

Protection concept of the Evangelische Hochschule Berlin / Protestant University of Applied Sciences Berlin for the prevention of and dealing with sexualised discrimination, harassment and violence

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1. Preamble

The Evangelische Hochschule Berlin (EHB – Protestant University of Applied Sciences) is committed to guaranteeing an equal and respectful environment between its members and all those involved as well as promoting measures that create and maintain a culture of mindfulness conducive to this. Within its area of responsibility, it assumes responsibility for safeguarding the personal rights of its members and all those involved. The EHB is committed to protecting its members from sexualized discrimination, harassment and violence and to respecting sexual self-determination.

The protection concept was prepared by the working group "Protection concept against sexualised discrimination, harassment and violence at the Evangelische Hochschule Berlin". Its development was also supported by the Office for the Prevention of Sexualised Violence of the Office for Church Services in the EKBO. The protection concept was developed by implementing a broad participatory process. It was discussed with representatives of all university groups and is continuously being amended, as needs be. The protection concept was put into force by the Academic Senate of the EHB on 03.07.2023.

2. Scope of application and legal framework

The Evangelische Hochschule Berlin (EHB – Protestant University of Applied Sciences) is committed to preventing sexualised discrimination, harassment and violence. This includes that the relevant bodies will intervene regarding all cases that have been identified and they will also take countermeasures – with a clear reference to the Grundordnung der Evangelischen Hochschule Berlin (EHB) (Basic Regulations of the EHB) of 20.12.2019 and to the Richtlinie gegen sexualisierte Diskriminierung, Belästigung und Gewalt der Evangelischen Hochschule Berlin (EHB) (Policy against Sexualised Discrimination, Harassment and Violence of the EHB) of 27.06.2017. The in-house guideline is based on the Allgemeine Gleichbehandlungsgesetz (AGG) (General Equal Treatment Act) and the Landesgleichstellungsgesetz (LGG) (State of Berlin Equal Opportunities Act) and thus supplements the specific context of the university with other specifically named groups of people, such as students, external PhD candidates as well as scholarship holders. The protection concept protects all members and affiliates of EHB as well as visitors and guests. The protection concept applies in the event of sexualised discrimination, harassment and violence by members of the university, including students, and by third parties. The protection concept applies to the spatial and functional areas of the university.

The protection concept specifies the Kirchengesetz zum Schutz vor sexualisierter Gewalt of the EKBO (Church Act on Protection against Sexualised Violence) of 23.10.2020 and refers to the definition of sexualised violence mentioned therein. The Church Act on Protection against Sexualised Violence is based on the principles of Section 13 of the German Criminal Code, Section § 201a (3) or Sections §§ 232 to 233a in the respective applicable version.

Reference is also made to the Hochschulentwicklungsplan (University Development Plan), which provides for measures to protect against sexualised violence in the context of cross-sectional tasks, and the EHB's Gleichstellungskonzept (Equal Opportunities Concept), which contains fundamental considerations on the topic. There is also a Leitlinie zur digitalen Kommunikation an der EHB (a guideline on digital communication at the EHB), which explicitly refers to assaults within cyberspace.

3. The principles and the definition of sexualised discrimination and violence

Sexualised discrimination and sexualised violence are understood to mean the following¹:

The term **sexualised discrimination** includes any statements or actions that result in a person being treated less favourably than another person in a comparable situation because of their ascribed gender and/or sexual identity. **Sexism** is a form of sexualised discrimination. Sexism encompasses all structures, ideas and actions that ascribe certain characteristics to people based on their (assigned) gender, thereby perpetuating unequal gender relations.

Sexualised violence is understood to mean any form of violence that is expressed in a sexual act by one person against the will of another. This includes verbal **sexual harassment** and even rape.² Sexualised violence is often used as a means to exercise power. At universities, the fields of studying, teaching and research as well as the associated training and work contexts are characterised by power and dependency relationships. Therefore, sexualised discrimination and violence also exist in these areas.³ They become clearly visible here, for example, in that threats of personal or professional disadvantages or promising advantages for studying or working can be made.

Sexualised discrimination and violence always violates human dignity and creates a climate of intimidation and degradation. Anyone can be affected by sexualized discrimination, harassment and violence. Young women, trans* people and women with physical, cognitive or mental impairments are exposed to an increased and specific risk of sexualised discrimination and violence.⁴ It is also particularly relevant that sexualised discrimination and violence are often concealed and not reported. For this reason, the university's counselling services are based on the principle of impartiality. Those affected should be explicitly encouraged and empowered to report assaultive behaviour and to seek support.

Sexualised violence against minors always occurs when there is a "physical, emotional, mental, language or structural inferiority and thus a lack of sexual self-determination on the part of the victim against the perpetrator". In the case of children, i.e. persons under the age of 14, any sexual act is defined as sexualised violence, as it is assumed that children are unable to consent to it.⁵

¹ The following principles and definitions are intended to, on the one hand, provide a comprehensible framework for all members of the university and, on the other hand, to enable legal consequences that can include criminal prosecution. For this reason, different everyday, social scientific and criminal law definitions and descriptions are deliberately used. This is intended to contribute to a multi-perspective understanding.

² Rabe, Heike (2017): Sexualisierte Gewalt im reformierten Strafrecht. Ein Wertewandel – zumindest im Gesetz. (Sexualised violence in reformed criminal law. A change in values - at least with regards to the law). In: *Aus Politik und Zeitgeschichte (APuZ)*. Can be retrieved under: <https://www.bpb.de/shop/zeitschriften/apuz/240913/sexualisierte-gewalt-im-reformierten-strafrecht-ein-wertewandel-zumindest-im-gesetz/> (Accessed on 15.04.2023).

³ On its website, the Kompetenzzentrum Frauen in Wissenschaft und Forschung / Competence Centre for Women in Science and Research (CEWS) offers a good overview of the international state of research on various aspects of gender-based and sexualised violence in science and academia. For further information see: <https://www.gesis.org/cews/daten-und-informationen/forschungsfelder/geschlechtsbezogene-und-sexualisierte-gewalt/forschungsblick> (Accessed on 15.04.2023).

⁴ Bukof (Bundeskonferenz der Frauen- und Gleichstellungsbeauftragten an Hochschulen e.V. / Federal Conference of Women's and Equal Opportunities Officers at Universities) (2022): Grundsatzpapier zu Sexualisierter Diskriminierung und Gewalt an Hochschulen (Policy paper on sexualised discrimination and violence at universities). Can be retrieved under: https://bukof.de/wp-content/uploads/22-06-Grundsatzpapier-SDG_aktualisiert.pdf (Accessed on 06.04.2023).

⁵ Evangelische Kirche Berlin-Brandenburg-schlesische Oberlausitz (EKBO) (2020): Kirchengesetz zum Schutz vor sexualisierter Gewalt (Church law on the protection against sexualised violence). Section § 2 Para. 2. Can be retrieved under: <https://www.kirchenrecht-ekbo.de/document/47147> (Accessed on 06.04.2023).

4. Prevention

The EHB informs its members on the problems of sexualised discrimination, harassment and violence. It ensures at all levels that skills in dealing with these issues are strengthened, that the topic is not taboo and that all members of the university are aware of instruments and offers of help, such as guidelines, protection concepts and contact persons. These preventative measures are to be supported financially and organisationally (RL XIV/2017 Section § 4 Para. 3).

Students should be sensitised with regard to the topic and informed about prevention and intervention measures via introductory events by the various degree programmes as well as selected courses. The Women's* and Equal Opportunities Officer, the Diversity and Anti-discrimination Officer and the student contact person(s) will introduce themselves to students at the EHB as the respective contact persons regarding this issue at central events. In addition to this, the future university development plan will address the topic and specify concrete measures, the necessary implementation steps as well as the relevant time frame.

4.1 Staff responsibility

Effective preventative measures to protect all members of the EHB from sexualised discrimination, harassment and violence begin with the recruitment of university staff when it comes to teaching, administration and management positions. The university management in particular, as well as university members with personnel responsibility, have a special duty to address the topic of protection against sexualised discrimination, harassment and violence during application and recruitment interviews, as well as to point out the expectation that the university has of all of its employees that they support the protection concept. There is an obligation in place that all staff members have to sign a code of conduct (declaration of commitment).

As a personnel policy measure, such a code of conduct will in future be added to the usual employment contract documents and teaching assignments for signature. This is a declaration of commitment for all full-time and part-time employees of the university. This commitment should also be made in the context of supervision agreements for academic qualifications at the EHB (PhDs, Bachelor's and Master's theses).

Even after the recruitment phase, the university management or the university employee with personnel responsibility assumes special care by addressing the topic in everyday professional life, by offering further education and training courses, and by continuously strengthening the skills and sensitivity of university staff in teaching, administration and management positions, thus contributing to help prevent any and all cases (see chapter 4.2). In addition, the university undertakes to appoint a contact person for university staff affected by sexualised discrimination, harassment and violence and to provide them with appropriate support in carrying out their duties.

4.2 Training and further education

EHB employees should be sensitised to the topic of sexualised discrimination, harassment and violence through training and further education courses, and should be able to acquire and apply knowledge on this within the university context. One focus is on the knowledge of contact persons as well as knowing the actual policies in place, the protection concept and the intervention plans of the EHB in order to be able to act in possible cases of sexualised discrimination, harassment and violence. Another focus is on sexualised discrimination, harassment and violence in the context of power and dependency relationships within the academic field.

Full-time employees at the EHB, initially those directly involved in teaching as well as employees with management responsibility, are required to take part in basic training and further training courses on protection against sexualised discrimination, harassment and violence. Other employees and lecturers will receive a corresponding offer. Full-time employees are released from their duties to undertake these courses, even if they have fixed-term contracts.

The university management is responsible for organising training courses. These can be organised internally and externally, provided that trained staff are available at the EHB and the resources are made available. In addition, customised further and advanced training must be made possible for those persons with advisory responsibilities, that build on existing skills.

4.3 Potential and risk analysis

The EHB undertakes to carry out a potential and risk analysis on an ongoing basis in order to prevent the facilitation or encouragement of sexualised discrimination, harassment and violence. It is carried out with the aim of permanently anchoring structural measures for prevention and intervention as well as adapting the concept for protection against sexualised discrimination, harassment and violence to current needs.

The potential and risk analysis is conducted every three years as an online survey (for the first time in 2023) and addresses all university members. The analysis is supported by the EHB Equal Opportunities Council. Its results are documented, communicated and discussed within the scope of the university committees and structures (at least StuPa, Konzil, AS). Existing prevention and risk avoidance measures are adapted accordingly. To this end, the Rectorate undertakes to review the resulting measures and endeavours to implement these.

The potential and risk analysis focuses on questions regarding experiences and cases of sexualised discrimination, harassment and violence as well as the awareness and use of complaints procedures, support services and contact persons at the EHB. It also evaluates areas of teaching, research and administration, including the associated processes and responsibilities, as well as places and premises at the EHB that facilitate or enable sexualised discrimination, harassment and violence. Special attention is paid to the situation of students, for whom the EHB bears a particular high level of responsibility.

5. Participation in the institution (people/groups/officers and functionaries)

Issues relating to the prevention of sexualised discrimination, harassment and violence can be raised in the committees of the Academic Senate and Council via the relevant representatives of the member groups.

All students can use meetings of the Student Parliament or contact individual representatives to raise their concerns. Administrative staff can also use the opportunity to contact the staff representatives.

At least once a year, the university management will analyse all feedback given in order to review prevention measures taken together with the Women's* and Equal Opportunities Officer, the Diversity and Anti-discrimination Officer and, if necessary, other persons, and to decide on their continuation or modification. To this end, the Women's* and Equal Opportunities Officer and the the Diversity and Anti-discrimination Officer submit anonymised feedback on incidents from the previous year.

Issues relating to protection against sexualized discrimination, harassment and violence at the university should also be discussed on an ad hoc basis or at least every three years, particularly in the following committees:

- Study programme management meetings
- Study programme conferences
- Lecturers' conference
- Equal Opportunities Council
- Management conference (administration)

6. Channels for counselling, support and filing complaints

In principle, any member of the EHB can be approached to discuss incidents of sexualised discrimination, harassment and violence.

According to the Richtlinie gegen sexualisierte Diskriminierung, Belästigung und Gewalt der Evangelischen Hochschule Berlin (EHB) (Policy against Sexualised Discrimination, Harassment and Violence of the EHB), those affected and those seeking help can contact the Women's* and Equal Opportunities Officer, the Diversity and Anti-discrimination Officer, the Equal Opportunities Council, the university management, the staff representatives or the Human Resources Office. These persons are responsible for advising and supporting any complaints regarding sexualised discrimination, harassment and violence at the EHB. In principle, every report should be discussed with them. If this is not in line with the wishes of the person concerned, an anonymised report should be made. Furthermore, contact persons from the student body are proposed by the Equal Opportunities Council to the Academic Senate (AS) for confirmation for a period of one year. A reappointment is desired.

The names of the contact persons are published on the university website with contact details. The contact persons are not bound by instructions in their function. The contact persons are bound to confidentiality. They advise and support the persons seeking contact, clarify the assignment and, if necessary and if the person concerned so wishes, initiate further proceedings in the event of complaints. Section § 7 of the EHB's policy against sexualised discrimination, harassment and violence lists the measures and sanctions to be taken.

All members of the university with managerial, supervisory and educational responsibilities are obliged to report any suspicion of sexualised discrimination, harassment and violence if it is the will of the person concerned.

Information on external counselling centres and offers of help can be found on the EHB website.

7. Intervention

The following intervention plan serves as a basic guideline when cases of sexualised discrimination, harassment and violence are reported or observed. Further differentiations in the procedure depend on the severity of the incident and the group to which the person from whom the sexualised discrimination, harassment and violence originates belongs. When assessing whether sexualised discrimination, harassment and violence have occurred, particular weight must be given to the perception of the person concerned.

Intervention plan:

- In principle, any member of EHB with whom a relationship of trust exists can be approached to discuss incidents of sexualised discrimination, harassment and violence.
- At the request of the person concerned, contact will be made with the Women's* and Equal Opportunities Officer, the Diversity and Anti-discrimination Officer or the student contact person, without having to give names. The following principle applies: every situation is discussed and documented. No employee takes a decision on the necessity of an intervention alone.
- If necessary, the university management should be consulted. This is always necessary in the case of sexual assault or a criminally relevant form of sexualised violence.
- Plausibility check (distinction between boundary violation, assault, criminally relevant form of sexualised violence)

Intervention plan in the event of sexualised discrimination, harassment or violence at EHB

1	Report	Report of a suspected case by the person concerned or person involved/observing person		
2	Information transfer	<u>Mandatory</u>: Information about suspected cases to the EHB Women's and Gender Equality Officer		
3	Classification of the suspected case and definition	Classification according to the severity of the incident of sexualized harassment, discrimination and violence by the Women's* and Equal Opportunities Officer; If necessary, consultation with the student contact persons		
		Violation of boundaries	Assault	Criminally relevant form
		Definition: A boundary violation can occur unintentionally. It is a violation of the Code of Conduct.	Definition: An assault is a deliberate act.	See StGB: in particular section § 174 Sexual abuse of wards; § 176 Sexual abuse of children (also § 176a, § 176b, § 176c, § 176d, § 176e); § 177 Sexual assault; Sexual coercion; Rape (+ § 178)
4	Intervention and measures	Intervention		
		Clarification of the facts; Initiate a change in behaviour on the part of the person causing the problem	Clarification of the facts; Counselling of the affected person/person reporting the incident; Protection of the affected and other persons	Clarification of the facts; Counselling of the affected person/person reporting the incident; Protection of the affected and other persons; Encourage pressing criminal charges

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Process responsibility lies primarily with	Women's* and Equal Opportunities Officer Student contact person Supervisor at the EHB	Women's* and Equal Opportunities Officer University management Supervisor at the EHB	Women's* and Equal Opportunities Officer University management
Crisis team	No crisis team is formed.	If necessary, a crisis team is formed.	Formation of a crisis team consisting of the Women's* and Equal Opportunities Officer, the university management and local management; A repräsentativem for public relations; If nec.: Legal advice; If nec.: A representative of the organisation
forward information on to university management	optional	obligatory	
Consequences	Change in behaviour as an agreement	Measures under employment and service law or measures specific to the individual case (to be arranged by the university management)	Leave of absence from work or teaching until clarification has taken place; Measures under labour and employment law or measures specific to the individual case (to be initiated by university management)
Feedback to the person concerned by	Contact person	Women's* and Equal Opportunities Officer	
Documentation and consultation	Statistical survey via reporting form + evaluation of incidents, consultation with the university management + committees to, if necessary, adjust the risk analysis and protection concept		

Protection of the persons concerned and the accused

The names of the persons concerned and the accused persons may not be made public. In the context of informal measures, the person concerned has an unrestricted right to anonymity. The person concerned may be represented by a trusted person of their choice or, if this is not possible, may in any case be accompanied.

The presumption of innocence in favour of accused persons must be respected. If an accusation proves to be unjustified, care must be taken to ensure that these persons do not suffer any disadvantages.

In serious cases, especially if there is reasonable suspicion that other persons are at risk, the university management may act without the consent of the person concerned. However, the person concerned must be informed and assured of appropriate protection. The Women's* and Equal Opportunities Officer and the Diversity and Anti-discrimination Officer must be informed accordingly.

Support for the persons concerned

If an incident of sexualised discrimination, harassment and violence becomes known, appropriate measures will be taken immediately to protect the person concerned if they so wish. The Women's* and Equal Opportunities Officer and the Diversity and Anti-discrimination Officer must be informed accordingly. Upon request, psychological and legal counselling will be provided to the persons affected. Information on external counselling centres and support services is listed on the EHB website.

Measures and sanctions

Section § 7 of the Policy against Sexualised Violence at the EHB specifies measures and sanctions. This states: The measures to be taken make it clear that the university does not tolerate sexualised discrimination, harassment and violence in any form. The university will take appropriate measures, taking into account the circumstances of the individual case, including the protection needs of the persons concerned.

In particular, these measures may include:

- a. Conducting a staff appraisal,
- b. Verbal or written warning,
- c. Written warning,
- d. Transfer of the accused person to another workplace within the university,
- e. Initiation of measures in accordance with the State Disciplinary Code for the State of Berlin,
- f. Dismissal for behavioural reasons,
- g. Ban from the premises (exclusion from the use of university facilities, exclusion from certain courses),
- h. Account withdrawal (in the event of harassment via data processing),
- i. De-registration,
- j. Termination of co-operation with external partners,
- k. Criminal complaint by the Rector or President.

Those affected will be informed of the measures taken on condition that they undertake to maintain confidentiality; the right of filing a complaint or lawsuit remains unaffected. In the case of measures that are solely of a sanctioning nature, the information is limited to the fact that a corresponding decision has been taken.

Appendix

- Code of Conduct (p. 12)
- Flyer internal and external support services (p. 13 – 14)

Code of Conduct of the Protestant University of Applied Sciences Berlin with Declaration of Commitment

I have a special position of trust and authority and assume responsibility in many ways for the well-being of the students and staff entrusted to me and also, in context, for the well-being of children and young people and people with disabilities. I will not abuse this position.

I take the individual boundary feelings of the people entrusted to my care seriously, I respect their privacy and their individual personality regardless of their gender, ethnic origin, racist attribution, anti-Semitic attribution, language, religion, ideology, disability, chronic illness, age, sexual identity or social status.

I make sure that these boundaries and the dignity of each individual are respected. I do not tolerate derogatory sexist, racist, discriminatory and violent verbal and non-verbal behavior and actively take a stand against it.

I want to protect the people entrusted to my care, such as students and employees, as well as children and young people and people with disabilities, from harm and danger and will not use any form of violence, be it physical, psychological or sexual. Protection is my top priority.

I undertake to intervene if this Code of Conduct is violated in my environment. I do not cover up boundary violations or assault. I am informed about the legal situation regarding sexual offenses §§ 172-184f. Criminal Code. I know that it is not a prejudgement of a suspect to take conflict or suspicion seriously, to inform contact persons or the management level or to call in professional, specialist support.

I avoid situations in which I am alone with participants in an uncontrolled manner and make my behavior transparent to the team.

The EHB's teaching areas also include, for example, body and physical work, theater pedagogical exercises, play situations or simulation exercises in the skills lab. Physical contact or touch is essential and expressly desired in these subject areas. I therefore design these settings sensitively and treat the participants' boundaries with care and respect.

I am aware that sexual acts with persons entrusted to my care may be punishable by law with the corresponding consequences under university, disciplinary and criminal law.

I confirm that I have not been convicted of a criminal offense as defined in §72a SGB VIII and that there are currently no pending legal proceedings or investigations by the public prosecutor for such an offense.

Place, Date

Signature of the employee



Help with sexual discrimination and violence at the EHB



A member of the university has behaved in a **sexist manner**?

You have been **sexually harassed** by a fellow student?

Has someone at the university made an **unpleasant physical approach** to you?

A teacher has made **lewd comments** to you?

Has someone at the university **crossed your personal boundaries**?

You are not alone! If you need help and/or want to talk about the incident, get in touch with one of the following **contact persons at the EHB** or another person of trust of your choice:



Women's Representative



Student contact persons





External help with sexualized discrimination and violence



<p>BIG Hotline Help with domestic violence against women and their children</p>		<p>Help hotline for violence against men*</p>	
<p>Feministisches Frauen Gesundheits Zentrum e. V. Counseling center for health consequences of sexual abuse and sexual violence</p>		<p>Child protection hotline Berlin emergency service for child protection</p>	
<p>Frauenberatung TARA Specialist advice and intervention center for domestic violence / intercultural advice center</p>		<p>LARA e.V. Specialist unit for sexualized violence against women*</p>	
<p>Women's crisis hotline</p>		<p>LesMigraS Berlin Counseling for lesbians, bisexual women, trans*, inter*, non-binary and queer people</p>	
<p>Frauenraum Specialist advice and intervention center for domestic violence</p>		<p>MUT trauma support for men* Counseling services for men*, trans-men and non-binary persons affected by sexualized violence</p>	
<p>Gewaltschutzambulanz der Charité Forensic medical assessment and documentation of visible injuries, for example after violent crimes of sexualized violence, domestic violence, experience of violence in the workplace/on duty</p>		<p>Berlin Victim Support Association</p>	
<p>GladT e.V. Advice on various forms of (multiple) discrimination and experiences of violence</p>		<p>Studierendenwerk Berlin Free and confidential psychological counseling</p>	
<p>Help in cases of abuse, suspected abuse and sexualized violence in church-diaconal contexts of the regional church</p>		<p>Weißer Ring Help for victims of crime</p>	
<p>Help hotline for violence against women*</p>		<p>Wildwasser Berlin e.V. Working group against sexual abuse of girls</p>	