concerned and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

- d) Sexual harassment is deemed to be discrimination when unwanted conduct of a sexual nature, including unwanted sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, comments of a sexual nature, as well as the unwanted showing or public exhibition of pornographic images, takes place with the purpose or effect of violating the dignity of the person concerned, in particular where it creates an intimidating, hostile, degrading, humiliating or offensive environment.
- e) An instruction to discriminate against a person on any of the grounds referred to in section 1 of the General Act on Equal Treatment (§ 1 AGG) is deemed to be discrimination by the person giving the instruction.

(2) Harassment may be verbal and nonverbal. Examples are defamation, derogative or demeaning remarks or degrading gestures, threats or physical assaults that connect to the grounds listed in section 1 of the General Act on Equal Treatment (§1 AGG).

(3) Behaviour that a targeted party experiences as systematically degrading or detrimental treatment (bullying) or as repeated unwanted and obsessive pursuit (stalking) may be considered harassment or sexual harassment in accordance with the definitions listed in subsection 1.

#### **§ 4 Protection Against Discrimination and Preventive Measures**

(1) All persons referred to in section 2 (1) contribute to a campus culture and work environment characterised by tolerance, open-mindedness, equal opportunities and mutual respect.

(2) Stralsund University of Applied Sciences implements preventive measures to deter unjust discrimination, harassment or bullying. Examples for preventive measures are:

- Informing university members and affiliates about this policy and releasing this policy on the university's website
- Providing regular informative and educational trainings for university members and affiliates
- Providing support services
- Considering risks for possible discriminations while planning and developing projects or infrastructural changes (i.e., construction projects)
- Considering risks for possible discriminations while developing study programmes

#### **§ 5 Contact Person for Anti-discrimination**

(1) The university's contact person for anti-discrimination is appointed by the Rectorate for a designated term.

(2) The contact person for anti-discrimination advises the university regarding constructive approaches for measures against discrimination and bullying on campus. The contact person develops instruments for preventive, strategic and sustainable protections against discrimination and raises public awareness regarding discrimination, harassment and bullying.

(3) The contact person for anti-discrimination confidentially supports, advises and informs university members and affiliates regarding opportunities for individual action and protection as well as regarding the personal decision to issue a complaint. The contact person's work advocates constructive conflict solutions and amicable arrangements.

## **§ 6 Support Services**

(1) The objective of the support services is to offer the parties directly concerned, the parties involved as well as the parties accused information and assistance. Support services include the initial contact conversation and optional further steps. Examples are:

- Further support regarding self-empowerment strategies
- If required, information on and appropriate redirection to other in-house or off-site support services
- Initiating joint meetings to achieve a conflict solution
- If agreed to, the involvement of other university members or departments in order to achieve a conflict solution
- A complaint according to section 7

(2) The initial contact with the contact person for anti-discrimination can be made by the person directly affected, or anonymously through the involvement of a third party of their trust.

## **§ 7 Complaints**

(1) The formal complaint is addressed to the legal department of Stralsund University of Applied Science. Complaint office according to section 13 of the General Act on Equal Treatment (§ 13 AGG) is also the legal department. For complaints according to section 13 of the General Act on Equal Treatment (§ 13) the same process applies.

(2) A complaint is issued at the complaint office by the person directly affected either in writing or verbally with a corresponding transcript. Following the transcription, the statement is to be reviewed and signed by the complaining party. A complaint contains a complete description of the incidents or events that were perceived as discriminatory.

(3) Witnesses and evidence are to be identified by the complaining party. The complaining party discloses if other persons or support services have already been contacted, informed or involved.

(4) The complaint office informs the complaining party about possible legal aspects and the upcoming process as well as advocacy groups or service centres that may be able to offer further support.

(5) After receiving the formal complaint, the complaint office requests either a written response by the party accused or a personal meeting with them. If identified as part of the formal complaint, the complaint office interviews witnesses and reviews the

evidence. Each ascertained fact and each formal hearing is to be documented. Representatives of advocacy groups or trusted persons may be present at any hearings.

(6) After establishing all available facts about the incident in question, the complaint office presents their findings to the Rectorate and suggests further steps. The complaint office further informs all other parties directly involved about the outcome of the inquiry.

(7) The Rectorate decides on appropriate, necessary, reasonable and adequate measures.

### **§ 8 Protection of the Parties Involved**

(1) Every case of support and complaint file, especially pertaining to the identities of the involved parties, is confidential and to be handled accordingly. Any limits to confidentiality are to be disclosed transparently during the information or support sessions.

(2) The presumption of innocence is applied to the accused person. If a complaint is proven to be unjustified, the university ensures that the accused party does not suffer any disadvantages following the wrongful complaint.

(3) The university ensures that the complaint leading party and their trusted persons do not suffer personal or professional disadvantages following the complaint. The same protection applies to parties who refuse to follow instructions that violate this anti-discrimination policy.

(4) All parties involved are free to engage the services of any in-house or off-site support centres at any point during the support or complaint process.

### **§ 9 Reports**

The contact person for anti-discrimination and the complaint office of Stralsund University of Applied Sciences annually issue a report to the Rectorate and the Senate about their work.

### **§ 10 Effective Date**

This policy takes effect in July 2023 after its publication.

# Implementation Guidelines Regarding the Anti-discrimination Policy of Stralsund University of Applied Sciences

## Preliminary Remarks

The purpose of the anti-discrimination policy is to apply the protection against discrimination stipulated in the General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz*) in favour of all university members and affiliates, especially all students. This policy offers affected persons access to formal complaint processes and obligates the university to take preventive measures against discrimination.

Stralsund University of Applied Sciences values cooperative work based on trust, regard and respectful interactions. For this purpose, all members and affiliates are asked to take responsibility for themselves and others.

Whenever possible, conflicts should be openly addressed and solved primarily by the parties directly involved. Stralsund University of Applied Sciences offers recommendations and guidelines for conflict solutions as well as information about support contacts. If conflict solutions cannot be achieved or fail, the parties concerned or their trusted persons can seek support with the respective support services, the student representatives, their supervisors, their head of faculty or the head of university. The consulted persons commit to treat any such request with appropriate confidentiality.

## Information on data protection and protection of privacy in the course of support or complaint procedures

Obligations of confidentiality as well as of the protection of involved parties apply according to section 8 of the anti-discrimination policy of Stralsund University of Applied Sciences.

Support services can be requested anonymously. However, complaints that are issued anonymously cannot be followed up on within a formal complaint process. The complaining party needs to be identifiable by the university. This serves the prevention of unjustified complaints. Confidentiality regarding all support and complaint processes is derived from the general right of personality (*allgemeines Persönlichkeitsrecht*).

Only following legal obligations, the identity of affected persons may be disclosed to law enforcement or disciplinary agencies. The identity of the complaint leading party may only be disclosed to the accused party if a legal obligation applies, or if it is necessary for the production of factual statements on the incident in question and subsequently for a functional defence.

Support and complaint procedures are to be documented anonymised and in compliance with all applicable data protection and data privacy laws and legal norms. These include:

- *Datenschutz-Grundverordnung (DSGVO)*,
- *Datenschutzgesetz für das Land Mecklenburg-Vorpommern (Landesdatenschutzgesetz – DSG M-V)*
- *Satzung zur Verarbeitung personenbezogener Daten an der Fachhochschule Stralsund gemäß § 7 des Landeshochschulgesetzes*