

**SENATE OF
HEIDELBERG
UNIVERSITY**
GUIDELINE ON
FAIR CONDUCT

IMPRINT

Editor

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Layout

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1. PREAMBLE

Heidelberg University is a place where a diverse group of people meets: here, people of different gender, sexual and religious orientation and worldviews, from different backgrounds, walks of life and countries come and work together in a range of roles. Both research and teaching benefit immensely from the various thought-worlds evolving from this diversity. As a consequence, the University's reputation and impact are significantly shaped by the chances and well-being of such a diverse group of people.

As an educational institution the University has a special responsibility and exemplary function: Success in studying, research and education can only be accomplished in a cooperative environment. As such, fair conduct is required from everyone involved. A university culture that values respectful conduct and fair competition provides the basis for a positive working and learning environment, and is thus an important requirement for knowledge production and success.

Heidelberg University is committed to fair conduct; it safeguards equal and respectful treatment of and between its members on all levels, and supports measures to build and sustain a climate conducive to such conduct. Within its purview the University thus takes on the responsibility for protecting the personal rights and dignity of all its members.

2. SCOPE

This guideline applies to all members of Heidelberg University as defined by Article 9 of the State University Law (Landeshochschulgesetz, LHG). It also applies to those who are not bound to the University under labour law or public service law and are not employed by the University, but who nevertheless bear a factual connection to it. This is the case particularly with scholarship recipients, external doctoral students and external members of staff.

3. PRINCIPLES

Everyone within the scope of this guideline places special importance on a positive atmosphere and fair competition in teaching, research and at the workplace. All, especially those in leadership positions, have a responsibility to ensure that the following acts are not tolerated, but prevented: discrimination on the basis of ethnicity, gender, religion or worldview, disability or illness, age or sexual identity, especially the abuse of supervisor-subordinate relationships at the place of study, work and apprenticeship, as well as sexual harassment, bullying and stalking.

The Senate of Heidelberg University condemns all forms of discrimination, vilification, bullying and stalking. Such acts are forbidden. In addition, they constitute a violation of obligations under labour law, public service law, civil service law and university law, which will be penalised accordingly. Everyone within the scope of this guideline commits herself and himself to observe these principles and to work towards preventing such acts.

4. DUTIES OF RESPONSIBLE OFFICES

The university administration ensures that its members are fully informed on the issues of bullying, discrimination, stalking and sexual harassment, as well as on the possibilities of prevention and the rights of and counselling options for the persons aggrieved. Information events and trainings, including management seminars for those in leadership positions, are being offered. While instructing and training university teachers, especially those who are teaching for the first time, the importance of fair conduct for the quality of research and teaching is to be communicated.

Heidelberg University appoints a female and a male contact person for questions relating to sexual harassment, bullying, stalking and discrimination.¹

After reviewing the facts of a case, the University also offers those affected by sexual harassment, bullying, stalking and discrimination as well as their superiors several options to improve and resolve their situation. Next to institutional and public service law procedures and sanctions, these options include alternative means of conflict resolution such as mediation. Taking into account the needs of the individuals concerned, mediation aims for a consensual solution, which can pave the way for respectful and fair behaviour towards one another. The University assists all parties concerned with finding appropriate mediation offers.

5. MISSION

This guideline complements existing regulations concerning the protection of members of staff, such as the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz, AGG) or the State University Law (Landeshochschulgesetz (LHG)). The **President's Commission "Fair Conduct"** ² deals with problematic cases of bullying, stalking, discrimination and sexual harassment, which cannot be resolved by the responsible offices at the University (institutional administrations, deaneries, Human Resources Division, Equal Opportunities Commissioners, Staff Council, Representative for the Severely Disabled and ombudspersons).

A catalogue of appropriate measures and sanctions can be found in the appendix.

External users of university institutions have to adhere to the guidelines on fair conduct. This is to be stipulated in the respective rules and regulations.

6. APPENDIX

DEFINITIONS

Which acts constitute sexual harassment, bullying, stalking or discrimination depends in large part on the subjective perception of the person aggrieved. As such, the following list is by no means exhaustive.

Sexual Harassment

Every sexually motivated behaviour that is unwelcome or bears the potential to degrade a person and involves a violation of boundaries, constitutes sexual harassment. Such behaviour represents a subjective violation of boundaries.

Sexual harassment can take the form of words, acts, gestures or any other sexualised behaviour, for example:

- suggestive remarks, comments or jokes about a person, her or his body, behaviour or private life
- the display of sexist or pornographic material in whichever form (e.g. calendars/screensavers/posters)
- gestures and nonverbal comments of a sexual nature
- unwanted requests for sexual acts or / and coercing someone into performing sexual acts
- unwanted physical contact
- sexual discrimination, harassment and violence and the abuse of supervisor-subordinate relationships at the place of apprenticeship and work.

Bullying

The term "bullying" refers to negative acts of communication performed by one or more person(s) and directed at another person in a repetitive and systematic manner.

Such acts can include:

- defamation of co-workers or their family members
- spreading unsubstantiated rumours about persons who fall within the scope of this guideline, or their families
- intentional withholding of necessary information
- disinformation
- threats and humiliation
- insults, hurtful treatment, derision and aggressiveness
- undignified treatment by superiors or colleagues; e.g. assigning tasks that are offensive, impossible to complete or pointless, or not assigning tasks at all
- repeated or coordinated personal insults directed at persons who fall within the scope of this guideline; these may include defamatory statements circulated in public or university-specific forums.

Stalking

"Stalking" denotes the act of intentionally and repeatedly following and harassing a person in such a way as to endanger her or his safety and grossly compromise her or his way of life. Since 2007 stalking is considered a criminal offence (Article 238 of the German Criminal Code (StGB), "Nachstellung"). Stalking can take many forms.

These are some examples:

- countless phone calls
- sending harassing text messages, emails or letters
- lying in wait for and following, pointedly seeking the company of the person aggrieved
- placing orders or ads on behalf of the person aggrieved
- unwanted gifts etc.

Discrimination

Discrimination is defined as the debasement of the dignity, rights and liberties of the individual, which the Basic Law for the Federal Republic of Germany (Grundgesetz, GG) deems inviolable.

Discrimination can take the following forms:

- debasing remarks, comments or jokes and/or acts based on:
 - o nationality and/or social background
 - o skin colour
 - o ethnic background
 - o a disability
 - o gender
 - o religious beliefs and/or worldview
 - o political views
 - o sexual orientation
 - o an illness
 - o age
- the application of documents that impede the equal treatment of persons within the scope of this guideline.

LEGAL BASES

- Basic Law for the Federal Republic of Germany (Grundgesetz, GG)
www.gesetze-im-internet.de/englisch_gg/index.html
- State University Law (Landeshochschulgesetz, LHG)
www.landesrecht-bw.de/jportal/?quelle=jlink&query=HSchulG+BW&psml=bsbawueprod.psml&max=true&aiz=true
- General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz, AGG)

www.gesetze-im-internet.de/englisch_agg/index.html

- Act on Equal Opportunities for Persons with Disabilities (Behindertengleichstellungsgesetz, BGG)
www.gesetze-im-internet.de/bundesrecht/bgg/gesamt.pdf

ADVICE AND SUPPORT, RIGHT OF COMPLAINT

If it is impossible or unreasonable to resolve a problem or conflict directly among the parties involved, the persons aggrieved as well their supervisors can turn to the responsible offices. A complaint that has been made must not lead to disadvantages for the complainant and/or the person aggrieved.

The collection of personal data is to be limited to necessary information only and is subject to data protection.

Incidents, conversations and information pertaining to potential offences are treated confidentially. Members of the commission are bound to confidentiality. The person aggrieved has a say in how to proceed. Complaints and information about bullying, discrimination, stalking and sexual harassment have to be looked into and followed up on.

CATALOGUE OF POSSIBLE SANCTIONS IN CASE OF MISCONDUCT

Violations of this guideline are to be met with the appropriate, necessary and adequate sanctions. Which specific sanction applies in a given case depends on the form and severity of the violation, as well as on the status of the person in question, i.e. whether she or he is a civil servant, a member of staff, an apprentice, a student, an assistant lecturer (*Lehrbeauftragte_r*), a *Privatdozent_in*, an *außerplanmäßige_r Professor_in*, an honorary professor, a visiting scholar, an external member of staff or someone who works for the University without receiving payment. In case of a severe violation, the University can file charges.³

Sanctions against members of staff (depending on severity of violation)

General sanctions:

- issuing a warning (by superior or HR department) to change behaviour
- instructions on how to personally interact with others
- obligation to participate in training courses
- threatening to take action under labour law

Sanctions under labour law:

- warning letter (issued by HR department)
- relocation
- transfer
- termination of employment

Sanctions against civil servants (depending on severity of violation)

General sanctions:

- issuing a warning (by superior or HR department) to change behaviour

- instructions on how to personally interact with others
- obligation to participate in training courses
- threatening to take action under disciplinary law

Sanctions under disciplinary law:

- reprimand
- pecuniary fine
- reduction in salary
- relocation
- transfer to similar post with lower final basic salary
- secondment
- removal from service
- pension cut
- cancellation of pension

Sanctions against apprentices (depending on severity of violation)

General sanctions:

- issuing a warning to adjust behaviour (by superior or HR department)
- instructions on how to personally interact with others
- obligation to participate in training courses
- threatening to take action under labour law

Sanctions under labour law:

- warning letter (issued by HR department)
- relocation
- termination of employment

Sanctions against assistant lecturers (*Lehrbeauftragte*)

- issuing a warning to change behaviour
- revocation of teaching contract
- ban from university premises

Sanctions against *Privatdozent_innen*

- issuing a warning to change behaviour
- ban from university premises
- revocation of right to teach (Article 39, Section 5, Sentence 3 of State University Law (LHG) in conjunction with Article 26, Section 4 of the Basic Order of Heidelberg University)

Sanctions against *außerplanmäßige Professor_innen*

- issuing a warning to change behaviour
- revocation of right to use title "*außerplanmäßige_r Professor_in*" (Article 26, Section 8, Sentence 3 of the Basic Order of Heidelberg University; revocation possible if person in question proves unworthy of title)
- ban from university premises

Sanctions against honorary professors

- issuing a warning to change behaviour
- ban from university premises
- revocation of appointment to honorary professor (Article 55, Section 1, Sentence 4 in conjunction with Article 27, Section 4 and 5 of the Basic Order of Heidelberg University)

Sanctions against students

- issuing a warning to change behaviour
- expulsion from courses
- revocation of right to use institutions of the university
- termination of user rights for IT services
- ban from university premises
- removal from register of students

Sanctions against visiting scholars

- issuing a warning to change behaviour
- ban from university premises

Sanctions against persons working for the university without receiving payment

- issuing a warning to change behaviour
- ban from university premises

Sanctions against external members of staff

- issuing a warning to change behaviour
- threatening to terminate existing contract
- termination of existing contract
- ban from university premises

¹ Article 4, Section 9 of the State University Law (LHG) and Article 4, Section 2 of the Basic Order of Heidelberg University contain regulations to that effect and assign responsibilities for all groups of people ("members of Heidelberg University").

² Information on the current composition of this commission can always be found at www.uni-heidelberg.de/einrichtungen/rektorat/kommission_partnerschaftliches_verhalten.html

³ Failure to enforce necessary sanctions constitutes a violation of the guideline and can be penalised as well.