Anti-Discrimination Policy of
Hochschule Bielefeld – University of Applied Sciences and Arts (HSBI)

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Preamble

HSBI actively fosters a culture in which its members cooperate on equal footing throughout all functional levels in studies, teaching, research and service units. It places great emphasis on a trusting work relationship and respectful and appreciative interactions.

This includes ensuring that, as a corporation under public law, the university is committed to protecting all its members and guests from discrimination, sexual harassment and violence.

The purpose of this policy is to apply the non-discrimination provisions of the General Equal Treatment Act (AGG) to all members of HSBI who do not have to adhere to the AGG because they are not employees.

Section 1: Objectives

With this policy, the university aims to prevent any form of discrimination of a racist, ethnic, religious nature or based on gender or sexual identities, as well as discrimination due to age, beliefs, disability or social origin.

Section 2: Scope

The provisions of the AGG take precedence over this policy. In general, the policy applies to all members of HSBI as defined in Section 9 of the Higher Education Act of North Rhine-Westphalia. If discrimination by third parties or against third parties occurs

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on university premises, this policy will also apply if at least one member of HSBI was involved during the performance of their duties or studies.

Section 3: Definitions

(1) In this policy, we use the terms that the AGG uses in its currently valid version, including the jurisdiction based upon it, and add to these:

a. Direct discrimination means that a person receives unequal treatment compared to others for one of the reasons specified in Section 1. Direct discrimination due to a person's gender also means unfavourable treatment of a person due to pregnancy or social parenthood.

b. Indirect discrimination means that seemingly neutral rules, criteria or procedures put some individuals at a disadvantage compared to other individuals for one of the reasons specified in Section 1. This is unless the rules, criteria or procedures in question are legitimate, justified by a legitimate objective and the means to achieve that objective are appropriate, necessary and reasonable.

c. Harassment is defined as any unwelcome behaviour in connection with one of the reasons specified in Section 1 that has the goal or effect of violating the victim's dignity or general right to personal identity and which creates an environment of intimidation, hostility, humiliation, degradation or abuse.

d. Sexual harassment is discrimination if an unwanted sexual act – including requests for such acts, unwanted forms of physical contact of a sexual nature, sexually charged comments and unwanted display of sexual or pornographic content – leads to a violation of the affected person's dignity, in particular when it creates an environment of intimidation, hostility, humiliation, degradation or abuse.

e. Instructing someone to treat a person unfavourably for one of the reasons specified in Section 1 is discrimination. In particular, it is an instruction of such kind when a person is prompted to behave in a way that discriminates or may discriminate against a person for one of the reasons specified in Section 1.

(2) Discriminatory behaviour can be both verbal and non-verbal. This also includes slanderous, insulting and derogatory statements, hostility, threats and physical assaults that are connected to one of the reasons specified in Section 1.

(3) The behaviours covered by the terms harassment and sexual harassment generally include sexual acts and behaviours that are punishable under the provisions of the German Criminal Code (*Strafgesetzbuch* – StGB).

Section 4: Non-Discrimination Principle

(1) The individuals defined in Section 2 must not experience discrimination for one or more of the reasons specified in Section 1; this also holds true if the person who discriminates only assumes that a reason specified in Section 1 exists.

(2) If an agreement includes provisions that violate the non-discrimination principle of (1), these provisions are ineffective.

(3) If members of the university discriminate against others as specified in (1), this may be a breach of their contractual, service, civil service or higher education law duties.

(4) Unequal treatment is permitted if it leads to the compensation or prevention of existing disadvantages in the context of one of the reasons specified in Section 1.

Section 5: Preventive and Structural Measures

(1) HSBI pledges to implement both preventive and structural measures that help prevent or eliminate discrimination for one of the reasons stated in Section 1. The university will continuously develop these measures to safeguard against discriminatory behaviour with regard to its specific problems.

In particular, these measures include:

- Announcing the publication of this policy to all members of HSBI and giving them permanent and easy access to it, in particular on the university's website,
- Regularly informing students of the advice and assistance they can get if they experience discrimination,
- Regularly providing information offers and suitable qualification measures for all university members in the following subject areas: General Equal Treatment Act; conflict management; a university that is critical of discrimination, sensitive to diversity and reflective of differences; obligations to act and responsibility of managers, educators and trainers,
- Empowering victims of discrimination through advice and networks,
- Taking appropriate precautions to ensure accessibility in studies, teaching and occupation, as far as possible,
- Anticipating and working on discrimination risks in planning and development projects and infrastructural changes, e.g. in building projects,
- Preventing risks of discrimination in the curriculum and study programme development.

(2) HSBI pledges to continuously develop the process and to cooperate in the areas of advising, complaints and preventive measures within the Anti-Discrimination Management working group, which consists of the President, the Vice President Sustainability, People & Culture, the Vice President for Finance and Personnel Management, the Disabled Employees' Representatives, a student suggested by AStA, the central Gender and Diversity Officer and a legal adviser. The President acts as the chair of the working group.

(3) The university management will appoint any additional members of the Anti-Discrimination Management working group who are not automatic members in agreement with the respective person.

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(4) The Anti-Discrimination Management working group meets at least once a semester and has the following tasks:

- Accompanying, developing and initiating measures to prevent and combat structural and individual discrimination as well as indirect discrimination at HSBI,
- Evaluating and further developing the Anti-Discrimination Policy and preventive measures,
- Developing recommendations to further professionalise advice in the event of discrimination and to ensure minimum standards,
- Involving the Diversity Commission so that they can advise the Anti-Discrimination Management working group in identifying measures.

At the start of each session, the chair will briefly report to the Diversity Commission on the advising situation and on the status of the measures.

Section 6: Right to Advice and Points of Contact

(1) The university provides its members and third parties as defined in Section 2 who feel discriminated by behaviour as specified in Section 3 with points of contact for advice. If they experience discrimination during a study-related internship, affected students can also turn to the university's points of contact. They have the right to seek advice without any personal, professional or study-related disadvantages. The same applies to individuals who assist the victims in exercising their right to advice.

(2) The central point of contact for discrimination-related advice is the university's Gender and Diversity Officer.

In addition, affected persons can seek advice from:

- The respective units' Gender and Diversity Officers,
- The Staff Council for technical and administrative staff and the Staff Council for academic staff,
- Department III: Human Resources and Organisation for employees (legal adviser),
- Department II: Student Affairs for students (legal adviser),
- *Allgemeiner Studierenden Ausschuss* (student union),
- The Disabled Employees' Representatives,
- Student Advising and Counselling (psychosocial counselling),
- The deans and vice deans,
- The International Office,
- External advisers.

(3) The victim may also use the advice offers through a third person to safeguard their anonymity. The university will establish a platform for getting in touch anonymously

online.

(4) Victims of discrimination will be able to discuss the issue openly with the points of contact listed under (2), who will also give them information about opportunities for assistance and complaints processes. The points of contact will also refer victims to external advice centres. Advisers have to inform the person seeking advice of the possibilities and limits of their offers and the possible advice procedure.

(5) HSBI will establish a monitoring process to guarantee that victims and, if applicable, their confidants will not experience any personal and professional or study-related disadvantages from the university.

(6) Advisers are subject to confidentiality from which only the victims can release them. All steps will be taken in agreement with the victims and, if applicable, the individuals who assist the victim. If there are limits to confidentiality, the advisers will make them transparent when advising the victim.

(7) HSBI provides all employees who advise victims of discrimination with training opportunities in this subject area.

Section 7: Right to Lodge a Complaint and Complaints Unit

(1) Members of HSBI who experience discrimination by a person covered by Section 2 have the right to lodge a complaint.

(2) The central Gender and Diversity Officer acts as the complaints unit. They can delegate the tasks associated with a formal complaint to other individuals, bodies or units (see Section 8).

Section 8: Complaint Process

(1) Individuals who exercise their right to lodge a complaint must contact the complaints unit to initiate the formal complaint process.

(2) The university will establish a platform for lodging anonymous complaints. If the complainant gives an oral statement, the employee in the complaints unit must take minutes and write a report in agreement with the complainant.

(3) The complaints unit will advise the complainant that an anonymous complaint may not be able to remedy the situation and that it cannot guarantee confidentiality if there are legal reasons against it.

(4) Formal complaints must describe all events perceived to be discriminatory and include witnesses and evidence, if available. Complaints should also include information on any other persons who have already been notified of the events in question and on any steps taken in response.

(5) The complaints unit must collect the facts, if necessary assisted by the adviser who previously processed the issue, provided that the victim has given their consent to the advisers. In order to investigate the facts and to assess the legal situation, the complaints unit may use (external) experts.

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(6) The complaints unit may prompt the person against whom the complaint is made (respondent) to provide a written statement on the complaint. Based on this statement, the complaints unit holds a personal interview with the respondent. This interview must take place within one month after the complaint has been lodged, also taking into account possible deadlines prescribed by law. At the request of the respondent, a person they trust may be present at the interview. The decision whether the complainant wants to participate in the interview alone or accompanied by someone is at the complainant's discretion.

(7) The complaints unit may involve supervisors from the affected teams and areas of the university. This is particularly necessary if immediate steps are required to eliminate any ongoing discriminatory behaviour. In addition, the complaints unit may question other individuals as witnesses. In order to safeguard the general personal rights of the individuals affected, the number of people involved must be kept as small as possible.

(8) The complaints unit examines the facts it has collected. It communicates its results to the President and the Vice President for Finance and Personnel Management and suggests the next steps.

(9) The complaints unit documents all hearings and facts collected and informs both parties on the results of the interviews. If it rejects the complaint, the complaints unit must provide the complainant with a justification.

(10) The President or the Vice President for Finance and Personnel Management, in their respective capacity as supervisors, must decide upon further disciplinary action and sanctions in accordance with Section 9 of this policy.

(11) A complaints process in accordance with this policy does not mean that there will not be any disciplinary and/or criminal proceedings. In the event of prosecution under employment or civil service law, the complaints unit may suspend the complaint process.

(12) The complaints unit will monitor the implementation and success or failure of any disciplinary action that is taken.

Section 9: Disciplinary Action and Sanctions

(1) If someone experiences discrimination within the meaning of this policy, the university must take appropriate and necessary action to protect the victim.

(2) Disciplinary action and sanctions depend on the respondent's position with regard to civil service, employment or higher education law. Provided that the legal requirements are met, the following types of disciplinary action and sanctions are possible:

- Disciplinary meeting,
- Verbal or written instruction,
- Written reprimand,
- Relocation within the university,

- Termination of employment,
- Official administrative inquiry,
- Withdrawal of a teaching assignment,
- Exclusion from a course,
- Exclusion from the use of the university's facilities,
- Ban on entering the university,
- Criminal charges filed by HSBI,
- Deregistration.

Section 10: Reporting and Evaluation

(1) The complaints unit continuously documents complaints. In the process, it will treat information on victims and respondents as well as other people involved confidentially and anonymise it as far as possible, so that no conclusions can be drawn to the individuals or real names of the individuals involved.

(2) The complaints unit will provide individuals who have sought advice or lodged a complaint with the opportunity to give feedback on the process.

Section 11: Entry into Force

This policy shall enter into force after its publication in the announcement bulletin of HSBI – Official Notices.

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