

Guideline for Protection against discrimination and sexualised violence at the TU Dortmund

Contents

Preamble.....	1
§ 1 Goals	2
§ 2 Scope.....	2
§ 3 Principles of the TU Dortmund	2
§ 4 Definitions	3
§ 5 Prevention	3
§ 6 Possibility of consultation and right of appeal	3
§ 7 Counselling options at the TU Dortmund	4
§ 8 Complaint and complaint procedure	4
§ 9 Reporting and Evaluation	5
§ 10 Entry into force	6
Appendix	7

Preamble

The TU Dortmund sees itself as a gender-equitable, family-friendly, open, inclusive and discrimination-critical university that views the diversity of its members as a productive resource. It pursues the goal of preventing discrimination, disadvantage, abuse of power, harassment and sexualised violence and strives to create a fair, supportive and motivating working environment for both employees and students. TU Dortmund attaches great importance to cooperation based on trust and to treating each other with respect and appreciation. It is committed to ensuring that no person is disadvantaged within university life on the basis of gender, social or ethnic origin, racial attribution, appearance, age, disability, impairment or illness, sexual orientation or gender identity, religion or belief or family situation. The TU Dortmund University of Technology promotes proactive anti-discrimination with this policy.

§ 1 Goals

- (1) The aim of the directive is to prevent or eliminate discrimination and sexualised violence.
- (2) This guideline specifies a counselling and complaints procedure for those persons who are affected by discrimination and sexualised violence at TU Dortmund University. The TU Dortmund University is committed to pursuing discrimination and sexualised violence at the TU Dortmund University intensively and relentlessly and to sanctioning them appropriately within the scope of legal and actual possibilities. It also pursues the goal of raising awareness and attention at TU Dortmund University to discrimination and sexualised violence.

§ 2 Scope of application

- (1) The guideline applies to all members and affiliates of TU Dortmund University within the meaning of Section 9 of the Higher Education Act of North Rhine-Westphalia (Hochschulgesetz NRW) and to all persons who, with the knowledge and will of TU Dortmund University, are entitled to stay there temporarily and/or permanently in connection with the original tasks of the university.
- (2) The policy also applies in cases of discrimination and sexualised violence by third parties or against third parties in connection with employment, studies or training at TU Dortmund University.

§ 3 Principles of the TU Dortmund

- (1) All members and relatives as well as guests of TU Dortmund University are required to contribute to fair dealings with each other through their own behaviour and actions in order to create an open and safe working, training and study environment.
- (2) Discrimination and sexualised violence create an intimidating, stressful and degrading working and learning environment, can cause health risks and represent a massive impairment of personal rights. Such a climate is unacceptable for TU Dortmund University.
- (3) All persons with management and leadership responsibilities in research, teaching, education and administration as well as in committees and bodies of the TU Dortmund University are required by their duty of care to counteract discrimination and sexualised violence in their area of responsibility, to prevent it and, if necessary, to report it to the responsible bodies of the TU Dortmund University.
- (4) Discrimination and sexualised violence perpetrated by employees, students and guests of TU Dortmund University may constitute a violation of obligations under labour law, civil service law, criminal law or university law and will be prosecuted as such if necessary. If they take place by exploiting relationships of dependency at the place of work or training and during studies by threatening personal or professional disadvantages or by promising advantages (abuse of power), this will be given special consideration in the assessment.

§ 4 Definitions

With regard to the terms used in this guideline, reference is made to the definitions listed in the General Equal Treatment Act (AGG). Furthermore, the term sexualised violence within the meaning of this guideline includes all forms of sexualised harassment.

§ 5 Prevention

TU Dortmund University takes preventive measures to create a harassment-free working environment and to prevent discrimination and sexualised violence in the workplace and during studies. Preventive measures include in particular:

- Regularly informing persons with supervisory, management and training responsibilities on the topic of discrimination and sexualised violence in the workplace and in studies, on gender- and discrimination-sensitive language, and on appropriate behaviour in the context of teaching, research, studies and work at TU Dortmund University,
- Information and education services open to all members and affiliates of TU Dortmund University,
- the consideration of discrimination risks in planning and development projects and infrastructural changes, e.g. construction measures, digital information and communication technologies,
- Offers of support for those affected,
- the consideration of discrimination risks in curricula, in the development of study programmes and in the framework conditions of courses, for example in questions of course schedules or the use of gender- and discrimination-sensitive language,
- conduct of all members and affiliates of TU Dortmund University that is characterised by fair treatment and respects the personal integrity and dignity of all.
- intensifying diversity and anti-discrimination sensitivity in staff recruitment.

§ 6 Possibility of consultation and right of appeal

- (1) Every person according to § 2 paragraph 1 of this guideline who feels affected by discrimination or sexualised violence has the possibility to seek counselling (cf. § 7) and the right to file a complaint (cf. § 8). Persons affected by discrimination and sexualised violence are explicitly encouraged not to accept their situation but to take action against it. The TU Dortmund University ensures that persons are not disadvantaged because they claim rights under the AGG.
- (2) Counselling is confidential and guided by the interests of the person seeking advice; the processing of a complaint must be impartial.

§ 7 Counselling options at the TU Dortmund

- (1) Counselling is offered by various contact and counselling centres as well as interest groups at TU Dortmund University. A list of the contact and counselling points as well as the interest groups can be found in the appendix of this guideline.
- (2) In order to support the implementation of this policy, the TU Dortmund University shall establish a central counselling office for persons who feel affected by discrimination or sexualised violence ("**Central Counselling Office for Cases of Discrimination and Sexualised Violence**"). This can be contacted by all members and affiliates of the TU Dortmund University in accordance with § 2. Details on the tasks, composition and number of persons, structural connection and powers will be regulated separately.
- (3) Counselling includes confidential discussion and support for the person seeking advice. The counselling person informs about options for action and, if desired by the person concerned, suggests appropriate measures to protect the person concerned from further misconduct. Entry into a complaints procedure may be an outcome of the counselling.
- (4) A counselling centre may consult another counselling centre with the consent of the person seeking counselling and may refer the person seeking counselling to that counselling centre.
- (5) In the context of a counselling interview, the person concerned has the right to anonymity and may also be represented by a person they trust or use a pseudonym.

§ 8 Complaint and complaint procedure

- (1) The TU Dortmund University has set up a complaints office in the sense of § 13 AGG, in which the complaints procedures in accordance with the AGG are carried out.
- (2) In addition, it is responsible for all complaints regarding misconduct within the meaning of § 3 of this guideline, whereby it cooperates closely with the counselling centres in accordance with § 7 of this guideline.
- (3) The purpose of a complaint is to bring misconduct pursuant to § 3 of this policy or discrimination that is inadmissible under the AGG to the attention of the TU Dortmund University so that, in the event that discrimination or sexualised violence is found to have occurred, all necessary measures can be taken to put an end to ongoing discrimination and to prevent a repetition of the conduct or events in the future.
- (4) If the criminal prosecution authorities are investigating an incident that is the subject of a complaint procedure within TU Dortmund University, the complaint procedure will be suspended at TU Dortmund University until the investigation or criminal proceedings have been concluded.
- (5) A complaint within the meaning of this guideline must be submitted by the person making the complaint to the AGG Complaints Office at TU Dortmund University. As a rule, it should be submitted in writing to the AGG Complaints Office.

- (6) The complaint must describe the events perceived as discriminatory or sexualised violence. Possible evidence and witnesses should be named, if available. The complaint should also state which procedural bodies have been informed about the incident and what measures have already been taken.
- (7) After receiving the complaint, the AGG complaints office informs the complainant about his/her rights and obligations and the further procedure. The complainant must be informed that he or she has no right to anonymous treatment of the complaint.
- (8) If the underlying facts are suitable, the AGG complaints body can advise the parties involved to continue the proceedings pending before it as mediation. However, this is only possible with the consent of all parties. If one of the parties is a student, a representative of the General Students' Committee (AStA) will be called in with his/her consent.
- (9) If a complaint procedure is carried out, all parties shall be granted an appropriate hearing to clarify the facts. Furthermore, internal and external persons may be involved who can contribute to the clarification of the facts and/or have the necessary professional expertise. If necessary, interim measures may be taken to protect the complainant.
- (10) The complainant can obtain information about the status of the procedure from the AGG Complaints Office at any time.
- (11) Once the investigation of the facts has been completed, the AGG Complaints Office informs the parties of the result.
- (12) If the complaint proves to be justified, the AGG Complaints Office will inform the Rector or the Chancellor of the TU Dortmund University of the result of the investigation of the facts and propose the further procedure as well as any necessary sanctions.
- (13) The Rector or Chancellor of TU Dortmund University shall decide whether and, if so, which measures under employment law, service law, higher education law, status law, examination law or other legal and factual measures are to be initiated.
- (14) If the investigation of the facts does not provide sufficient evidence for the existence of discrimination or sexualised violence, the proceedings are discontinued. Nevertheless, it is possible to take measures to resolve the conflict.
- (15) In the complaint procedure, the person filing the complaint may withdraw his or her complaint at any time. This leads to the discontinuation of the complaint procedure. This is without prejudice to measures to be taken under § 3(4) of this guideline.

§ 9 Reporting and evaluation

The AGG Complaints Office reports to the rectorate once a year on the fulfilment of its tasks and concrete cases of discrimination.

The Central Counselling Office for Cases of Discrimination and Sexualised Violence organises a regular exchange between the AGG Complaints Office, the drop-in and counselling centres as well as the interest groups of the TU Dortmund University (see appendix to this guideline). This exchange is intended to promote the interaction of the counselling and complaint procedures and the cooperation of those involved with each other.

§ 10 Entry into force

The guideline comes into force on the day after publication in the Official Notices of TU Dortmund University.

The policy will be announced to all members and staff of TU Dortmund University and handed out when they are recruited as well as published in a suitable place on the intranet. The faculties shall additionally publicise the policy.

Dortmund, 1 June 2022

The Rector
of the Technical University of Dortmund

University Professor
Dr Manfred Bayer

Appendix

Contact and advice centres and interest groups at TU Dortmund University (as of 17.12.2021):

AStA (General Students' Committee)

The AStA is the political representation of the students and the executive body of the constituted student body. <https://asta-dortmund.de/der-asta/>

Autonomous units and student working groups

Autonomous units are bodies within the constituted student body (VS) that work for students at TU Dortmund University. <https://asta-dortmund.de/autonome-referate/>
In addition, there are student AGs that are recognised by the student parliament. <https://asta-dortmund.de/studentische-ags/>

Senate representative for the interests of disabled students <https://www.tu-dortmund.de/universitaet/organisation/beauftragte-confidants/>

Occupational Integration Management Representative (BEM)

People who suffer from a long-term or chronic illness have a particularly hard time in the world of work. If you have been ill for a long time, you need support in returning to work. Your employer is even obliged to offer you help in the form of occupational integration management (BEM for short). In this process, your employer clarifies together with you and qualified experts how you can resume your work and with which preventive services or assistance your health can be strengthened. <https://www.tu-dortmund.de/universitaet/organisation/beauftragte-vertrauenspersonen/>

Complaints Office under Section 13 of the General Equal Treatment Act (AGG)

The General Equal Treatment Act (AGG) is a federal law that aims to prevent or eliminate discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual identity.

Section 13 of the AGG gives university employees the right to complain to the office if they feel they have been discriminated against in connection with their employment by the employer, superiors, other employees or third parties for one of the reasons mentioned. With this directive, the scope of the AGG Complaints Office is extended to the group of students. <https://www.tu-dortmund.de/universitaet/organisation/beauftragte-confidants/>

Decentralised and centralised complaints management (faculties):

The TU Dortmund University Complaints Management offers contact points in the faculties and at the central university level to which students can turn in the event of conflicts, complaints or suggestions for improvement in the area of teaching and studying. As a rule, the complaint managers in the faculties are the first point of contact for problems in teaching and studying. However, if there are reasons why a complaint cannot be dealt with in the faculty or if the matter involves several faculties, the complaint manager is the first point of contact.

or affect the entire university, students can contact the central complaints management. <https://www.tu-dortmund.de/studierende/beratung/beschwerdemanagement/>

Central Equal Opportunities Officer and decentralised Equal Opportunities Officer of the faculties

The central Equal Opportunities Officer supports TU Dortmund University in its mission to promote the actual implementation of equal rights for all genders. In doing so, she is particularly aware of the concerns of women at TU Dortmund University and promotes the dismantling of existing structural discrimination on the basis of gender. It advises on violations of the requirement for gender equality. The legal basis for this task is § 24 of the Higher Education Act as well as § 17 and § 18 of the NRW State Equal Opportunities Act. <http://www.gleichstellung.tu-dortmund.de>

The decentralised equal opportunities officers are the contact persons for equal opportunities issues in their faculties. http://www.gleichstellung.tu-dortmund.de/cms/en/Akteur_innen/Gleichstellungsbeauftragte_der_Fakultten/index.html

Centre for Higher Education, Area of Disability and Studies (DoBuS) The work of DoBuS aims to create equal-opportunity studying conditions for

students with disabilities and chronic illnesses. In terms of the UN Convention on the Rights of Persons with Disabilities, students with disabilities are human rights holders who are entitled to participation in higher education according to Article 24(5). <https://dobus.zhb.tu-dortmund.de/dobus/>

Inclusion Officer

<https://www.tu-dortmund.de/universitaet/organisation/beauftragte-confidants/>

International Office

The International Affairs Department is responsible for maintaining the international relations of our university. The responsibilities of the department include the supervision and counselling of visiting academics and international students who are studying and researching in Dortmund, as well as counselling Dortmund students who would like to complete a study visit or internship abroad. <https://www.tu-dortmund.de/universitaet/organisation/verwaltung/referate/referat-internationales/>

Staff Council of Scientific and Artistic Employees

The Staff Council represents the interests of the staff in accordance with the NRW State Staff Representation Act (LPVG-NW). Our area of representation includes all academic staff (in collective agreement employment and civil servant status), teaching staff (seconded teaching staff, teaching staff for special tasks), academic assistants with Bachelor's (WHF) or Master's (WHK) degrees and lecturers with more than 4 SWS. Our tasks include contract matters (hiring, contract terms (e.g. for promotion), job description, continued employment, termination and dismissal), workplace design (office and work equipment), occupational safety (fire protection, escape routes, pollutants), occupational health

(maternity protection, working with hazardous substances) and mobbing (conflicts at the workplace). <https://prwiss.tu-dortmund.de/>

Staff council of the non-scientific employees

The task of the staff council is to represent the concerns and interests of the employees collectively vis-à-vis the management. In addition to the specific rights of participation regulated in the respective Staff Representation Act, general tasks of the staff council are also standardised there: Recruitment, transfer to another department, grouping, promotion, refusal or revocation of authorisation for secondary employment, refusal of part-time employment, general working time regulations, refusal of leave, design of workplaces, health protection and accident prevention measures. <https://cms.tu-dortmund.de/personalrat/nw/cms/en/Informationen/index.html>

Psychological study counselling

As part of the Central Student Advisory Service, the Psychological Student Advisory Service is a service facility of the TU Dortmund University for its students and employees.

Psychological student counselling is not primarily based on an understanding of illness, but strives to provide support in developing coping strategies in difficult life situations and in expanding study-related skills. <https://www.tu-dortmund.de/psychologischeberatung/>

Representative body for severely disabled persons

She represents the disabled people at the TU vis-à-vis the administration and their superiors. Advice on topics such as workplace equipment or the design of new buildings is also part of her duties. <https://cms.tu-dortmund.de/sbv/en/Home/>

Equal Opportunities, Family and Diversity Unit, Human Resources Department

The Equal Opportunities, Family and Diversity Office reinforces the culture of diversity at TU Dortmund University. It develops, implements and supports strategies, instruments and measures to improve equal opportunities and family friendliness. <https://stabsstelle-cfv.tu-dortmund.de/>

Social contact persons and a social contact person (SAPa)

Two social contact persons (SAPa) offer employees collegial support in crisis situations. They provide counselling on topics such as addiction, grief, mobbing or offer support with psychological problems and conflicts in the professional and private environment. During the counselling sessions, the SAPa develop approaches with the persons concerned to overcome the crises and problems, but they do not take therapeutic action. If necessary, the social contact persons also refer those seeking advice to other TU Dortmund University institutions or external agencies. <https://www.tu-dortmund.de/universitaet/organisation/beauftragte-confidants/>

Central counselling centre for cases of discrimination and sexualised violence

In order to support the implementation of the prevention measures, the TU Dortmund University of Technology

a central counselling centre for people who feel affected by discrimination or sexualised violence. This is available to all members and staff of the TU Dortmund University. Details on the tasks, composition and number of persons, structural connection and powers will be regulated separately.