Directive for a respectful cooperation at Technische Universität Kaiserslautern

Preamble

With this agreement, Technische Universität Kaiserslautern would like to guarantee the best possible working and study conditions, a trustworthy and respectful working atmosphere as well as fair and appreciative cooperation for employees and students. Discrimination, bullying, stalking, disparaging or degrading behaviour, harassment, coercion, violence, especially sexual assaults, will not be tolerated. Incidents of this kind will be resolutely countered.

Objectives

The objectives of this agreement are the promotion and realisation of a trusting, constructive and appreciative cooperation, mutual respect for the personality of the other, the prevention of violence as well as a responsible handling of assaults. In addition, this guideline is intended to strengthen confidence in the attitude and actions of Technische Universität Kaiserslautern in the event of attacks. Discrimination, disparaging and degrading behaviour, bullying, stalking as well as sexualised harassment and violence are actively prevented through respectful cooperation.

This respectful cooperation forms the basis for the best possible working and study conditions. This is achieved with the values practised at Technische Universität Kaiserslautern:

- Collegiality, fairness and politeness;
- Reliability and helpfulness;
- Respectful, open, honest and friendly interaction with each other;
- Equal opportunities;
- Family friendliness;
- Mutual respect and appreciation;
- Mutual information and factual debate;
- Open forms of conflict resolution.

Prevention

Prevention includes the publication of this Directive, in particular online on the websites of the competent authorities, so as to ensure rapid access for all interested parties. Furthermore, new employees and students should be made aware of their rights and obligations during information events and/or by means of appropriate information material.

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1 The definitions of discrimination, harassment, stalking, disparaging or degrading behaviour, harassment, coercion, violence or sexual assault are given in Annex 1. It shall form an integral part of this Directive.
Training measures include continuing education and training opportunities for acquiring and maintaining social skills as well as sensitisation training. In particular, managers are expected to take part in appropriate further training measures and the implementation of the acquired competences, since they are particularly responsible for the welfare of their staff.

Managers bear a special responsibility. Beyond that, we expect the following:

- Acting in an exemplary manner;
- Justice, credibility and the ability to respond positively to criticism;
- Social competence;
- Contribution to a supportive working climate;
- Human understanding and appreciative feedback;
- A cooperative style of leadership (working out goals together, defining areas of responsibility and solving problems);
- Respect for the personal integrity and dignity of employees and students.

University management shall ensure that financial, material, organisational and institutional conditions are in place for the implementation of prevention measures.

**Points of contact**

Those concerned have the right to turn to internal points of contact. They are also available when there is uncertainty as to whether a personal case falls within the scope of the Directive.

University management undertakes to provide a central contact and information point for those concerned.

Persons can contact the following internal points of contact:

- Supervisors;
- Staff Council;
- Human Resources;
- Gender Equality and Family Affairs Office;
- Gender Equality Officer of the Senate;
- Gender Equality Officer of the departments;
- Trainee representative;
- Representative for handicapped persons;
- Addiction counselling;
- Company doctor;
- General Student Committee (AStA).
The contact persons shall be appropriately qualified or, if necessary, shall participate in a training that can be carried out by the newly created point of contact.

TUK ensures that the persons concerned do not suffer any personal or professional disadvantages as a result.

At the points of contact, the person concerned shall receive assistance and advice while maintaining the highest level of confidentiality. If necessary, the first point of contact, in agreement with the person concerned, shall consult other competent authorities. In all conversations, the person concerned has the right to be accompanied by a person he or she trusts.

Those concerned are at liberty to turn to an external body such as the Student Union’s psychological counselling centre, the police, the White Ring, doctors, equal opportunities officers from the city and district, therapists, etc.

**Measures**

The points of contact shall, after becoming aware of an infringement within the meaning of this Directive, provide responsible and prompt assistance and advice to the persons concerned. This also includes with the consent of the person concerned the following measures:

- Consultation (between the competent authority and the person concerned);
- Talks between the competent body and one of the parties to the conflict;
- Personal meeting between the two parties to the conflict in the presence of the competent authority.

Further measures may be taken by the university in the event of accusations involving sexual harassment, discrimination, sexual violence, bullying, coercion and other psychological and physical violence. The accused person shall be given the opportunity to comment on the accusations made. If such accusations are confirmed, appropriate measures are taken in individual cases. Students may be excluded from courses, banned from attending university or de-registered (according to the requirements of Sec. 69 HochSchG). For employees, conflict moderation is offered through arbitration, disciplinary proceedings, warnings, transfers, dismissals and criminal charges.

If accusations are not confirmed, the accused person is entitled to appropriate rehabilitation by the university.

Irrespective of the measures taken, it is necessary to consider on a case-by-case basis what provisional measures should be taken to protect the person concerned also against the continuation or repetition of harassment, discrimination or violence.

Further measures may be taken to implement this Directive. A working group with interested members of TUK may be established for this purpose.
Data protection

According to the principles of data minimisation, the number of persons informed about a case should be kept as small as possible. Unless otherwise stipulated, all persons involved in this procedure are obliged to treat personal data made available to them confidentially. Further data may not be made accessible to third parties, unless the transfer is regulated by this Directive or another legal provision or unless the parties to the conflict have given their express consent to this. Documents made available by the persons concerned shall be returned to them or destroyed. The destruction of documents and deletion of data shall comply with the security standards for sensitive data carriers.
Annex: Definitions

**Discrimination**

*Direct discrimination*
Someone is treated less favourably than another person in a comparable situation with regard to (social or cultural) origin, skin colour, language, gender, sexuality, age, physical conditions, religion.

*Indirect discrimination*
Regulations, criteria or procedures that appear to be neutral have a detrimental effect on a particular group of people. In the case of indirect disadvantages and structural discrimination, the applicable rules and regulations are examined and, if necessary, improved in meetings, contacts, forms of communication and interaction, recruitment procedures, forms of teaching, etc.

*Dignity-incriminating discrimination*
The dignity, rights and/or freedoms of an individual person are diminished by harassment, intimidation, humiliation, insult, sexualization, oppression - verbally, in writing or in action.

**Sexual harassment**

Sexual harassment occurs when unwanted, sexually determined conduct is intended to, or has the effect of, violating the dignity of the person concerned, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. The behaviours covered include unwanted sexual acts and solicitations, sexually explicit physical touches, remarks of sexual content, and unwanted showing and visible display of pornographic images. Even a single attack may constitute a criminal offence. Sexual harassment does not necessarily require intent, it does not have to be "intended", but can also be "effected": then contrary intentions or ideas of the harasser are irrelevant. Whether a behaviour is undesirable is determined by the objective perception; an active rejection by the person concerned is not necessary.

**Bullying**

Bullying is a conflict-loaded communication or action between one or more parties in which the person concerned is inferior or feels inferior and is repeatedly and systematically attacked and hurt by one or more other persons, often over a longer period of time. This also includes cyber-bullying. Bullying includes in particular: disinformation, systematic withholding of information necessary for work, deliberate ridicule, hostility, harassment, threats, silence, etc.

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2 based on the General Act on Equal Treatment [AGG - Allgemeines Gleichstellungsgesetz], Sec. 3.
Stalking

A person is repeatedly harassed and persecuted over a longer period of time. The person concerned perceives this as undesirable or frightening.

- Classic stalking takes place in the form of unwanted communication through letters, telephone calls, e-mails, standing around near the person concerned, spying, observing.
- In the case of threatening stalking, telephone calls with obscene or threatening content, violence or even death threats are also used against family members and acts of vandalism are carried out.
- Relationship-oriented stalking is characterised by gifts, unannounced visits, “accidental” encounters, or denial that a former relationship has ended.\(^3\)

Respectful behaviour

Respectful cooperation is practised through polite, appreciative communication via all communication channels, as well as collegiality, fairness and courtesy. Reliability and helpfulness stand for respectful behaviour as well as open, honest and friendly interaction. TUK is committed to equal opportunities and family friendliness at its university. Mutual respect and appreciation are the basis for cooperation which cannot function without mutual information and factual debate. Any conflicts that arise are dealt with in an open and solution-oriented manner.

Coming into effect

Date: 8 November 2017

President of TUK, Prof. Dr Helmut Schmidt
ASTA Chairman, Florian Schweizer
Staff Council Chairman of TUK, Eric Bennerward


For definitions of offences against personal freedom such as coercion, bodily harm, etc. see Criminal Code (StGB - Strafgesetzbuch) Secs. 232 - 241 a