

# Directive against Discrimination

**Adopted by the Senate of the Zeppelin University on September 27, 2017**

## 1 | Scope

This directive applies for all members and people associated with the Zeppelin University (ZU) in accordance with § 2 of its Basic Rules (GrundO | ZU).

## 2 | Guiding principle

Equal opportunities and the promotion of diversity are decisive for the Zeppelin University. In line with the “ZU spirit”, our members obligate themselves to fair treatment of each other during study, apprenticeships, research and in the workplace. The avoidance and suppression of all forms of discrimination and mobbing at the ZU is viewed as the mutual responsibility of all members. Naturally, the ZU maintains a culture which also welcomes people with visible or non-visible disabilities, people of all skin colors, origins and religions or gender and sexual orientation as well as all other characteristics of diversity. Mobbing, discrimination, sexual harassment, sexual violence and the exploitation of relations of dependence are not tolerated at the ZU and shall be prosecuted as legal violations in terms of the “Directive on the safeguarding of sexual self-determination” (adopted in 2014).

## 3 | Consultation & support

Attached to this Directive is a “Guide” to possible and individually selectable points of contact for consultation or in case of crisis or emergency situations. Here every person can decide for themselves whether they would like to turn to people inside or outside the Zeppelin University for help. All the entities listed can be contacted by victims of discrimination and will treat their requests in strict confidence and anonymously. The Equal Opportunities Officer at the Zeppelin University is available for confidential consultation and support and is also responsible for reporting violations against this Directive to the responsible panel. Subsequently, selected examples of conduct unwanted at the Zeppelin University are provided, without any claims to completeness (Point 4). Furthermore, the sanctions imposed in case of violations against this Directive are listed (Point 5).

## 4 | Term definitions and examples of unwanted conduct

### **General discrimination**

“A discrimination in legal terms is the unequal treatment of a person due to one (or more) legally protected discrimination categories, without an objective reason which might justify this unequal treatment. Disadvantaging can be expressed for example through the behavior of a person, through a regulation or through a measure. (...)”

The definition of discrimination used in Section 3 AGG (German Equal Treatment Act) originates from the European Union Equal Treatment Directives. German law uses the term disadvantaging, whereby European Law speaks of discrimination. The two terms mean the same thing: a treatment which puts someone at a disadvantage, which is linked to a reason for discrimination and for which there is no objective justification is socially undesirable and is therefore considered a discrimination. This means that the matter has been legally sanctioned and therefore prohibited by law".<sup>1</sup>

Discriminations may for example be: Derogatory remarks, comments, jokes or actions: also access refusals of all kinds due to

- | National, social or ethnic origin
- | Skin color
- | Age
- | Disability
- | Gender or gender identification
- | Religious and / or ideological orientation
- | Political convictions
- | Sexual orientation

### Sexual discrimination, harassment and violence

Legal background (amongst other things): General Equal Treatment Act (AGG from August 18, 2006):

*Section 3 (4) Sexual harassment shall be deemed to be discrimination in relation to Section 2 (1) Nos 1 to 4, when an **unwanted** conduct of a sexual nature, including **unwanted** sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, comments of a sexual nature, as well as the **unwanted** showing or public exhibition of pornographic images, takes place with the purpose or effect of violating the dignity of the person concerned, in particular where it creates an intimidating, hostile, degrading, humiliating or offensive environment.*

This Act can be applied exclusively to the area of employment and access to vocations, but not to students and members of the university without an employment contract. Furthermore, it is not exhaustive, as other characteristics (such as for example a person's weight) are not considered in it. We therefore recommend that Directives are compiled based on this Act which in turn apply for all members or people associated with universities.<sup>2</sup>

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<sup>1</sup> Federal Anti-discrimination Office under:  
[http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Handbuch\\_Diskriminierungsschutz/Kapitel\\_2.pdf?\\_\\_blob=publicationFile](http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Handbuch_Diskriminierungsschutz/Kapitel_2.pdf?__blob=publicationFile); last accessed 28.03.2017.

<sup>2</sup> See the Bundeskonferenz der Frauen- und Gleichstellungsbeauftragten an Hochschulen e.V. (BuKoF, Federal Conference for Women's and Equal Opportunities Officers at Universities e. V.): Policy document on sexualized discrimination and violence at universities, September 2016, [http://www.bukof.de/tl\\_files/Veroeffentl/Grundsatzpapier%20SDG.pdf](http://www.bukof.de/tl_files/Veroeffentl/Grundsatzpapier%20SDG.pdf); last accessed 28.03.2017. and Federal Anti-discrimination Agency (Publ.): Sexual harassment in a university context – protection gaps and recommendations, 2015, [http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Expertisen/Expertise\\_Sexuelle\\_Belaestigung\\_im\\_Hochschulkontext.pdf?\\_\\_blob=publicationFile](http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Expertisen/Expertise_Sexuelle_Belaestigung_im_Hochschulkontext.pdf?__blob=publicationFile); last accessed 28.03.2017.

Examples of sexual discrimination:

- | Preference of a gender for promotion, distribution of tasks, issue of grades, in lessons etc.
- | Exclusion of a gender during team-building measures, further training courses, etc.

Examples of sexual harassment:

- | Secret photography of people or parts of their bodies
- | Unwanted invitations or letters with unambiguous intent
- | Unwanted physical contact
- | Comments of a sexual nature

### Mobbing

Although the term 'mobbing' has already established itself in everyday language, no standardized definition can be found in literature. Selected sources<sup>3</sup> describe the following characteristics:

| **Negative communicative or physical attacks** (from one person or several together) against another person

| This occurs **repeatedly and systematically**, and this **over a prolonged period of time**

| The **summary of several "individual acts"** and not individual, definable actions lead to a violation of the personal rights or the health of the victim. Individual partial acts of an overall action to be regarded as mobbing may, when considered individually, be legally "neutral".

| Examples: Defamations, spreading of rumors, exposure in social media, intentional suppression of information, disinformation, deletion / removal of data / documents / work results or comparable documents, threats or humiliations, unworthy treatment, assignment of insulting / unsolvable / pointless tasks or no tasks at all.

### Stalking

The police definition of stalking is "The intentional and repeated pursuit and harassment of a person so that their safety is threatened and their lifestyle seriously impaired". (*State and Federal Commission for Crime Prevention*).<sup>4</sup>

On the other hand, it has not been unambiguously determined what is to be understood by "repeated".

Whatever the case, the **unwanted** plays a role in the fundamental conduct of one person towards another, which in the case of stalking is expressed in prolonged approaches, contact, communication or observation.

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<sup>3</sup> See in particular [https://www.anderfuhr-buschmann.de/urteile/bag\\_8\\_azr\\_709\\_06.htm](https://www.anderfuhr-buschmann.de/urteile/bag_8_azr_709_06.htm); last accessed 26.04.2017.

<sup>4</sup> See. <http://www.stalking-justiz.de/stalking/begriffserklarung/>; last accessed 03.04.2017.

## 5 | Procedures and consequences in case of violations against this Directive

**(Basis: “Directive on the safeguarding of sexual self-determination” in accordance with the resolution passed by the Senate in September 2014)**

In case the Rectorate of the Zeppelin University obtains knowledge or suspicion that an employed member or student is in fact acting in violation of the guiding principles of this Directive, then the following procedure shall be acted upon:

- (1) Two members of the Rectorate or the Equal Opportunities Office and a Rectorate member shall together and without delay hold a meeting with the person who has allegedly acted or attempted to act in this way. If this concerns a member of the university, a further meeting shall be held by the same people with the alleged victim of the action or the attempted action. The aim of these meetings is to obtain as objective an impression as possible of the matter and to offer the parties concerned an opportunity to make a statement.

The persons holding the meeting are to be determined by the Rectorate, taking into consideration the personal, hierarchical and other relationships to both persons, and also gender aspects, so that as objective an image of the matter as possible can be obtained. Notes are to be taken of the meeting.

- (2) A decision is to be made on measures to be taken, based on the meeting, by three Members of the Rectorate, amongst these at least one member of the Management or the President themselves. The persons making the decision shall be determined, through as objective an evaluation as possible, by the Rectorate in accordance with the above requirements.
- (3) The following shall apply for the passing of a resolution:
  - (a) If the suspicion proves within the scope of the meeting to be related to sufficient risks or if a criminal sentence has already been imposed, then the perpetrator shall, in view of an objective assessment of the circumstances and severity of the act, be
    - | In the case of ZU employees: released, warned or their employment terminated without notice.
    - | In the case of students: to be suspended, warned or exmatriculated on grounds of conduct.
  - (b) In addition, independent of the perpetrator’s association with a group and university, a temporary or unlimited, situation-related exclusion order is to be specified and issued.
  - (c) If the suspicion proves reasoned or urgent during the meetings, the person suspected of perpetration is to be requested not to enter the university institutions in general or with regard to events to be specified until the matter has been clarified. In cases of strong suspicion or if this counsel is not followed, a more specific exclusion order is to be issued if necessary for the time period until clarification of the matter. The person is to be released or suspended if applicable. As soon as the suspicion is rendered invalid, the stated measures shall be retracted immediately.
  - (d) In case of a reasoned suspicion or an admission of guilt with regard to a criminally-relevant action, the university, if this has not already happened, shall immediately bring charges in coordination with the alleged victim against the alleged perpetrator.

- (4) If they are a member of the university, the ZU shall support the (alleged) victim within the scope of the opportunities available to them in keeping the physical, psychological and the role-related consequences of the act or the attempted act as minor as possible or in overcoming them as fast as possible. In addition, the victim shall be kept notified of the process status by those participating in the proceedings.
- (5) If the accusations made by the alleged victim are revealed to be malicious, the regulations in Clauses (2) and (3) shall apply in the same way. Should these be criminally-relevant actions, the university shall, if this has not already occurred, bring charges against the person who has acted maliciously in coordination with the falsely accused person.
- (6) The university shall treat facts and documents within the regulatory area of this Directive as strictly confidential. Documents regarding facts shall only be made accessible for the duration of the proceedings to the circle of persons involved in the proceedings in accordance with Clauses (1) and (2). After completion of the proceedings, the documents shall be deleted or anonymized with exclusive rights of access by the Management.
- (7) The university feels itself obligated to an equal extent to the presumption of innocence and the protection of victims, the people associated with the university and other members of society.

**Appendix:**

Guide on important contacts in case of consultation requirements