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Guideline on the prevention of and protection against sexualised harassment and violence of the Georg-August University Göttingen including the University Medical Center Göttingen, in the version published as of 01 September 2021 (Official Bulletin I 39/2021, pp. 848 ff.)

**Guideline on the Prevention of and Protection against
Sexualised Harassment and Violence at the Georg-August University Göttingen
including the University Medical Center Göttingen**

**Section One:
Principles and Definitions**

§ 1 Principles

¹The Georg-August-Universität Göttingen – the University and University Medical Center (hereinafter UMG) – does not tolerate any form of sexualised harassment or violence. ²It protects its members, affiliates and guests from all forms of sexualised harassment and violence to the best of its ability and punishes violations. ³In doing so, it particularly takes account of persons/groups who, according to the latest research, are particularly affected by sexualised harassment and violence, such as women, LGBTIQ+ persons and children. ⁴On this basis, this Guideline determines how the University and UMG deal with sexualised harassment and violence and thus updates the hitherto effective “Senate Policy on the Protection of Female Members of the University against sexual harassment and sexual violence” (“*Senatsrichtlinie zum Schutz der weiblichen Universitätsangehörigen vor sexuellen Belästigungen und sexueller Gewalt*”, Official Bulletin No. 8/1997 page 5 appendix 1).

§ 2 Scope

(1) ¹The Guideline applies personally to all those who belong to (*Mitglieder*) or are affiliated with (*Angehörige*) the University and UMG as defined in the University’s Statutes (*Grundordnung der Georg-August-Universität Göttingen*). ²It also applies to external persons, such as guests, patients, scholarship holders and persons who are in the process of applying or being appointed. ³It also applies in cases of sexualised harassment and violence by third parties or against third parties on the University and UMG premises, if at least one person

involved is a member or affiliate of the University of Göttingen or UMG; insofar it also applies to the conduct of patients and their relatives towards employees.

(2) This applies to the entire premises of the University and UMG, including their respective branch offices and rented spaces.

(3) It also applies to all events with a University connection outside the University or UMG premises, for example, business travel, excursions, events as part of the orientation phase, children's holiday programmes, and staff outings.

(4) Both the University and UMG will work towards ensuring that the principles of this Guideline are observed by their subsidiaries.

§ 3 Definitions

(1) The term "sexualised" used for this Guideline assumes that the harassment and acts of violence named here do not have to have their origin in sexuality, but that sexuality and sexual acts can also be instrumentalised and an expression of abuse of power.

(2) Sexualised harassment and violence are behaviours that violate the dignity of the affected person and can create an environment of intimidation, hostility, humiliation, degradation, and offence.

(3) ¹Sexualised harassment and violence include any sexually tinged behaviour that is generally considered undesirable and/or that affected persons declare to be undesirable.

²Such behaviour may be verbal or non-verbal. ³This includes all criminal acts. ⁴Furthermore, any undesirable conduct is to be refrained from, in particular:

- physical touching and assault
- solicitation of sexual contact
- degrading and sexualised remarks, also when declared to be 'jokes'
- remarks about someone's body, intimate life, sexual orientation, or gender identity
- sexually tinged gesture and behaviour
- displaying, posting and disseminating a pornographic and/or sexist text, voice and text message and/or image, regardless of the communication medium used
- exhibitionistic behaviour
- persecuting, stalking, and coercing with a direct or indirect sexualised context.

(4) ¹Sexualised harassment or violence need not be intended as such. ²It is sufficient if the affected person perceives it as such or if it is generally considered undesirable. ³Such harassment or violence is also given if the affected person endures it. ⁴They do not have to defend themselves or express any other form of rejection in the immediate situation.

(5) Sexualised harassment and violence in which supervisory and interdependent relationships at the place of work, study or training are exploited, or in which a person is

threatened with personal or professional disadvantages or is offered rewards for compliance, are deemed to be particularly serious misconduct.

Section Two:

Prevention

§ 4 Principles of prevention

(1) ¹The University and UMG want to be a safe and violence-free space in which every person can move about free from fear of sexualised harassment or violence. ²The members and affiliates of the University and UMG treat each other with respect and professionalism and maintain appropriate distance.

(2) ¹The University and UMG work to remove the taboo surrounding this issue and actively advocate for prevention and take action in the event of violations. ²People with training, teaching, supervisory and management responsibilities play a key role in their function as role models.

(3) In the prevention of sexualised harassment and violence, the UMG also takes into consideration inpatient and outpatient treatment (treatment settings), including patients and their relatives, both as those potentially affected by such situations or actions and as persons who may perpetrate misconduct, and develops special preventive measures.

§ 5 Preventive measures

(1) ¹The University and UMG develop preventive measures for their respective areas of responsibility to protect their members and affiliates and to further develop the overall situation. ²They use findings from consultation and complaint cases to develop structural improvements.

(2) All members and affiliates of the University respectively UMG, in particular those with training, teaching, supervisory and management duties, take adequate measures in their working area to ensure that sexualised harassment and violence do not occur.

(3) All members and affiliates are encouraged to report observations of misconduct as defined in this Guideline (hereinafter: informing persons).

(4) ¹The University and UMG inform their members and affiliates of this Guideline in their respective areas of responsibility, in particular upon new employment or enrolment. ²The cooperation and contractual partners of the University respectively UMG are informed and made aware of this Guideline.

(5) The University and UMG consider competent handling of sexualised harassment and violence to be an important element of leadership skills and work towards a corresponding assumption of responsibility, e.g. through appropriate training.

(6) The University and UMG provide information in their respective areas of responsibility on awareness-raising and further training offers on the subject of sexualised harassment and violence, and offer relevant courses themselves.

(7) The University and UMG offer assertiveness training and self-defence courses, for example as part of their respective professional development and University sports programmes.

(8) The University and UMG take measures within their means to increase security in their buildings and facilities.

(9) Meetings with employees or students generally take place in offices during the usual office hours and, taking into account official interests, may take place with the door open or closed, as mutually agreed upon.

(10) The University and UMG support central and decentralised measures and initiatives to combat sexualised harassment and violence at the University and UMG, at the members of the Göttingen Campus and at other cooperation partners.

(11) The counselling services and contact persons collaborate as a network and cooperate in order to gather findings on incidents and successful preventive measures.

§ 6 Monitoring, reporting and further development

(1) The University and UMG record and evaluate the preventive measures implemented for their respective areas of responsibility (monitoring) and develop them further.

(2) The presidential board and the executive board of the UMG report regularly, anonymised to the extent necessary, on the implementation of the Guideline to the Senate, the Faculty Council of the Faculty of Medicine and jointly to the Foundation Council.

Section Three:

Procedures

§ 7 Principles of procedure

(1) ¹If misconduct as defined in this Guideline (hereinafter: misconduct) is established, the University and UMG are obligated to take action. ²Proceedings under this Guideline shall be expedited.

(2) Affected persons are expressly encouraged not to tolerate sexualised harassment and violence, to defend themselves against it and to make it clear to the person concerned that their behaviour is unwanted and is to be ceased.

- (3) Affected persons may exercise the rights under this Guideline during working hours.
- (4) ¹All members and affiliates of the University and UMG with training, teaching, supervisory and management duties are obligated to inform one of the relevant authorities listed under § 8 (5) or § 9 (2) without delay in the event of suspected sexualised harassment and violence. ²As a rule, this only applies if the affected person consents.
- (5) Possible procedures are counselling (informal procedure) in accordance with § 8 and/or complaint (formal procedure) in accordance with § 9.
- (6) ¹All persons involved in the proceedings are obligated to maintain confidentiality. ²Refer to § 12.
- (7) The rights of all parties involved to protect their data, confidence and personality, as well as the right to take their own legal action, remain unaffected.
- (8) The University and UMG review the effectiveness of the procedure specified in this Guideline and develop it further.
- (9) If indicated, the University respectively UMG take measures for structural improvement in addition to the individual proceedings.

§ 8 Counselling

- (1) ¹Affected persons may turn to one of the counselling services and contact persons named in § 5 (University) respectively § 6 (UMG) for counselling (informal procedure). ²Affected persons may, at their own request, be accompanied by a person of their trust (hereinafter: confidant) during the conversations.
- (2) ¹The initial contact may be made by the person affected by sexualised harassment or violence or, by proxy, a third party, both also anonymously. ²Possible prescribed official channels do not have to be adhered to.
- (3) ¹The counselling services and contact persons according to (5) or (6) support the affected persons in safeguarding their interests and also guide them on the way to a formal complaint, if the person lodging the complaint so desires and wishes to initiate a formal procedure. ²This also includes supporting the affected persons in recording in writing the grievances that have been presented orally.
- (4) All consultations according to (1) are to be treated confidentially, unless the parties agree in text form to pass on the contents of the consultation or parts thereof to third parties, in particular
- the responsible authority according to § 9 (2)
 - law enforcement authorities, as well as
 - an internal or external psychological counselling service.
- (5) ¹At the University, various offices and contact persons are available for counselling. ²In particular, the University Equal Opportunities Officer and the decentral Equal Opportunities

Officers offer counselling on sexualised harassment and violence. ³Information on further counselling centres and contact persons can be found on the website of the Equal Opportunities and Diversity Unit.

(6) Generally, affected persons at the UMG first contact the UMG Equal Opportunities Officer, who is the first point of contact for counselling and can provide information on further counselling services. Information on further counselling services and contact persons can be found on the website of the UMG Equal Opportunities Officer.

(7) Affected persons are also free to seek advice from external offices.

(8) All counselling services and contact persons at the University or UMG are trained in the interaction with persons affected by sexualised harassment and violence and with regard to the procedures.

§ 9 Complaint

(1) ¹The complaint (formal procedure) may be initiated by the person affected or, by proxy, by a third party, also without a prior informal procedure. ²It serves to inform the University respectively UMG with the aim of clarifying the facts.

(2) The complaint is filed by the person affected or a representative authorised by them by presenting the facts of the case to the President of the University or, at the UMG, to the Executive Board as the respective relevant authority.

(3) Affected persons are free to lodge a complaint with external authorities.

(4) ¹The University and UMG examine the complaint in their respective areas of responsibility. ²In the course of this procedure, the person accused is given the opportunity to comment. ³The person making the complaint will be informed of the outcome of the examination.

(5) If the University respectively UMG concludes that there is sufficient evidence of misconduct, it initiates appropriate sanctions.

(6) The person making the complaint cannot demand sanctions from the University respectively UMG or prevent sanctions (according to § 10).

§ 10 Sanctions

(1) ¹The sanctions to be taken are to make misconduct emphatically clear, prevent repeat offences and make it clear that the University and UMG do not tolerate such behaviour. ²The sanctions always pertain to the individual case.

(2) Depending on the status group (*Statusgruppe*) and employment relationship of the person who commits the misconduct, sanctions may in particular include, depending on appropriateness and commensurability:

- summons to a formal personnel conversation (*Dienstgespräch*)
- oral or written instruction (*Belehrung*)

- written reprimand (*Ermahnung*)
- censure (*Abmahnung*)
- in the case of harassment using electronic data processing: account revocation
- transfer to another workplace
- exclusion from the use of university facilities
- exclusion from classes/events
- ban on entering university premises
- exmatriculation (termination of enrolment)
- dismissal (termination of employment)
- initiation of disciplinary proceedings.

(3) The UMG provides for further sanction measures, in particular, for the area of inpatient and outpatient treatment (treatment settings) (e.g., accompaniment by security staff, cancellation of an order placed with external companies, in the case of patients, cancellation of the treatment contract insofar as this is medically justifiable, and, if applicable, criminal charges).

Section Four: General Provisions

§ 11 Protection and support of persons affected by misconduct

(1) The University and UMG fulfil their duties of care and protection towards affected persons.

(2) ¹The name of the affected person may not be publicly disclosed. ²If measures are taken, the name of the affected person may only be disclosed to the accused person if there is a corresponding legal entitlement or if this is otherwise indispensable for their proper plea, line of argument and defence. ³In the informal procedure, the affected person has an unrestricted right to anonymity; the affected person may be represented by a trusted confidant of their choice or, if this is not possible, be accompanied by such.

(3) If the misconduct becomes known, adequate measures will be taken to protect the affected person, in accordance with their wishes.

(4) The University and UMG offer affected persons upon request initial legal and psychological counselling free of charge, to the best of their ability.

(5) The University and UMG ensure to the best of their ability that no personal, study-related or professional disadvantages arise from a complaint for the person making the complaint and their confidants.

(6) The right of the person affected by the misconduct to take their own measures, in particular, to file a complaint or to obtain legal protection, remains inviolate.

§ 12 Further protective provisions

(1) ¹For the protection of the parties to the proceedings, the proceedings are confidential. ²Confidentiality is also maintained beyond the conclusion of proceedings. ³The parties to the proceedings are to be explicitly advised in this regard.

(2) The provisions of § 8 and § 11 apply accordingly to persons providing information.

(3) ¹The University and UMG fulfil their duties of care and protection towards accused persons. ²Efforts are to be made to ensure that a person who is wrongly accused does not suffer any disadvantages as a result of the matter.

(4) Abuse of the right of complaint (*Beschwerderecht*) may be punished in accordance with § 10.

§ 13 Final provisions

¹This Guideline enters into force on the day following its publication in the Official Bulletin I (*Amtliche Mitteilungen I*). ²Concurrently, the “Senate Guideline on the Protection of Female University Members against Sexual Harassment and Sexual Violence” of the Georg-August University Göttingen in the version published as of 1 August 1997 („*Senatsrichtlinie zum Schutz der weiblichen Universitätsangehörigen vor sexuellen Belästigungen und sexueller Gewalt*“, Official Bulletin 8/1997 page 5, appendix 1) expire.
