

**Guidelines  
on Protection against Discrimination,  
Sexual Harassment and Violence  
at Deggendorf Institute of Technology**

# CONTENTS

Preface	3
Section 1 Scope	4
Section 2 Definitions	4
1. Discrimination	4
2. Harassment and Sexual Harassment	4
3. Violence and Sexualised Violence	5
Section 3 General –Prohibition	5
Section 4 Prevention	5
Section 5 Duties and Conduct	6
Section 6 Options Available to Affected Persons	6
Section 7 Measures and Consequences	7
Annex 1: Release from the Obligation to Secrecy	8
Annex 2: Diagram of the Counselling and Complaints Procedure	9

## Preface

Deggendorf Institute of Technology attaches great importance to respecting the personal integrity and dignity of all its members. Every person who studies or works here has the right to do so free from discrimination, harassment, sexual harassment or violence in any form.

Discrimination, sexual harassment and violence in any form not only constitute a massive attack on personal rights, but also lead to disruptions and dissatisfaction in the university, impairing a harmonious work and study environment. Discrimination, sexual harassment and violence are prohibited at the Deggendorf Institute of Technology.

The purpose of these guidelines is to offer concrete assistance to those affected by discrimination, sexual harassment and violence, and to guide all members of the university on how to respond appropriately when an incident comes to light. All members are encouraged to create a positive work and study environment.

Deggendorf, 21/06/2023

Prof. Dr. Peter Sperber  
President



## Section 1 Scope

- 1) These guidelines apply to all members of the university (staff and students) as well as visiting students, visiting academics and visitors to the university.
- 2) They shall also apply in cases of discrimination, sexual harassment and violence towards or by third parties on university premises if at least one other affected person belongs to the group of persons referred to in Article 1.

## Section 2 Definitions

### 1. Discrimination

*Discrimination* means discrimination against a person or group of persons on the basis of one or more characteristics worthy of protection. According to Section 1 AGG (General Act on Equal Treatment), characteristics worthy of protection are race or ethnic origin, gender, religion or belief, disability, age and sexual orientation.

#### **Direct**

*Direct discrimination* is taken to occur when a person or group of persons is treated less favourably than another person or group of persons, is or would be treated in a comparable situation on the basis of any of the characteristics worthy of protection mentioned above.

#### **Indirect**

*Indirect discrimination* is taken to occur when an apparently neutral provision, criterion or practice would put a person or group of persons at a particular disadvantage compared to other persons or groups of persons on the basis of any of the characteristics worthy of protection mentioned above.

*No discrimination* shall be deemed to have occurred if it is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

### 2. Harassment and Sexual Harassment

*Harassment* is discrimination by means of an unwanted conduct in connection with any of the characteristics worthy of protection as mentioned above with the purpose or effect of violating the dignity of the person concerned and of creating a hostile, intimidating, degrading or offensive environment.

*Sexual harassment* is discrimination by means of an unwanted conduct of 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 with the purpose or effect of violating the dignity of the person concerned.

### **3. Violence and Sexualised Violence**

*Violence* is the actual or threatened use of physical or psychological force or power directed against oneself or another person, group or community, which results in actual or highly probable psychological or physical harm, injury, death or negative development.

*Sexualised violence* refers to an act of violence that is expressed through sexuality or through a sexual assault. In particular, it involves statements, actions and conduct that restrict and violate a person's right to sexual self-determination.

### **Section 3 General Prohibition**

The forms of discrimination, harassment, sexual harassment, violence and sexualised violence listed under Section 2 are prohibited. Owing to their disruptive and damaging effect on the university operations, they may constitute a breach of employment contract and of obligations under service, public service and university law, as well as constitute a criminal offence.

### **Section 4 Prevention**

DIT takes preventive measures to avoid discrimination, sexual harassment and violence, to raise awareness about these issues and to contribute to the removal of taboos. Preventive measures include in particular:

- The dissemination of this guideline to all members of DIT as well as its permanent publication on the DIT homepage
- The provision of information offers and information materials as well as specific instructions
- Further training offers
- The provision of a counselling service, including the possibility of anonymous counselling
- Integration of accessibility and safety into the planning and development of new DIT building projects
- Consideration of discrimination risks when drawing up the curriculum, when developing the study programme and when designing courses and their framework conditions
- Encouraging the reporting of self-experienced or witnessed misconduct in the sense of these guidelines

## Section 5 Duties and Conduct

- 1) DIT's mission is to protect all persons referred to in Section 1 from discrimination, harassment, sexual harassment, violence and sexualised violence within its sphere of influence.
- 2) All members of DIT are obliged to refrain from any discrimination, harassment, sexual harassment, violence as well as sexualised violence.
- 3) Affected persons and uninvolved third parties are encouraged to exercise their rights, to report misconduct that they have experienced or witnessed, to seek advice and, if necessary, to file a complaint. However, if people do not wish to do so, that should also be respected. Affected persons may always be free to choose the course of action.
- 4) DIT investigates reported offences in accordance with these guidelines and prosecutes them as it sees fit.
- 5) DIT ensures that persons are not disadvantaged as a result of reporting a misconduct by third parties. As far as possible, all steps should be agreed with the affected person in order to ensure anonymity. The identity of the affected person shall be disclosed only to the extent necessary and to the extent required due to statutory regulations or public interests.
- 6) The presumption of innocence in favour of the accused always applies.

## Section 6 Options Available to Affected Persons

- 1) All persons at DIT, who are directly or indirectly affected by discrimination, harassment, sexual harassment, violence or sexualised violence can get in touch with the contact persons pursuant to Art. 25 BayHIG (Bavarian Higher Education Innovation Act) without having to go through the official channels.
- 2) The contact persons pursuant to Art. 25 BayHIG provide anonymous counselling upon request. It is always confidential, and no information about either the person seeking counselling, or the accused may be disclosed to third parties without their respective consent.
- 3) The affected person is free to decide whether, in addition to counselling, he or she wants to take further steps to resolve the problem. If so, the person will be supported by DIT if desired.
- 4) The affected person may submit a written complaint regarding the misconduct he or she has experienced or witnessed to the contact persons pursuant to Art. 25 BayHIG using the form provided for this purpose. This serves as a prerequisite for any further steps that may be taken. A complaint cannot be submitted anonymously and must always be passed on to the university management by the contact persons after the person submitting the complaint has released them from their obligation to secrecy. After a complaint has been filed, the accused person must also be informed of the allegations against him or her.
- 5) A complaint can be withdrawn at any time without consequences for the person submitting it.
- 6) Criminal offences under the Criminal Code (StGB) must be reported to the university management by the contact persons in any case. If necessary, the contact persons will inform the affected person about this procedure in advance.
- 7) In addition to the contact persons pursuant to Art. 25 BayHIG, the affected person may turn to any other trusted person at DIT or to external counselling centres.
- 8) The affected person may be offered the option of having a discussion with the accused person accompanied by the contact persons pursuant to Art. 25 BayHIG or another trusted person.

## Section 7 Measures and Consequences

- 1) A prior written complaint is required in order to initiate or take measures to protect persons who are or have been directly or indirectly affected by discrimination, harassment, sexual harassment, violence or sexualised violence.
- 2) The appropriate, reasonable and necessary measures in individual cases depend on the nature and seriousness of the misconduct as well as the position of the accused under service, employment and university law. Possible consequences are
  - Instructing the accused verbally or in writing
  - Written warning
  - Initiation of disciplinary proceedings
  - Fines or salary reductions as well as reductions of the retirement pension
  - Transfer or suspension
  - Dismissal
  - Exclusion from the use of some or all of the university's internal facilities
  - De-registration
  - Ban on entering the university premises
  - Criminal complaint by the university management
- 3) In all cases, there will be an official discussion with a DIT supervisor (President or Chancellor) or his/her deputies (Vice-President or Vice-Chancellor), the affected person and the accused, and optionally a representative of the staff council. The individual measures and consequences will be discussed during this conversation. At the request of the aggrieved person, a contact person pursuant to Art. 25 BayHIG or another trusted person may also participate in this conversation.
- 4) The affected person is free to have his or her rights pursued under civil or criminal law.

## Annex 1: Release from the Obligation to Secrecy

### Release from the Obligation to Secrecy of the Anti-discrimination Counselling Centre

Declaration of release from the obligation to secrecy towards the university management

I ..... (given name, surname),

born on .....

resident of .....(full address)

hereby release the contact persons from their obligation to secrecy pursuant to Art. 25 BayHIG. The contact persons may forward my complaint to the President and the Chancellor of Deggendorf Institute of Technology, and take all further necessary steps.

I agree to a personal interview with the university management.

I am aware that the person I have accused will be informed of the allegations against him or her.

**I am aware that I can revoke this declaration of release from the obligation to secrecy at any time with effect for the future.**

\_\_\_\_\_

Place, Date

\_\_\_\_\_

Surname, Given Name

\_\_\_\_\_

Signature



## Annex 2: Diagram of the Counselling and Complaints Procedure

Affected persons and witnesses of discrimination, harassment, sexual harassment, violence and sexualised violence have the right to actively defend themselves against these forms of discrimination and to seek support. Affected persons and witnesses may seek advice without obligation and, if they wish, anonymously, from the contact persons pursuant to Art. 25 BayHIG or any other trusted person at DIT. Affected persons may also lodge a written complaint.

