

Guideline

Against Sexualised Discrimination and Assault



TECHNISCHE
UNIVERSITÄT
DARMSTADT

Harassment ...
How do I proceed?



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Foreword

Dear Members and Guests of TU Darmstadt

By way of the achTUng! campaign, TU Darmstadt has defined new standards against sexism and for more respect on Campus. The Guideline Against Sexualised Discrimination and Assault originally became effective in 2016. From the start, it was intended to develop a self-awareness governed by clear rules and supported by offers for counselling and preventive measures.

Sexualised discrimination takes place where individual boundaries are overstepped! This includes every sexualised behaviour in situations and actions that is considered disrespectful, humiliating and objectionable by the person affected. This encompasses a wide range of incidents and situations: sexist transgressions of individual boundaries and discriminating remarks and statements, sexist posters and calendars, harassing emails, manipulated photos, unauthorised video recordings, uninvited baring and touching, physical assault.

Independent of gender and other characteristics, anyone can be affected – women, however, are affected particularly.

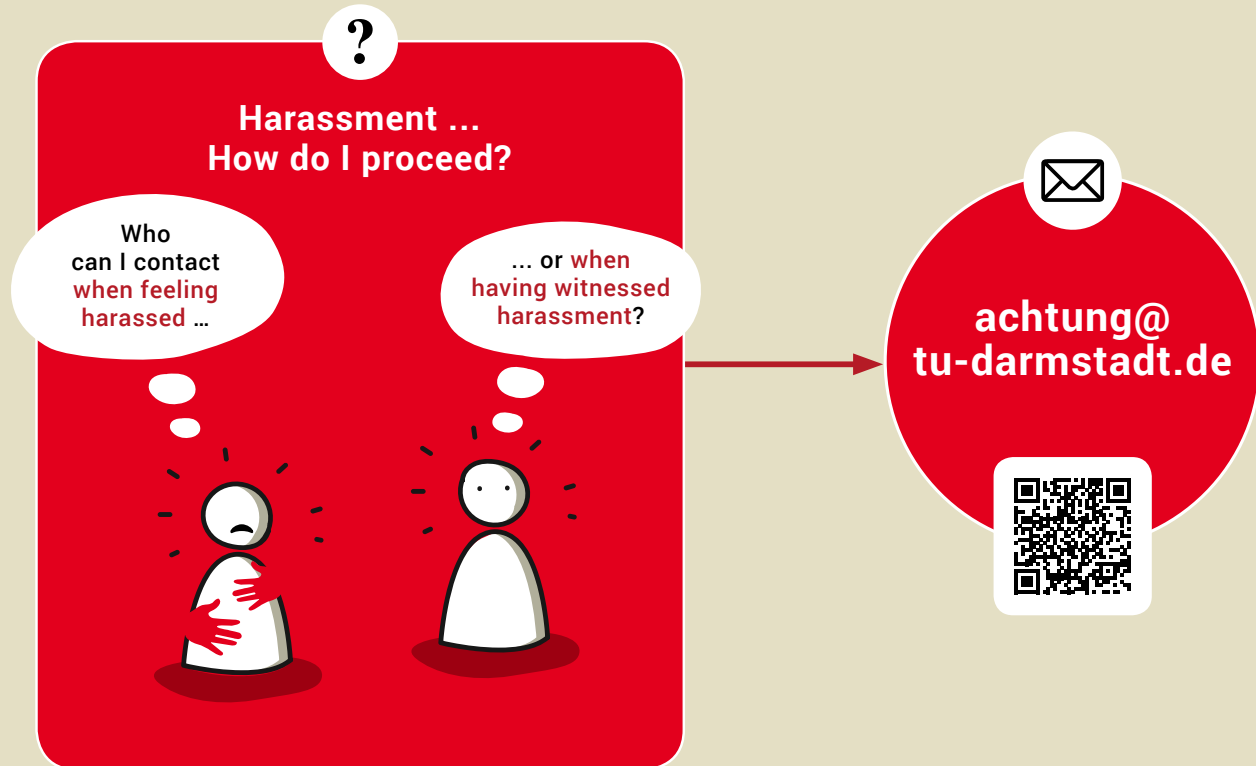
In the past five years, different programmes have been tested and implemented to heighten awareness, to inform, instruct and advise. These include talks and discussions open to the University, information and education materials, workshops for senior managers, lecturers and Gender Equality Officers of the departments, assertiveness training, awareness programmes for orientation weeks and collections of material for lectures about how to tackle sexism in teaching.

Thus, in order to develop our potential to the fullest, we strengthen our culture of tolerance by showing consideration and respect. We can all contribute to this and work together.

Give your support to those affected, take action when witnessing uncalled-for behaviour or language. Contact the counselling and advisory services of TU Darmstadt.

The Executive Board of Technical University of Darmstadt

Counselling and complaints procedure of TU Darmstadt in cases of sexualised discrimination and assault



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I. The counselling and advisory services

Complaint and Improvement Management Service for students

Social Counselling and Conflict Management Service for employees and staff

All persons affected will receive support and **private counselling** which will be treated with **complete confidentiality** as imposed by law.



Formal complaint

The person affected decides whether or not to lodge an official complaint.

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II. Legal course of action

Directorate II (regarding students) or Directorate VII (regarding employees and staff) will examine legal action.

The respective measures will be initiated independent of the counselling and advisory services.

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The Gender Equality Officer is a confidential and independent point of contact for students, employees and staff and can be contacted during all process phases as an additional source of information and support.

Preamble

1. The members of TU Darmstadt shall continuously work towards developing and promoting a space for working, teaching, and research that is characterised by a respectful interaction, free of sexualised discrimination and assault. All members of TU Darmstadt shall act immediately in the event of any sexualised discrimination. In particular, members whose roles include training, teaching, and leadership shall assume responsibility for the institutionalised protection from sexualised discrimination and assault within their areas of competence.
2. This Guideline shall contribute to the fostering of an environment of mutual respect and appreciation at TU Darmstadt. In addition, the Guideline defines the course of procedures which are to be adhered to in the event of a violation against the guiding principles formulated here.
3. This Guideline was adopted by the Executive Board on 4 November 2021 and by the TU Darmstadt Senate on 15 December 2021 and was made public in the Appendix to the Statutes 2022-II. In accordance with the duty of co-determination in social issues as set out in Section 74 I No. 6 and No. 7 HPVG (the Hessian law regarding personnel representation), the Staff Council agreed to the revised Guidelines 19 January 2022.

Part One: Guiding Principles and Definitions

Section 1 | Scope

This Guideline shall apply for all members and associates in all functions and on all levels of service, study, teaching, and research at TU Darmstadt. This Guideline shall also apply to anyone who is a dependant or contract partner of TU Darmstadt, as well as to guests who are received by TU Darmstadt.

Section 2 | Guiding Principles

1. TU Darmstadt demands an interaction that is respectful and based on equal opportunity between each and every member and associate at the University as well as persons from outside. It values a trusting cooperation between everyone and a good study and work environment.
2. TU Darmstadt ensures that people's personality rights and their individual personal boundaries are respected and protected. TU Darmstadt does not tolerate any form of sexualised discrimination and assault. These pose a violation of personality rights in particular and a severe disruption to the University's operations as well.
3. Every person as defined in Section 1 recognises TU Darmstadt's guiding principles and implements them. In particular those TU Darmstadt members holding leadership positions serve as role models and promote the upholding and enforcement of the guiding principles. They

shall oppose inappropriate behaviour immediately and decisively and shall provide support for the person concerned.

4. Individuals and groups of individuals who observe such behaviour are called upon to counter these actions. Those concerned shall be sensitised and encouraged to perceive inappropriate behaviour within the meaning of these guidelines and, having knowledge of their rights, to report such inappropriate behaviour immediately.
5. Sexualised discrimination and assault may constitute a violation of obligations under employment contracts, public services law, and university law. Individuals and groups of individuals who violate these guiding principles are required to immediately cease such undesired and illegal actions. If applicable, labour law-related and/or disciplinary measures according to Section 9 will be commenced against them.

Section 3 | Prohibition of Discriminatory Practices

Sexualised discrimination and assault within the scope of Section 1 and beyond are prohibited.

Section 4 | Definitions

1. Sexualised discrimination and assault

According to this Guideline, behaviours and actions are considered sexualised discrimination and assault when unwanted behaviour of a sexual nature, or a situation exists

in which the purpose or effect is sexual behaviour, causing a violation of the dignity of the person concerned.¹ Sexualised discrimination and assault while taking advantage of a relationship of dependency, under threats of personal, work, or study-related disadvantages, or under promises of advantages are deemed to be particularly serious. Sexualised discrimination and assault violate applicable law.

2. Forms of sexualised discrimination and assault

Sexualised discrimination and assault can be either of a verbal or a non-verbal nature and be in a physical or in symbolic form, whereas the individual forms in practice are characterised by an overlapping of these. The decisive factor is whether individual boundaries are overstepped and whether being spoken to or approached by a person is felt to be humiliating.

Verbal sexualised discrimination and assault are present when the contents of remarks, questions, stories, comments and jokes are of a sexist nature and result in the direct or indirect degradation, humiliation, intimidation or discomfort of an individual or group of individuals.

For example:

- (1) sexist salutation; this includes also the intended denigration due to sexual orientation and gender identity;
- (2) sexist verbal advances, because they are perceived as undesirable;
- (3) verbal suggestion regarding sexual availability, e.g., abusive emails;
- (4) sexist comments on the Internet and in digital seminars and events.

Non-verbal sexualised discrimination and assault are present when gestures or offensive sounds are of a sexist nature and result in the direct or indirect degradation, humiliation, intimidation or discomfort of an individual or group of individuals. This shall apply equally to audible or visible portrayals (e.g., posters, graffiti, audio or video sequences) and their dissemination.

For example:

- (1) displaying and disseminating sexist calendars, advertising posters and flyers;
- (2) digital videos and images (prank videos, voyeuristic videos, fake videos, such as deep fakes; secretly-taken photos and photo-montages);
- (3) sexist (entertainment) media (e.g., sexist presentations on monitors);
- (4) sexist texts (sayings, texts, etc.) and graphics on campus;
- (5) non-verbal suggestions regarding sexual availability;
- (6) whistling at an individual.

Physical sexualised assaults are present when acts or conduct are sexist in nature and content, and result in the direct or indirect degradation, humiliation, intimidation or discomfort, or physical injury and harm to an individual or group of individuals.

For example:

- (1) physical contact of a sexual nature;
- (2) coercion to remove one's clothing;
- (3) physical threats of sexual violence, stalking or coercion;
- (4) assaultive grabbing, jostling, pinching, or blocking of one's path;
- (5) rape.

¹Sexualised discrimination and assault are sexist acts. Sexism describes "any type of discrimination, oppression, contempt and disadvantages against individuals based on their gender and the ideology that it is based upon. Sexism is based on the idea that the gender characteristics given to a person by nature represent differences in social worth, thereby justifying a lessening of the opportunities in life for particular individuals. The actual term sexism is formed out of the opposing standpoint; it aims to identify discrimination on the basis of gender identity and addresses this by questioning the supporting ideological, historical, religious or societal norms of conduct and perception (discourse). (...) Sexism exists in psychological dispositions, in prejudices and ideologies as well as in social, legal and economic regulations, and ultimately also in the form of factual acts of violence and exclusion regarding the relationships between the genders, and in the justification of these acts of violence and structures of subordination through references to >>natural<< gender differences" (Brockhaus-Enzyklopädie 2006, Vol. 25, p. 106 fol.) Sexism is shaped by socialisation, practised by individuals and is entrenched in institutional structures. Sexualised forms of discrimination are closely linked to power imbalances and reinforce them. Gender related (sexualised) attributions, degradations and transgressions are humiliating and damaging for everyone, regardless of the factual or chosen gender affinity or non-affinity.

Part Two: Prevention

Section 5 | The University's Obligations

1. TU Darmstadt is obliged to protect all members and associates in the meaning of Section 1 from sexualised discrimination and assault. TU Darmstadt is responsible to take and implement preventive measures to guard against any violations of the guiding principles formulated here. This obligation pertains in particular to the Executive Board, the Departmental Offices and also the heads of the Central Services and partial statutory entities. In regards to this topic, TU Darmstadt equally includes the Studierendenwerk (association for student affairs) and the student body.
2. The preventive measures are intended for every individual within the scope under Section 1 and not just for potentially affected individuals. They should be enabled to recognise sexualised discrimination and assaults, to name them and actively work against them.

Section 6 | Preventive Measures

TU Darmstadt provides the following preventive measures to implement the guiding principles. In particular, these can be:

Information:

- concerning the general legal status in the event of sexualised discrimination and assault;
- concerning TU-external and TU-internal counselling offices;

- concerning the possibilities to file complaints and the points of contact at TU Darmstadt;
- concerning specific information about education and training regarding topics on sexism at the University.

Programmes for raising awareness and informational events about the topic of sexualised discrimination and assault at universities:

- at the introductory events for newly enrolled students;
- at kick-off events of the departmental students' representative committees during orientation week;
- training opportunities within the scope of in-house training programmes;
- training opportunities within the scope of training programmes for senior managers;
- for developing self-confidence and empowering potentially affected individuals;
- for raising the awareness of all members of TU Darmstadt for the topic of sexualised discrimination and assault at universities.

Training:

- to promote and strengthen self-confidence;
- on self-defence of potentially affected individuals;
- to learn intervening measures for occurrences of sexualised discrimination and assault.

Public relations:

- poster campaigns and flyers on campus to raise awareness for the topic of sexualised discrimination and assault;
- panel discussions in which specific aspects of sexualised discrimination and assault are taken up and discussed;
- Internet-based campaigns (social media) to raise the awareness for sexualised discrimination and assault.

Professional training and development courses:

- consideration of the topic of sexualised discrimination and assault as a cross sectional dimension at universities.

Polls and statistical surveys:

- enquiries on a regular basis concerning occurrences of sexualised discrimination and assault at TU Darmstadt; in addition, identification of dangerous pathways and frightening spaces;
- specific enquiries about cases of sexualised discrimination and assaults in decentralised surveys.

This list is not complete and may be added to. These preventive-measure-programmes are intended for all members of TU Darmstadt. In particular, the members of TU Darmstadt in leadership positions but also students are encouraged to initiate and implement preventive measures within the meaning of this Guideline.

Part Three: Counselling and Complaint Procedures

Section 7 | General Information

Affected persons are encouraged not to accept sexualised discrimination and assault. Affected individuals have the right and are encouraged to contact the responsible offices and lodge complaints.

Section 8 | Counselling Offices

1. The Social Counselling and Conflict Management service is available to affected employees as a low-threshold point of counselling for getting advice and help. The Complaints and Improvement Management service is available to students as a low-threshold point of contact.
2. All consultations with the Social Counselling and Conflict Management service or with the Complaints and Improvement Management service adhere to the principles of counselling and are confidential, anonymous, voluntary, independent, and professional. They support the affected person in protecting their interests and accompany them, if desired, should they consider lodging a complaint.
3. The Gender Equality Officer is an independent and confidential point of contact for all employees and staff as well as students. In addition, other points of contact can be approached, such as the Vice Chairpersons, Academic Affairs, AStA (Students' Union), Gender Equality Officer of the departments, Staff Council, Representative for the

Severely Disabled, and the Studierendenwerk's counselling offices.

Those affected should also demand support from those present at the time, from employees, superiors, colleagues and the Staff Council. In acute cases, those affected should immediately contact the police.

Section 9 | Organisation of the Complaint Procedure

1. In the event that an affected individual decides to lodge a complaint, they shall submit this in writing to the responsible office. If the accused is an employee, this is the AGG Complaint Office (responsible for equal treatment in accordance with the AGG – general act on equal treatment) in Directorate VII, Human Resources and Legal Affairs. If the accused is a student, this is the Legal Affairs unit in Directorate II, Studies and Teaching, Legal Affairs.
2. The accused person receives first an opportunity to express themselves and will – each according to the area of competence – be heard either in Directorate VII, Human Resources and Legal Affairs or in Directorate II, Studies and Teaching, Studies and Teaching Legal Affairs. If requested by the accused person, a member of the Staff Council, a Representative for the Severely Disabled, a legal advisor or a person of trust can participate in the meeting. In the event that the accused person is a student, the hearing will take place in the Department Legal Affairs in Directorate II, Studies and Teaching Legal Affairs.

3. After completion of the proceeding, the person lodging the complaint shall be informed as to whether measures have been taken. In view of any possible personality rights of the persons concerned, details concerning possible sanctions shall not be communicated.

Section 10 | Sanctions

TU Darmstadt will take action against persons who have provably violated this Guideline. It will do everything in its power to ensure that neither private nor professional disadvantages for the person lodging the complaint occur.

The following measures may be considered in regards to students:

- verbal or written admonition;
- expulsion from a course;
- exclusion from the use of university facilities and, if appropriate, exclusion from the facilities and amenities provided by Studierendenwerk;
- ban from entering the premises;
- de-registration.

The following measures may be considered in regards to employees of TU Darmstadt:

- conducting a formal official interview;
- verbal or written admonition;
- written warning;
- transfer or reassignment to another job within the university;
- ordinary or extraordinary dismissal;

- initiation of disciplinary proceedings (for civil servants) up to discharge from civil service status;
- exclusion from the use of university facilities/ban from entering the premises.

Regarding other persons in the meaning of Section 1 cl. 2:

- verbal or written admonition;
- expulsion from an event;
- exclusion from the use of university facilities and, if appropriate, exclusion from the facilities and amenities provided by Studierendenwerk;
- ban from entering the premises.

Affected persons may also exercise their rights and interests under civil and criminal law. Legal consequences could include: no-contact orders, restraining orders, dangerous-person-approach.

Section 11 | Effective Date

The Guideline became effective on 01 March 2016. The revised version is effective from the date it has been published in the Appendix to the Statutes 2022-II.

Darmstadt, 25. January 2022

The President of TU Darmstadt
Prof. Dr. Tanja Brühl



Sexual harassment, discrimination
and assault are illegal and infringe on
personal rights.



TECHNISCHE
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achtung!

... respect is due to all members of TU as well as visitors. Support one
another. For help and advice contact: achtung@tu-darmstadt.de
More on the topic: www.tu-darmstadt.de/achtung