

**PLEASE NOTE: The English-language policy document is not the official and binding version and cannot be used as a basis in complaint proceedings, as the official language of the proceedings is German. The German-language version of the policy is the official and binding version.**

## **The University of Bremen Anti-Discrimination Policy**

### **- Anti-Discrimination Policy -**

**Dated April 17, 2024**

The President of the University of Bremen approved the version of the policy presented below on April 19, 2024, which was passed by the Academic Senate of the University of Bremen on April 17, 2024, in accordance with Article 110, Paragraph 3 of the version of the Higher Education Act of the State of Bremen (BremHG) published on May 9, 2007 (Bremen Law Gazette, page 339) and last amended by Article 1 of the Act on February 28, 2023 (Bremen Law Gazette, page 68) on the basis of Article 4, Paragraph 11 and Article 5b of the BremHG.

<u>PREAMBLE</u>	<u>2</u>
<u>SECTION 1: PRINCIPLES AND DEFINITIONS</u>	<u>2</u>
§ 1 PURPOSE AND PRINCIPLES	2
§ 2 SCOPE OF APPLICATION	2
§ 3 BAN ON DISCRIMINATION BASED ON PROTECTED CHARACTERISTICS	3
§ 4 DEFINITIONS	3
<u>SECTION 2: RESPONSIBILITIES AND PREVENTATIVE MEASURES</u>	<u>4</u>
§ 5 RESPONSIBILITIES AND CONDUCT EXPECTED OF STAFF AND STUDENTS AT THE UNIVERSITY	4
§ 6 OBLIGATIONS AND RESPONSIBILITIES OF THE UNIVERSITY EXECUTIVE BOARD AND PEOPLE IN MANAGEMENT AND SUPERVISORY ROLES	5
§ 7 COMMITMENT TO DIVERSITY AND ANTI-DISCRIMINATION	5
§ 8 PREVENTATIVE MEASURES	6
<u>SECTION 3: CONFIDENTIAL COUNSELING, EARLY INTERVENTION, AND FORMAL COMPLAINTS</u>	<u>6</u>
§ 9 CONFIDENTIAL COUNSELING	7
§ 10 EARLY INTERVENTION	8
§ 11 RIGHT TO MAKE AN OFFICIAL COMPLAINT AND COMPLAINTS PROCEDURE AS PER THE GENERAL ACT ON EQUAL TREATMENT (AGG)	9
§ 11A RIGHT TO MAKE A COMPLAINT	9
§ 11B COMPLAINTS PROCEDURE	9
<u>SECTION 4: FINAL PROVISIONS</u>	<u>10</u>
§ 12 MEASURES AND SANCTIONS	10

§ 13 PROCESSING OF DOCUMENTATION AND DATA DURING THE COMPLAINTS PROCEDURE	10
§ 14 ENTRY INTO FORCE	11

## **Preamble**

The University of Bremen is committed to being a place where students and staff can learn, teach, and work safe in the knowledge that they will be treated fairly and with solidarity and respect. It is an environment built on trust, where everyone is encouraged to be accepting of others and mindful of diversity. The University Executive Board is committed to doing everything in its power and using the resources at its disposal to protect all students and staff at the university against discrimination.

All students and staff at the university are required to adopt the university's mindful attitude toward discrimination in the way they act and treat others.

The University Executive Board is aware that people can sometimes be treated unfairly for no objective reason without that treatment necessarily or clearly being classed as discrimination. For this reason, university conflict management services will also be used to ensure effective protection against discrimination. The University of Bremen is committed to raising people's awareness of discrimination and removing the taboo around it. In this regard, this policy also aims to prevent discrimination.

## **Section 1: Principles and Definitions**

### **Article 1 Purpose and Principles**

- (1) The purpose of this policy is to state that discrimination is never accepted and to raise awareness of discrimination. It also aims to encourage people to take a critical and constructive approach to discrimination, ensuring transparency and providing clear guidance.
- (2) This policy provides information about rights and responsibilities, explains where support is available, outlines the procedure for making complaints, and describes the consequences for people who demonstrate discriminatory behavior.
- (3) This policy has been written to encourage people who have experienced or witnessed discrimination to take appropriate action and exercise their rights.
- (4) The University Executive Board is hereby respecting its socio-political and legal responsibility to ensure that appropriate action is taken to provide protection against discrimination in the event of structural failings and individual misconduct. This responsibility is governed by European directives, international conventions, the German constitution, the General Act on Equal Treatment (AGG), and the Higher Education Act of the State of Bremen (BremHG).

### **Article 2 Scope of Application**

- (1) This policy applies to all students and staff at the university as per Article 5, Paragraphs 1 and 4 of the BremHG.

(2) It also applies to instances of discrimination by or against third parties, such as guests, contractual partners, and suppliers, provided that at least one of the parties involved belongs to one of the groups of people set out in Paragraph 1 of this article.

(3) This policy applies to the conduct of the aforementioned people within the context of the university. Discriminatory behavior outside of the university context is also covered by this policy if it is based on or in the context of an existing working, training, or teaching contract.

(4) In terms of location, this policy applies to the entire university campus (including all rented and owned properties) and all off-campus university sites. This policy also applies on business trips, at in-person and online events organized by the University of Bremen, and whenever people are acting on behalf of the university.

(5) This policy also applies to all digital means of communication (e.g., online chats and social media) and to telephone calls within the scope of Paragraph 3 in this article.

### **Article 3 Ban on Discrimination Based on Protected Characteristics**

(1) The General Act on Equal Treatment (AGG) defines protected characteristics. It sets out a ban on discrimination on the grounds of gender (including pregnancy/parenthood), gender identity, race or ethnic origin, sexual orientation, religion or beliefs, disability or chronic health conditions, and age. The University of Bremen hereby adds the following characteristics to this list of protected characteristics based on a recommendation by the German Federal Anti-Discrimination Agency (FADA) for universities and research institutions: nationality and citizenship, language, socio-economic status, marital status, caring responsibilities, and outward appearance (including weight).

(2) Discrimination, especially for the grounds specified in Article 3, Paragraph 1, is not tolerated at the University of Bremen. Discrimination turns working and learning environments into intimidating places where education is disrupted and restricted. Adopting a constructive approach to discrimination and anti-discrimination measures at the individual and structural level is one way of ensuring that diversity is respected throughout the organization.

### **Article 4 Definitions**

(1) Discrimination comes in many forms, including but not limited to words, actions, and exclusions that degrade, disadvantage, harass, threaten, or harm people. Structural discrimination occurs when provisions, criteria, and practices are written or applied in such a way that limits opportunities for certain groups of people. Discrimination is defined by the result or the impact regardless of the intent. This means that discrimination can be the result of ignorance, acting without thinking, and continuing to act in a way that has previously been accepted. The damaging impact of this discrimination can be amplified when it is experienced repeatedly.

(2) Direct discrimination occurs when one person is treated less favorably than another person is, has been, or would be treated in a comparable situation directly on any of the grounds specified in Article 3, Paragraph 1. Direct discrimination due to gender also applies when a person is treated less favorably due to pregnancy or parenthood.

(3) Indirect discrimination occurs when apparently neutral provisions, criteria, or practices can put people at a particular disadvantage indirectly on any of the grounds specified in

Article 3, Paragraph 1, unless those provisions, criteria, or practices are objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(4) Harassment occurs when unwanted conduct in connection with any of the grounds specified in Article 3, Paragraph 1 takes place with the purpose or effect of violating the dignity of the person concerned and of creating an intimidating, hostile, degrading, humiliating, or offensive environment.

(5) Sexualized discrimination (referred to as “sexual harassment” in the AGG) occurs when unwanted conduct of a sexual nature takes place with the purpose or effect of violating the dignity of the person concerned and of creating an intimidating, hostile, degrading, humiliating, or offensive environment. This includes but is not limited to unwanted sexual acts and requests to carry out sexual acts, unwanted and inappropriate physical contact of a sexual nature, comments of a sexual nature, and the unwanted showing or public exhibition of pornographic images.

(6) Discrimination can also be expressed through violence in the form of actual or threatened physical injury or psychological damage, which may result in criminal proceedings. This includes but is not limited to physical violence, psychological abuse, sexual attacks, coercion and rape, and stalking (following, watching, and/or harassing someone as per Article 238 of the German Criminal Code).

(7) An instruction to discriminate against a person on any of the grounds specified in Article 3, Paragraph 1 is also deemed to be discrimination. An instruction of this nature occurs when a person instructs someone else to engage in conduct that discriminates or can discriminate against any of the people specified in Article 2, Paragraphs 1 and 2.

(8) Discrimination still occurs when the person committing the act of discrimination only assumes that any of the grounds specified under Article 3, Paragraph 1 exist.

(9) When people suffer discrimination in a situation on more than one of the grounds specified in Article 3, Paragraph 1, this is known as multiple discrimination. Intersectionality occurs when multiple grounds of discrimination influence and reinforce each other to the extent that they are inextricably intertwined.

(10) Discrimination that exploits a position of power or is used as leverage or retaliation against someone making a complaint is deemed to be exceptionally serious.

## **Section 2: Responsibilities and Preventative Measures**

### **Article 5 Responsibilities and Conduct Expected of Staff and Students at the University**

(1) All staff and students at the university are required to treat each other with respect and be mindful of discrimination, adopting a critical and constructive approach at all times.

(2) Staff and students at the university who find themselves involved in or faced with specific situations or events involving discrimination as defined in this policy are encouraged to contact the trusted counseling centers and points of contact listed in Article 10 and ask for advice on the recommended course of action.

## **Article 6 Obligations and Responsibilities of the University Executive Board and People in Management and Supervisory Roles**

(1) The University Executive Board accepts its responsibility to do everything in its power to protect the people specified in Article 2, Paragraphs 1 and 2 and to ensure that discrimination is handled appropriately. This includes implementing measures to prevent discrimination and raise awareness, creating a culture where people notice what is going on around them, understand the issues, and know how to respond appropriately, providing the necessary support mechanisms, and ensuring a formal complaints procedure is in place. It is the responsibility of the University Executive Board to ensure that staff and students who call out discriminatory behavior and failings are not discriminated against or disadvantaged in any way (prohibition of victimization as per Article 16 of the AGG).

(2) In accordance with Article 1, Paragraph 4, teaching, research, and admin staff at the university working in education, qualifications, and management have a special responsibility and obligation toward the people who need protecting according to Article 2, Paragraphs 1 and 2. Within their sphere of responsibility, they must actively support others to be mindful of discrimination and show respect to everyone despite their differences. They are required to inform people about this policy and their rights and obligations set out within it.

(3) If people working in education, qualifications, and management receive reports about cases of discrimination, they must follow up on those reports under their duty of care.

(4) Investigating and evaluating reports of discrimination falls under the scope of their duty of care. If their initial investigation suggests that action does need to be taken, people working in education, qualifications, and management must report to their line manager within their department to discuss the next steps and the option of initiating the complaints procedure (this could mean involving heads of administration or administrative departments, dean's offices, or institute directors). Confidential advice on the action to be taken and the obligations in line with this policy can be provided by the Anti-Discrimination and Conflict Management Office – Advice and Counseling, known as ADE for short (Article 10).

(5) All information, personal data, and conversations must be treated as confidential by the groups of people specified in Paragraph 2. Third parties should only be involved if they are already directly involved in the situation.

## **Article 7 Commitment to Diversity and Anti-Discrimination**

(1) A member of the University Executive Board is responsible for ensuring that the university fulfills its duties under Article 4, Paragraph 11, Sentence 3 of the BremHG based on the decision made by the University Executive Board. That same member of the University Executive Board is also responsible for ensuring that the university fulfills its duties under Article 5b of the BremHG and upholds this policy.

(2) The responsible Vice President's Office can receive support in fulfilling these duties by a "University Diversity and Anti-Discrimination" Committee, which is set up by the University Executive Board and made up of two people from each of the status groups and university representatives for anti-discrimination, equal opportunities, inclusion, and diversity.

(3) The responsible Vice President's Office hereby assumes a central role in managing diversity and anti-discrimination and receives support in fulfilling the relevant duties from central bodies for diversity and anti-discrimination.

(4) Processes and structures relating to anti-discrimination measures at the university must be reviewed and evaluated, with the results being used to suggest further measures and actions that are still required to prevent discrimination – and ways to implement those measures and take those actions. The Academic Senate must provide a status report on this policy at least every two years. This report should cover experiences and statistics provided by the counselors, the Anti-Discrimination and Conflict Management Office – Advice and Counseling (ADE), and the Complaints Offices.

## **Article 8 Preventative Measures**

(1) The University Executive Board is committed to putting long-term measures in place to protect against and prevent discrimination across the entire university and to incorporating those measures into processes of institutional change in accordance with Article 4, Paragraph 11 of the BremHG.

(2) The University Executive Board is committed to raising awareness and understanding among staff and students at the university so that they can recognize and address discrimination and adopt a constructive approach to discrimination in their work and studies.

This involves:

- Sharing this policy across the university through appropriate channels
- Ensuring that measures are in place to train counselors, staff at the Anti-Discrimination and Conflict Management Office – Advice and Counseling (ADE), and staff in the university's Complaints Office in accordance with Article 12
- Training management and teaching staff at the University of Bremen by providing regular sessions on the General Act on Equal Treatment and anti-discrimination
- Providing dedicated opportunities for everyone at the university to reflect on their own biases and develop their own empowering strategies for dealing with discrimination (empowerment workshops)

(3) The University Executive Board also ensures there is a reporting and urgent response system in place on the university campus so that threats and violence can be dealt with immediately and dangers relating to discrimination, harassment, and violence can be removed.

(4) Staff and students, especially any in management and supervisory roles, are required to complete training and familiarize themselves with this policy so as to ensure that this policy can be implemented effectively in their own department or sphere of responsibility.

## **Section 3: Confidential Counseling, Early Intervention, and Formal Complaints**

### **Article 9 Confidential Counseling**

(1) Anyone who has experienced discrimination within the context of this policy – and anyone they have confided in, anyone else who is involved, and anyone who is responsible for taking action in response to that discrimination in accordance with Article 6 – is able to access confidential counseling and information to identify their next steps and find out what support is available to them.

(2) The Anti-Discrimination and Conflict Management Office – Advice and Counseling (ADE) provides confidential anti-discrimination counseling services on a one-to-one basis for all instances of discrimination covered in Article 3, Paragraph 1.

Further information about the services provided by the ADE is available online at

<https://www.uni-bremen.de/en/ade>

(3) There are also other centers and points of contact that offer easy-access support to provide initial guidance and further information about the anti-discrimination counseling services offered by the ADE, the next steps and support available, the right to make a complaint, and the complaints procedure.

The two lists below include the centers and points of contact at the university that can provide further information about the content covered in this policy.

**For staff:**

- Gender Equality Officer (as per BremHG)
- Gender Equality Officer (as per the State Act on Equal Treatment, LGG)
- Representative for Disabled Employees
- Staff Council
- Youth and Apprentice Representative
- In-House Social Counseling Service
- Family Care Office

**For students:**

- Central Student Advisory Service
- Academic Advisory Offices and Career Orientation Offices in the Faculties
- International Office
- Gender Equality Officer (as per BremHG)
- Office for Students with Disabilities or Chronic Diseases (KIS)
- Family Care Office

There are other points of contact (e.g., within projects or the students' union) who can also be asked for one-to-one support in some cases due to their areas of interest or expertise in anti-discrimination.

(4) The right for staff and students at the university who have experienced discrimination within the context of this policy to remain anonymous is upheld during a confidential counseling conversation. Staff and counselors are not allowed to take any further action following a confidential counseling conversation without the permission of the person seeking the support. If a counselor becomes aware of criminal activity, they will advise the person affected that criminal charges may be brought against the perpetrator.

## **Article 10 Early Intervention**

(1) Staff and students at the university who believe they have experienced discrimination within the context of this policy can access the early intervention service to communicate with the person or people who are responsible for the discrimination they believe they have experienced – provided that the situation is suitable for this kind of intervention. This service

can be provided by the Anti-Discrimination and Conflict Management Office – Advice and Counseling (ADE) (Article 9, Paragraph 2).

(2) The early intervention service has the following aims:

- To help people who believe they have experienced discrimination within the context of this policy to call out the discrimination. The aim is for them to retain or regain their own ability to take action and their own belief in that ability.
- To help people who have been accused of discriminatory behavior to respond to the accusation in a respectful and constructive way that is mindful of discrimination.
- To give both parties the opportunity to discuss how they can work together and communicate more effectively going forward.

(3) The early intervention service can only be provided when both of these conditions have been met:

- The person specified in Paragraph 1 has clearly requested the service.
- Everyone involved agrees to the intervention service being provided and is happy to participate.

(4) If requested by the person specified in Paragraph 1, staff at the ADE can make direct contact with the person or people being accused of the discriminatory behavior.

(5) All information, personal data, and conversations are treated as confidential. Counselors are not allowed to take any further action following the early intervention without the permission of the people involved.

(6) The early intervention service cannot be used to legally justify an increase in final examination scores, enrollment or re-enrollment, an employment contract or an apprenticeship placement, or a promotion (under employment law or any other law). Any results of this nature would need to be discussed separately.

(7) Early intervention does not constitute an official complaint. People who access the early intervention service still have the right to initiate the complaints procedure. For example, the early intervention service might not be suitable, or the results of the early intervention might not be satisfactory.

## **Article 11 Right to Make an Official Complaint and Complaints Procedure as per the General Act on Equal Treatment (AGG)**

### **Article 11a Right to Make an Official Complaint**

(1) Staff and students at the university who believe they have been discriminated against without objective justification, especially on the grounds of one of the protected characteristics specified in the General Act on Equal Treatment (AGG), have the right to make an official complaint to one of the Discrimination Complaints Offices at the university.

There are two Discrimination Complaints Offices:

- Discrimination Complaints Office for Employees (as per Article 12 of the AGG) in the Human Resources Department



- Discrimination Complaints Office for Students (as per Article 9 of the university's constitution) in the Legal Office

(2) When a person exercises their right to make a complaint, they should not suffer any further discrimination or other negative consequences. The University Executive Board is committed to issuing sanctions in the event that a complaint does lead to negative consequences for the person making the complaint.

### **Article 11b Complaints Procedure**

(1) Complaints must be made in writing or reported to the relevant Discrimination Complaints Office to be recorded.

(2) The person making the complaint must describe the discriminatory behavior. Witnesses and evidence must be provided where they exist. The person making the complaint must also confirm whether anyone in a management or supervisory role has already been informed and taken any action previously.

(3) Soon after a complaint has been made, the Complaints Office arranges a hearing for the person making the complaint. They are also provided with information about the procedure, the preliminary review of the complaint, their rights and obligations, and the support available to them during the complaints procedure. The person making the complaint can request to be accompanied at the hearing by someone they trust or someone who can represent their interests.

(4) The Complaints Office investigates the situation. A hearing is arranged for the person or people who have been accused of discriminatory behavior. This is a key part of the investigation into the situation. The Complaints Office requires the accused party to write to the person who has made the complaint within 14 days of the hearing. This is followed by a face-to-face conversation with the accused party. The accused party can request to be accompanied at the conversation by someone they trust.

(5) The Complaints Office may also arrange additional hearings for the people involved and any witnesses as part of their investigation. This often happens in cases where immediate action is required, when the Complaints Office can involve direct supervisors from the relevant departments. Out of respect for the general privacy rights of everyone involved, however, it is important that the number of people consulted during the investigation is kept to a minimum. If the investigation is going to be unduly delayed, the Complaints Office must inform both the person who made the complaint and the accused party.

(6) The Discrimination Complaints Office conducting the investigation will inform the University Executive Board about the result of the investigation. If the complaint is found to be justified, the University Executive Board will take appropriate, proportionate, and necessary measures.

(7) The person who made the complaint and the accused party will both be informed about the result of the investigation in writing. If the complaint is not found to be justified, the reason for this result will also be provided in writing. The communication must be clear and unambiguous because it may have legal consequences.

(8) University employees still have the right to receive support from the Staff Council, the Gender Equality Officers (as per BremHG and LGG), and the Representative for Disabled Employees. That support can be accessed at any time. This applies above all to control,

initiative, and appeal rights in relation to any measures that contradict the sense and purpose of the General Act on Equal Treatment and the aim to protect against discrimination, harassment, and violence and that are deemed to be unsatisfactory and insufficient (Article 17 of the AGG).

## **Section 4: Final Provisions**

### **Article 12 Measures and Sanctions**

(1) Within the scope of its right to give instructions and set out regulatory provisions, the University Executive Board can define and implement requirements and organizational measures to protect against discrimination and to support people in their ability to manage criticism and conflict, their development, and their self-reflection with the aim of raising awareness of discrimination. These measures can include training and further education and solution-focused counseling with the specific aim of encouraging people to reflect on their beliefs and behaviors. These measures should then be reviewed by the responsible parties to ensure they are effective.

(2) If a complaint is found to be justified during the discrimination investigation as part of the official complaints procedure, the University Executive Board will use the decision recommended by the Discrimination Complaints Office to decide on the most appropriate actions that need to be taken against the person who was rightly accused. The measures and sanctions must be proportionate and comply with the requirements under employment, civil service, and higher education law.

(3) The following measures are the most likely to be considered for university staff:

- Formal meeting
- Verbal or written notice
- Warning
- Formal warning
- Move or transfer
- Ban on using university facilities (this could apply only to some facilities or only on a temporary basis)
- Disciplinary action
- Dismissal (with or without notice)
- Criminal charges

(4) The following measures are the most likely to be considered for students and anyone else specified in Article 2 who is not employed by the University of Bremen:

- Disciplinary meeting
- Verbal or written notice/warning
- Ban on using (some) university facilities
- Ban on attending lectures
- Ban on entering the university (this could apply only to some premises or only on a temporary basis but could also be permanent)
- Withdrawal from the University of Bremen as per Article 42, Paragraph 4 of the BremHG
- Termination of contracts for services or tenancy agreements
- Criminal charges

### **Article 13 Processing of Documentation and Data During the Complaints Procedure**

- (1) Suitable measures must be put in place to ensure that third parties cannot gain access to data and comments collected.
- (2) The data and comments collected during the complaints procedure are processed and stored in written or digital form at the Complaints Office.
- (3) The data collected will be stored and then destroyed or deleted in line with the data protection regulations once the complaints procedure has been concluded.

### **14 Entry into Force**

This policy enters into force once it has been approved by the President of the University of Bremen. The previous policies on the violence and discrimination complaints procedure for students at the University of Bremen and the policy on the discrimination complaints procedure for staff at the University of Bremen cease to apply when this current policy enters into force.

Bremen, April 19, 2024 The President of the University of Bremen