

Pursuant to Section 5(1), 2nd sentence, in conjunction with Section 64(2), No. 2, of the Brandenburg Higher Education Act (BbgHG) of 28.04.2014 (Official gazette GVBl. I/14 No. 18), last amended by the act of 23. 09. 2020 (Official gazette GVBl.I/20, No. 26), in conjunction with Section 10(3), No. 1, and Section 24(3) of the Constitution of the European University Viadrina Frankfurt (Oder) of 04.09.2019 (Official Notices of the European University Viadrina Frankfurt (Oder) No. 02/2020, p. 1), last amended by the Modified Statute of 06.11.2019 (Official Notices of the European University Viadrina Frankfurt (Oder) No. 02/2020, p. 14), the Senate adopts the following:

## **Statute for the Protection against Discrimination and Harassment**

of 27.01.2021

### **Part I:** **Foundation and definitions**

#### **Section 1** **Scope**

This Statute applies to all members and affiliated members of the European University Viadrina Frankfurt (Oder) within the meaning of Section 60 of the Brandenburg Higher Education Act. It shall apply when at least one of the persons involved belongs to the group of persons referred to in the 1st sentence and the discrimination or harassment occurred either on the premises of the European University Viadrina or in any other way in connection with the university.

#### **Section 2** **Terms and definitions**

(1) The terms (direct and indirect) discrimination, harassment and sexual harassment are used as defined in Section 3 of the General Act on Equal Treatment (AGG).

(2) Bullying is taken to mean any behaviour with the purpose or effect of violating the dignity of another person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

(3) Stalking is the act of pursuing or following someone persistently, attempting to contact a person using telecommunications equipment or other means of communication or via third parties, ordering goods or services by improper use of a person's personal data or engaging third parties to seek contact with a person, threatening the person concerned with injury to life or limb or their health or to violate the freedom of that person or of any of his or her relatives or any other closely associated persons, or any similar acts.

#### **Section 3** **Principles**

(1) In accordance with its Constitution, the European University Viadrina regards it as one of its duties to protect its members, affiliated members and guests against the following:

- ↓ Discrimination on the grounds of origin, nationality, language, gender, sexual identity or orientation, social background or position, disability, religion or belief, political convictions, age or family situation,
- ↓ racial discrimination,
- ↓ sexual harassment and abuse,
- ↓ bullying and stalking.

It disapproves of and will not turn a blind eye to such behaviour

(2) It is the duty of all members and affiliated members of the European University Viadrina to create working and study conditions that are characterised by tolerance and mutual respect.

(3) Members and affiliated members of the European University Viadrina with teaching, examination, training or management positions bear special responsibility owing to the hierarchical relationships that exist.

4) Uninvolved third parties are called upon to intervene and come to the aid of the person or persons concerned if they observe any misconduct.

(5) Persons affected by bullying, stalking, sexual harassment and abuse or by discrimination are encouraged to talk about such incidents, to seek advice and to lodge a complaint.

(6) The European University Viadrina undertakes to deal with incidents of this nature confidentially and only with the prior consent of the parties concerned. Furthermore, it ensures that third parties who intervene and the parties concerned will not suffer any disadvantages on account of their conduct.

## **Part II: Procedures**

### **Section 4 Advice**

(1) Persons affected by discrimination are entitled to seek the advice of the Complaints Office prior to lodging a formal complaint in accordance with Section 6. This Statute does not affect the responsibilities of other commissioners and advisory services of the European University.

(2) The aim of the advice is to give those concerned an opportunity to discuss the issue at hand in a confidential setting and to support them in the search for alternative courses of action. In particular, it should be made clear that the university is able to provide active support and take firm action in the form of

- ↓ immediate measures,
- ↓ a formal complaints procedure (examination of the complaint and a decision by the University's Executive Board<sup>1</sup> or

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<sup>1</sup> The term covers the office of University President and his or her deputy, both in the university in accordance with Section 65(1), 1<sup>st</sup> sentence, of the Brandenburg Higher Education Act and in the Foundation in accordance with Section 10(6) of the EUV Foundation Act.

↓ professional conflict-solving procedures (mediation).

(3) The parties concerned are entitled to remain anonymous while receiving advice.

## **Section 5**

### **Resolving conflicts between the parties involved (mediation)**

(1) In the case of non-violent and non-punishable behaviour or when expressly requested by the parties involved, the Complaints Office will offer to conduct a professional procedure with the aim of resolving the conflict (mediation).

(2) A procedure of this nature can only be conducted if the parties involved state that they are participating voluntarily.

(3) The Complaints Office will examine whether the conditions for a conflict-resolution procedure exist and will coordinate the procedure. The University's Executive Board shall be informed thereof immediately.

## **Section 6**

### **Formal complaints procedure**

(1) Members, affiliated members and guests who complain of being exposed or having been exposed to bullying, stalking, sexual harassment or abuse, or to discrimination by members or affiliated members of the university have the opportunity to lodge a formal complaint with the Complaints Office of the European University Viadrina. It is not possible to uphold the complaining party's anonymity within the complaints procedure as the party accused of misconduct must be given a fair hearing and the opportunity to comment on the complaint. All parties involved in the procedure shall continue to maintain strict confidentiality regarding the procedure.

(2) The complaint may be lodged verbally or in writing. If necessary, the Complaints Office will provide further means of assistance or engage interpreters to help those concerned express themselves. The parties concerned may be accompanied by a trusted third party or may be represented.

(3) The complaints procedure comprises the following steps.

#### **The Complaints Office**

a) will inform the parties concerned of their rights, the procedural process and further possibilities of support,

b) will inform the University's Executive Board of the pending procedure without delay,

c) will submit a proposal to the University's Executive Board for immediate measures, if deemed necessary or advisable for the prompt protection of the parties concerned,

d) will record the details of the matter with the participation of all those involved and any witnesses. Immediately after receipt of the complaint, the Complaints Office will request the party accused of misconduct to comment on the complaint.

- e) With the consent of all parties involved, the Viadrina conflict management team or other mediators may be consulted in cases of conflict or where evaluations of the issue at hand are likely to be disputed.
- f) After determining the details of the matter, the Complaints Office will pass the procedure on to the University's Executive Board for a decision. The Complaints Office will submit an opinion on the matter to the University's Executive Board.
- g) The University's Executive Board will decide on the measures to be taken and inform the Complaints Office – unless in conflict with data protection concerns - whether any measures in accordance with paragraph (7) have been undertaken or whether the complaints procedure has been terminated without measures being taken.
- h) The University's Executive Board will inform the parties involved of the result of the complaints procedure. It will request the Complaints Office to support the implementation of any measures that have been decided upon in cases where it is considered appropriate.

(4) To fulfil its duties in accordance with paragraph (3), the Complaints Office may – with the agreement of the parties concerned – consult further advisors. Members of staff acting as advisors will provide support as part of their official duties.

(5) The Complaints Office is responsible for documenting the complaints process. This will be done irrespective of any official investigation that may be conducted.

(6) In the case of punishable behaviour or any behaviour resulting in the initiation of disciplinary proceedings, the Complaints Office will immediately pass the complaints procedure on to the University's Executive Board. This is not the case if the offence is being pursued upon application only.

(7) The University's Executive Board will examine the matter irrespective of the Complaints Office's findings. In preparing disciplinary measures or measures under employment law, it may instruct the Complaints Office to clarify the details of the matter. The University's Executive Board or the regulatory committee that is responsible in accordance with Section 15 of the Brandenburg Higher Education Act will decide on the necessary measures as permitted by internal rules or the employer's managerial authority or by university regulations. In cases where it is not possible to establish any misconduct, the University's Executive Board will inform the parties involved accordingly in writing and thus terminate the procedure.

## **Section 7 Complaints Office**

(1) The University's Executive Board shall establish a Complaints Office, the members of which shall be appointed by the University's Executive Board for a period of four years, taking account of the diversity at the European University Viadrina. The Complaints Office shall comprise a minimum of two and a maximum of four members of the university.

(2) The duties of the Complaints Office shall be as follows:

1. To act as the first point of contact in cases of discrimination or harassment,

2. to provide information and advice on further steps to those concerned (referral to counselling centres, information on complaints procedures, information on other possible solutions),
3. to conduct the complaints procedure in accordance with Section 6,
4. to coordinate the conflict-resolution process in accordance with Section 5, and
5. to document cases of discrimination and complaints.

The Complaints Office shall fulfil its duties independently, except in the cases covered by Section 6(7), 2nd sentence.

(3) The University's Executive Board shall grant the Complaints Office a budget, to be fixed on an annual basis, to enable it to perform its duties. Upon request, any necessary costs that exceed the budget shall be covered in justified individual cases.

(4) The Complaints Office shall report on its activities to the University's Executive Board on a regular basis and in a general way, upholding the anonymity of those concerned.

### **Part III: Other regulations**

#### **Section 8**

##### **Confidentiality, privacy**

(1) Unless otherwise specified in this Statute and in other statutory provisions or expressly authorised by those concerned, all persons involved in the complaints procedure shall undertake to treat personal data as confidential. The number of persons participating in the procedure shall be kept to a minimum. Personal data shall only be processed on the basis of this Statute if required for the complaints procedure in individual cases or for further processing by the relevant office. Furthermore, personal data shall always be anonymised as a matter of principle.

(2) Documents and electronic files containing personal data that are created during the consultations shall be destroyed or deleted by those responsible six months after conclusion of the procedure. Any other documents that are related to the procedure and that are drawn up and used during the complaints procedure shall be destroyed or deleted two years after conclusion of the procedure.

#### **Section 9**

##### **Coming into effect**

This Statute will come into effect on the day following its publication in the Official Notices of the European University. This Statute will be published on the university website at the same time and will be issued to university staff upon their recruitment or appointment.

***This translation is intended to help you understand the policies and procedures for protection against discrimination and harassment at the European University Viadrina. It is no legally secure translation. Please refer to the German version for a legally secure document.***