

Statutes on diversity and protection against and dealing with discrimination at the University of the Arts Bremen (anti-discrimination statutes)

From 21 May 2025

On 22 May 2025, the president of the University of the Arts Bremen issued the following in accordance with Section 110 (3) of the Higher Education Act of the State of Bremen (BremHG) in the version published on 9 May 2007 (Brem.GBl. p. 339), last amended by Article 1 of the Act of 1 April 2025 (Brem.GBl. p. 382), on the basis of Section 4 (11) and Section 5b (6) BremHG, the statutes adopted by the Academic Senate of the University of the Arts on 21 May 2025 in the following version.

Table of contents

Preamble

§ 1 Area of application

§ 2 Definitions

§ 3 Obligations and conduct

§ 4 Responsibilities for diversity and anti-discrimination

§ 5 Preventive measures

§ 6 Confidential counselling and support

§ 7 Low-threshold intervention services

§ 8 Rights of complaint

§ 9 Complaints procedure

§ 10 Measures and sanctions

§ 11 Confidentiality and data protection

§ 12 Entry into force

Preamble

The University of the Arts Bremen attaches great importance to fair and nondiscriminatory treatment of all individuals in the workplace and study environment. It therefore promotes respectful cooperation between employees and students at all levels in studies, teaching, art, science and research, as well as technology and administration. The university is committed to diversity.

Discrimination, (sexual) harassment and violence constitute a violation of the rights of those affected and will not be tolerated at the University. The University is committed to

taking responsibility for the appropriate handling of incidents of discrimination, (sexual) harassment and violence, and to consistently pursue and punish any misconduct.

The statutes regulate the handling of complaints in the event of a violation of these statutes and define responsibilities in the event of an incident. All members and affiliates of the university are called upon to participate in shaping their place of work and study, which is characterised by mutual respect and tolerance and in which discrimination, (sexual) harassment and violence are consistently prosecuted and punished.

§ 1 Area of application

(1) The statutes apply to all members and affiliates of the university in accordance with § 5 BremHG. They also apply in cases of discrimination by or against third parties if at least one person involved belongs to the group of persons referred to in sentence 1.

(2) The scope of application of these statutes refers to the behaviour of the persons mentioned in the university context. Behaviour outside the university context is covered by these statutes if it is brought about by exploiting and within the framework of an existing employment or teaching relationship.

(3) The statutes apply to the entire university campus. They also apply during business trips and at official and digital events and platforms within the university's organisational area. The statutes also apply in digital communication spaces and telephone calls, subject to paragraph 2.

§ 2 Definitions

(1) The purpose of the statutes is to prevent and eliminate discrimination, in particular on the grounds of ethnic origin or for racist reasons, gender, religion or belief, disability or chronic illness, age, sexual or gender identity or social status, as well as (sexualised) harassment and violence.

(2) Direct discrimination occurs when a person is treated less favourably than another person in a comparable situation is, has been or would be treated, in particular for the reasons mentioned in paragraph 1. Direct discrimination on the grounds of gender also occurs in the case of less favourable treatment of a person on the grounds of pregnancy or parenthood.

(3) Indirect discrimination occurs when apparently neutral provisions, criteria or procedures may disadvantage persons in a particular way compared to other persons, in particular for the reasons listed in paragraph 1, unless the provisions, criteria or procedures in question are justified by a legitimate objective and the means of achieving that objective are appropriate and necessary.

(4) Harassment is discrimination if unwanted conduct, in particular related to one of the reasons mentioned in paragraph 1, has the purpose or effect of violating the dignity of the person concerned and creating an intimidating, hostile, degrading, humiliating or offensive environment.

(5) Sexual harassment is discrimination if unwanted behaviour of a sexual nature, including unwanted sexual acts and requests for such acts, physical contact of a sexual nature, remarks of a sexual nature and the unwanted display or visible posting of pornographic images, has the purpose or effect of violating the dignity of the person concerned, in particular when it creates an intimidating, hostile, degrading, humiliating or offensive environment.

(6) The result is decisive for discrimination, regardless of the motive or the existence of intent.

(7) Instructions to discriminate, in particular on one of the grounds referred to in paragraph 1, shall also be considered discrimination. An instruction is deemed to have been given if someone asks a person to behave in a way that discriminates or may discriminate against another person.

(8) Discrimination, (sexual) harassment and violence are considered particularly serious if they take place by exploiting relationships of dependency at the place of training, at work or during studies, under threat of personal or professional disadvantages or under the promise of advantages (abuse of power).

§ 3 Obligations and conduct

(1) Members and affiliates of the university may not be discriminated against. Furthermore, it is the university's responsibility to ensure protection against discrimination within its sphere of influence. All members and affiliates of the university are obliged to refrain from any discrimination, (sexualised) harassment and violence towards employees, students and third parties.

(2) It is the responsibility and duty of all persons with education, qualification, supervisory and management tasks at the university to contribute to the promotion of nondiscriminatory interaction with one another through their behaviour, through awarenessraising and, where appropriate, through preventive measures, to ensure, within the scope of their possibilities, that relationships of dependency in studies, training and the workplace are not exploited, and to investigate reports of discriminatory behaviour within the meaning of these statutes. If there is suspicion of such behaviour, appropriate measures must be taken to clarify and investigate the matter.

(3) The university management shall ensure that violations of these statutes are investigated and consistently punished. The university management shall also ensure that persons concerned do not suffer any disadvantage as a result of reporting misconduct.

(4) The principle of presumption of innocence applies in favour of the accused.

§ 4 Responsibilities for diversity and anti-discrimination

The fulfilment of the tasks pursuant to Section 4 (11) BremHG shall be ensured by a member of the university management, as decided by the university management. The responsible member of the university management shall also be responsible for performing the other tasks pursuant to Section 5b BremHG and the tasks specified in these statutes.

§ 5 Preventive measures

(1) The basis for a holistic and comprehensive approach to discrimination, (sexual) harassment and violence is to raise awareness and attention, to identify risks of discrimination at an early stage, to train and sensitise members and affiliates of the university, to promote their networking, and to provide information about counselling services and complaint procedures.

(2) The university management aims to establish protection against discrimination and preventive measures as a long-term, sustainable and cross-cutting task. It is committed to developing and implementing preventive measures. These include:

- Raising awareness among all members and affiliates of the university, especially those in management positions and teaching staff, of the problems of discrimination, (sexual) harassment and violence in the work and study environment.
- Providing information materials on how to deal with cases of discrimination, (sexual) harassment and violence.
- Providing a counselling network.
- Professionalising the university's own contact points, counselling services and complaints offices.

(3) University employees, especially those with management and supervisory responsibilities, are encouraged to participate in the implementation process of these statutes by taking part in training and further education programmes and by addressing the content of these statutes in their own field of expertise or area of responsibility.

§ 6 Confidential counselling and support

(1) Those affected and those involved have access to various confidential counselling and information services at the university regarding their own protection and options

for action against discrimination, (sexual) harassment and violence. Counselling and information services include in particular:

For students:

- Central Women's Representative in accordance with BremHG,
- the AStA,
- the Office Against Discrimination and Violence (ADE) at the University of Bremen,
- the Psychological Counselling Centre (PBS) of the Bremen Student Services Organisation.

For employees:

- the central women's representatives according to BremHG and the women's and equal opportunities representative according to the State Equal Opportunities Act (LGG),
- the staff council,
- the representative body for severely disabled persons,
- the Office Against Discrimination and Violence (ADE) at the University of Bremen.

(2) The counselling centres and interest groups offer confidential advice and support on options for protection and action, e.g. when deciding whether to file a complaint or report observations.

(3) The right of individuals to anonymity is protected within the framework of a confidential consultation. All information, personal data and the content of conversations are treated confidentially. As a matter of principle, the contact persons and counsellors may not take any further action based on a confidential counselling session without the consent of the person seeking advice. If a counselling centre becomes aware of criminal offences in the course of its work, it shall inform the person concerned of the possibility of filing a criminal complaint and, if necessary, of the need to file a criminal complaint.

§ 7 Low-threshold intervention services

(1) Insofar as the underlying facts are appropriate, members and members of the university who feel that they have experienced discrimination within the meaning of these statutes, can make use of a low-threshold intervention service to reach an understanding with the person or persons from whom the perceived act of discrimination. To do so, they can contact the Office for Anti-Discrimination and Violence (ADE).

(2) The objectives of the low-threshold intervention service are:

- Supporting those affected in identifying discrimination. This is intended to maintain their ability to act and be effective, or to enable them to regain this ability.

- Supporting individuals accused of discriminatory acts in developing a respectful, discrimination-sensitive, and constructive approach to dealing with the accusation of discrimination.
- On this basis, to jointly develop ideas for future encounters, cooperation, and understanding.

(3) The prerequisites for implementing the low-threshold intervention offer are:

- a clear mandate from the person named in paragraph 1, and
- the willingness and mutual agreement of the persons involved who make use of the offer.

(4) All information, personal data and conversation content will be treated confidentially. As a matter of principle, the counsellor may not initiate any further measures based on the low-threshold intervention without the consent of the parties involved.

(5) The low-threshold intervention does not constitute a legal (employment) claim to improved examination results, (re)employment, the establishment of an employment relationship, vocational training or professional advancement. This must be asserted separately.

(6) The low-threshold intervention service does not replace an official complaint, and those affected still have the right to initiate a complaint procedure if, for example, the possibility of a low-threshold intervention is not considered appropriate or the result is not considered satisfactory.

§ 8 Rights of complaint

Members and affiliates of the university who feel they have been discriminated against by employees, teachers or students of the university or by third parties have the option and the right under the General Equal Treatment Act (AGG), in conjunction with § 17 of the university's constitution if applicable, to lodge a complaint with the complaints office. The university management shall ensure that the exercise of this right of complaint does not result in any personal, study-related or professional disadvantages arise from exercising this right of complaint, provided that the complaint is not made against better judgement. The same applies to witnesses and supporters of the person concerned.

§ 9 Complaints procedure

(1) The competent AGG complaints office is the president.

(2) The complaint must be submitted in writing, by email or verbally for recording and addressed to the complaints office. The complaints office may appoint a person or body to

conduct the proceedings. If the complaint is made verbally for recording, the transcript of the complaint shall be presented to the complainant at the end of the conversation for review and subsequent signature.

The complaint should contain the following information:

- Description, location and date of the incident,
- persons involved,
- witnesses and evidence (if available),
- information about measures already taken,
- persons informed.

(3) The complaints office or the person or body appointed by it to conduct the proceedings shall investigate the facts of the case ex officio and obtain the necessary information. The main steps of the proceedings, as well as all hearings and findings, shall be documented.

The proceedings shall be conducted and concluded as quickly as possible. If the proceedings are delayed, the parties involved shall be informed of the delay and the status of the proceedings.

(4) Upon receipt of the complaint, the complaints office or the person or body appointed by it to conduct the proceedings shall conduct an initial hearing with the complainant and inform them of their rights and obligations and of the further proceedings. The complainant shall be informed of support measures available from interest groups and advice centres. They shall be informed that there is no general right to anonymous treatment of the complaint. The complainant may bring a person they trust to the hearing.

(5) The complaints office or the person or body appointed by it to conduct the proceedings may involve persons with managerial responsibility from the areas concerned. This applies in particular if immediate measures are necessary to prevent discrimination, (sexual) harassment or violence.

(6) The accused person shall be invited to a meeting by the complaints office or the person or body appointed by it to conduct the proceedings immediately after the complainant has been heard. The invitation shall include a statement of the essential content of the complaint. The hearing of the accused person by the complaints office shall take place immediately after the complainant has been heard. The accused person may call in a person they trust to attend the hearing. Alternatively, the accused person may submit a written statement.

(7) In addition, the investigation of the facts by the complaints office or the person or body appointed by it to conduct the proceedings may be extended to include, in particular, hearings of parties involved or witnesses. Members and affiliates of the university shall assist in the investigation of the facts in response to appropriate requests.

(8) The president shall decide on the basis of the results of the investigation and, if necessary, a decision proposal from the person or body commissioned to conduct the proceedings, on measures under labour law, service law, university law, status law or examination law in accordance with § 10 of these statutes and shall initiate these measures. If the facts do not provide sufficient evidence of discrimination, (sexual) harassment or violence, the proceedings shall be discontinued. The university management shall inform the accused and the complainant in writing of the outcome of the investigation.

(9) If necessary, the president shall, at every stage of the proceedings, take such measures as are necessary, taking into account all interests, to ensure the necessary protection of the person concerned and, where appropriate, of other persons, in addition to the measures provided for in Section 10 of these statutes.

(10) If the allegation is not confirmed, care shall be taken to ensure that the complainant, the wrongfully accused person and all other parties involved (e.g. witnesses) do not suffer any further disadvantages, provided that the complaint was not made against better judgement.

§ 10 Measures and sanctions

(1) Measures in the event of violations of these statutes depend on the position of the accused person under service, labour or university law. Appropriate, necessary and proportionate measures may be taken depending on the circumstances and severity of the individual case and while safeguarding the protection needs of the persons concerned. The requirements and procedures for the respective measures are governed in detail by the relevant legal provisions.

(2) The following measures in particular may be considered in relation to students and all persons referred to in § 1 who are not employed by the University of the Arts:

- regulatory discussion,
- verbal or written warning or instruction,
- Exclusion from courses,
- Exclusion from the use of university facilities,
- ban from the premises,
- de-registration in accordance with Section 42 (4) of the Higher Education Act of the State of Bremen (BremHG),
- Termination of contract, e.g. with service providers or landlords,
- Filing a criminal complaint.

(3) The following measures in particular may be considered in relation to university employees:

- Conducting a formal disciplinary meeting,
- Verbal or written instruction,

- Warning,
- Warning letter,
- Mandatory participation in an anti-discrimination training course or further education programme
- Exclusion from the use of university facilities,
- Transfer or reassignment,
- ban from the premises,
- filing a criminal complaint,
- initiation of disciplinary proceedings and imposition of disciplinary measures,
- Termination of employment.

§ 11 Confidentiality and data protection

(1) All persons involved in a complaint procedure are obliged to maintain confidentiality to the extent possible under procedural law. The circle of persons informed about the case must be kept as small as possible. Personal data must be treated confidentially and stored securely.

(2) The data, transcripts and notes collected during the proceedings shall be processed and stored in written or electronic form at the complaints office. Appropriate measures shall be taken to ensure that third parties do not have access to the data and notes collected. After the proceedings have been concluded, the data collected shall be stored in accordance with the Data Protection Regulation and then destroyed or deleted.

§ 12 Entry into force

The statutes shall enter into force upon approval by the president. At the same time, the guidelines for protection against disadvantage, discrimination, sexual harassment and violence at the University of the Arts Bremen dated 30 June 2010 shall cease to be in force.

Bremen, 22 May 2025

- digital version without signature - Prof.

Prof. Dr. Mirjam Boggasch
President of the University of the Arts