

Official Note

of Hochschule Geisenheim University



Publication number: 07/2019

Published on May 31, 2019

Anti-Discrimination Guidelines of Hochschule Geisenheim University

Please note: This is a translation of the German *Antidiskriminierungsrichtlinie der Hochschule Geisenheim*. It is offered solely as an aid to understanding. The German version remains the only official and legally binding version.

These guidelines were adopted by the President's Council of Hochschule Geisenheim University on April 30, 2019.

Tabular Overview of the Version Information

	Adopted on	Effective as of
Established	April 30, 2019	June 1, 2019

Table of Contents

Preamble	3
Section 1 Objectives	3
Section 2 Scope	3
Section 3 Definition of Terms	4
Section 4 Prohibition of Discrimination	5
Section 5 Prevention	5
Section 6 Counseling Services	5
Section 7 Right to Lodge a Complaint	7
Section 8 Complaint Procedure	7
Section 9 Complaints Office	8
Section 10 Measures and Consequences	8
Section 11 Reporting and Evaluation	9
Section 12 Effective Date	9

Preamble

Hochschule Geisenheim University promotes equal cooperation between its members and associates at every functional level in services, university studies, teaching, research and knowledge transfer. The university encourages a culture of trust and respectful and appreciative cooperation and interaction.

It is committed to ensuring that nobody is disadvantaged within the university. The purpose of these guidelines is to apply anti-discrimination provisions of the General Equal Treatment Act (AGG) in particular to and for the benefit of university members and associates who are not bound to the university by an employment or service contract and are therefore not covered by the AGG.

These guidelines establish the right to submit a formal complaint for all persons affected by discrimination. They require Hochschule Geisenheim University to take preventive action to protect against discrimination, and they enable the university to adopt sanctioning measures.

Section 1 Objectives

The purpose of these guidelines is to protect against discrimination at Hochschule Geisenheim University.

They aim to prevent or eliminate any forms of discrimination based on gender, ethnic background or race¹, religion or belief, disability or chronic illness, age or sexual identity and physical appearance.

Section 2 Scope

- (1) These guidelines shall not apply if the General Equal Treatment Act (AGG) is directly applicable.
- (2) These guidelines shall apply for all members and associates of Hochschule Geisenheim University under the terms of Section 32 HHG (*Hessian Higher Education Act*).
- (3) These guidelines shall also apply in the event of discrimination of third parties or against third parties on the university premises if at least one person involved belongs to the group of persons defined in para 2.

¹ Article 3 (3) German Basic Law (GG): "No person shall be favored or disfavored because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions. No person shall be disfavored because of disability."

Section 3 Definition of Terms

- (1) The definitions pursuant to Section 3 AGG as amended from time to time, apply including the judicial decisions based thereon:
1. Direct discrimination exists when one person is, has been or would be treated less favorably than another in a comparable situation due to any of the reasons referred to in Section 1. Direct discrimination on grounds of gender also exists in the event of the less favorable treatment of a woman on account of pregnancy or maternity.
 2. Indirect discrimination exists when an apparently neutral provision, criterion or practice would put persons at a particular disadvantage compared to other persons on any of the grounds referred to in Section 1, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
 3. Harassment shall be deemed to be discrimination when an unwanted conduct in connection with any of the grounds referred to in Section 1 takes place with the purpose or effect of violating the dignity of the concerned person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.
 4. Sexual harassment shall be deemed to be discrimination when an 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 when it creates an intimidating, hostile, degrading, humiliating or offensive environment.
 5. An instruction to discriminate against a person for any reasons referred to in Section 1 shall be deemed to be discrimination. Such an instruction shall in particular be taken to occur if someone instructs a person to behave in a way that puts or may put another person at a disadvantage for any of the reasons specified in Section 1.
- (2) Harassing behavior can be both verbal and non-verbal. This may include, for example, defamations, insults and derogatory remarks, hostilities, threats and physical assaults in connection with any of the grounds referred to in Section 1.
- (3) Practices covered by the terms of harassment and sexual harassment include above all any (sexual) acts and types of behavior that are punishable under criminal law.
- (4) Types of behavior that can be perceived as psychological harassment or stalking by the concerned person can be deemed to be harassment or sexual harassment within the meaning of para 1.

Section 4 Prohibition of Discrimination

- (1) Persons within the meaning of Section 2 shall not be permitted to suffer discrimination for on any of the reasons referred to in Section 1. This shall also apply when the person committing the act of discrimination only assumes the existence of any of the reasons referred to in Section 1.
- (2) Any provisions at Hochschule Geisenheim University which violate the prohibition of discrimination under para 1 shall be ineffective.
- (3) Any discrimination pursuant to para 1 committed by a member or associate of the university may be deemed a violation of obligations under contractual, employment, civil service or university law.

Section 5 Prevention

Hochschule Geisenheim University shall take preventive measures to prevent discrimination on any of the grounds referred to in Section 1.

Preventive measures include in particular:

- Communication of the present guidelines to all members and associates of the university and their permanent publication on the university's website.
- At the beginning of the semester, newly enrolled students shall receive an email with the attached Anti-Discrimination Guidelines. Students shall be made aware of the contents of these guidelines during introductory sessions.
- Likewise, new staff members or external teaching staff shall be given a copy of the Anti-Discrimination Guidelines upon hiring.
- Information shall be provided for all members and associates of Hochschule Geisenheim University.
- Anti-discrimination shall be addressed in training sessions for all members of Hochschule Geisenheim University.
- Risks of discrimination shall be taken into account in planning and development projects and infrastructural changes, e.g. construction projects.
- Risks of discrimination shall be taken into account in curricula and when developing programs and general conditions for courses and examination procedures, e.g. course schedules, faculty behavior, use of discrimination-sensitive language.

Section 6 Counseling Services

- (1) Hochschule Geisenheim University shall provide advice and support to its members, associates and third parties within the meaning of Section 2 when they feel affected by any form of discrimination pursuant to Section 3.

(2) For advice and support, members, associates and third parties may contact the following offices and representatives:

- Anti-Discrimination Representative,
- Family Service Office,
- Representative for Students with Disabilities,
- Feedback Management for Students,
- Women's and Equal Opportunities Representative,
- Integration Representative,
- Youth and Trainee Representation,
- Conflict Advisors,
- Mentors for Doctoral Candidates,
- Ombudsperson for Scientific Compliance,
- Staff Council,
- Psychological Counseling Services for members of Hochschule Geisenheim University
- Student Representation (e.g. AStA, Student Parliament),
- Addiction Prevention,
- Representative for Employees with Disabilities.

Up-to-date contact data can be found on the university website.

The President's Council may appoint additional representatives. The aim is to provide easy access to counseling services.

In addition, members and associates of the university affected by discrimination may contact the President's Council, HR & HR Development or their supervisor.

- (3) To ensure anonymity, the affected person may involve a third person to contact counseling services.
- (4) All counseling offices and representatives have the responsibility to offer persons affected by discrimination a chance to talk, provide information on available support, and advise them about their rights. If necessary, they may also establish contact to external counseling offices. Counselors are bound by confidentiality from which they can only be released by the affected person.
- (5) Counselors may, with the consent of the parties involved, work towards an amicable settlement between the parties, unless this is deemed inappropriate in the individual situation or due to the seriousness of the accusation.
- (6) Hochschule Geisenheim University shall offer continuous training in anti-discrimination law and counseling to members of the counseling service.
- (7) It must be ensured that the person affected by discrimination or, if applicable, the person of trust will not be disadvantaged personally or professionally. All steps are therefore taken in consultation with the affected person and the appointed person of trust.

- (8) A consultation does not constitute a complaint. Corrective action and sanctions pursuant to Section 10 can therefore not be taken on the basis of a consultation. Affected persons have to lodge a formal complaint pursuant to Section 8 to initiate a complaint process.
- (9) The counseling offices listed in Section 6 para (1) provide advice and support on the basis of the following principles: confidentiality, independence, professional attitude and voluntary action. They assist affected persons in enforcing their rights. Steps are only taken with the consent of the affected person, and information is only disclosed after prior consultation. If the affected person decides to lodge a complaint, the Complaints Office specified in Section 9 will be responsible for the further procedure outlined in Section 8.

Section 7 Right to Lodge a Complaint

Members and associates of Hochschule Geisenheim University as well as third parties according to Section 2 shall have the right to lodge a complaint when they feel discriminated against by other persons pursuant to Section 2 for any of the reasons referred to in Section 1. They shall not suffer any consequences for exercising their right to lodge a complaint. The same applies to supporters and witnesses.

Section 8 Complaint Procedure

- (1) Any person as defined in Section 2 has the right to submit a (formal) complaint to the Complaints Office to initiate an official complaint procedure. The complaint shall be submitted in writing. If the complainant is not able to submit the complaint in text form, he or she may give an oral statement which is to be recorded by the Complaints Office. In this case, the content of the declaration will be documented in writing in the form of a transcript. This will then be presented to the complainant for review and signature.
- (2) The complaint shall describe the events that are perceived as discriminatory. Witnesses as well as evidence, if available, shall be included. The complaint shall also describe which other persons have already been informed about the facts and if actions have already been taken.
- (3) After the complaint has been submitted, the Complaints Office shall set up an initial meeting to inform the complainant of his or her rights, duties and further steps. The complainant shall be informed of available support provided by representatives and counseling offices referred to in Section 6.
- (4) The Complaints Office shall determine the facts.
- (5) The Complaints Office may request the person accused of discrimination to respond to the complaint in writing. On the basis of this statement, the Complaints Office shall set up a personal interview with the person as soon as possible, but no later than within one month. Upon request, he or she may appoint a person of trust who takes part in the interview.

- (6) The Complaints Office may involve competent persons from the affected areas or departments, especially if immediate action is required to stop discrimination.
- (7) The Complaints Office shall inform the President's Council of the result of the (legal) investigation and shall make proposals how to proceed.
- (8) The Complaints Office shall document all interviews and facts and inform both parties of the results of the interviews and investigations.
- (9) The President's Council shall decide on the further course of action and consequences pursuant to Section 10 of these guidelines.
- (10) Complainants are entitled to withdraw their complaint at any time or request the suspension of the proceeding.

Section 9 Complaints Office

The Complaints Office at Hochschule Geisenheim University is responsible for handling formal complaints only and can be contacted by the complainant after prior consultation with the counseling offices specified in Section 6. The Complaints Officer at Hochschule Geisenheim University is the President who is responsible for handling official complaints pursuant to Section 13 para 1 AGG. The Complaints Officer may delegate the tasks and duties associated with a formal complaint pursuant to Section 8 to other bodies within the university.

Section 10 Measures and Consequences

In the event of discrimination and disadvantages according to Section 3, necessary and appropriate measures must be taken to protect the affected person.

Measures and consequences depend on the position of the accused person in terms of service, employment or university law.

They may include, in particular:

- Official meeting with the supervisor,
- Oral or written admonition
- Written warning,
- Transfer to another place of work within the university,
- Initiation of disciplinary proceedings,
- Revocation of a teaching contract,
- Expulsion from a course,
- Exclusion from the use of university facilities
- Prohibition to approach certain persons on the university premises or to contact them in the context of events or on university platforms
- Ban from the university,
- Criminal charges pressed by Hochschule Geisenheim University
- Dismissal,
- Termination of contract,
- De-registration according to Section 59 para 3 HHG.

Official Note

of Hochschule Geisenheim University



Publication number: 07/2019

Published on May 31, 2019

Affected persons may also pursue their rights and interests under civil and criminal law.

Section 11 Reporting and Evaluation

The Complaints Office shall report to the President's Council at least once a year on the fulfillment of duties and specific cases of discrimination. The Complaints Office, counseling centers and representatives shall ensure a regular exchange – at least on an annual basis. The annual exchange is intended to help refine the procedure and cooperation in terms of counseling, complaints and preventive action. As part of the annual exchange, no personal information shall be disclosed, i.e. information is shared in an anonymous form.

Section 12 Effective Date

The present guidelines shall take effect on the day after their publication.

Geisenheim, May 29, 2019

Prof. Dr. Hans Reiner Schultz

President of Hochschule Geisenheim University