

Anti- Discrimination Policy

HAMBURG UNIVERSITY OF
APPLIED SCIENCES

CONTENTS

	PREAMBLE	5
1.	POLICY SCOPE	7
2.	PROHIBITION OF DISCRIMINATION, HARASSMENT AND VIOLENCE	7
2.1	Prohibition of discrimination based on specific characteristics	8
2.2	Protected characteristics	8
2.3	Specific forms of discrimination	9
2.3.1	Direct and indirect discrimination	9
2.3.2	Unequal treatment on several grounds	9
2.3.3	Instruction to discriminate	10
2.3.4	Refusal to make reasonable accommodations (disability/inclusion)	10
2.4	Harassment and violence	10
2.4.1	Sexualised, sexist or racist harassment or violence	11
2.4.2	Stalking	12
2.4.3	Bullying	12
2.5	Positive action (Consideration of special circumstances)	13

3. PREVENTION 13

3.1	Information	13
3.2	Awareness raising and empowerment	14
3.3	Qualification, training and professional development	14
3.4	Accessibility and protection against discrimination at the university campuses	15
3.5	Evaluation and quality development	15

4. ADVISING IN CASES OF DISCRIMINATION 16

4.1	Counselling and support services	16
4.1.1	Confidential advisors in cases of sexual harassment	17
4.2	Responsibilities and core principles of the counselling and support services	18
4.2.1	Confidentiality	18
4.2.2	Ease of access and infrastructure	19
4.2.3	Documentation and evaluation	19

5. GENERAL ACT ON EQUAL TREATMENT (AGG) COMPLAINTS OFFICE AND COMPLAINTS PROCEDURE 20

5.1	AGG Complaints Office	20
5.2	Complaints procedure	21
5.2.1	Submission of a complaint	21
5.2.2	Review of the complaint	21
5.2.3	Recommendation for further action	22
5.2.4	Documentation and evaluation	23
5.2.5	Notes on the complaints procedure	23

6.	MEASURES TO PROTECT AGAINST AND PENALISE DISCRIMINATION	23
-----------	--	-----------

6.1	Formal discussion to address the incident	24
-----	---	----

6.2	Additional measures and sanctions	25
-----	-----------------------------------	----

7.	ENTRY INTO FORCE	25
-----------	-------------------------	-----------

	APPENDICES	26
--	-------------------	-----------

Appendix 1	Diagram of advising process at HAW Hamburg	26
------------	--	----

Appendix 2	Diagram of complaints procedure at HAW Hamburg	28
------------	--	----

PREAMBLE

The principle of equality in the Basic Law (Grundgesetz) obliges the State to treat all people equally. Simultaneously, it prohibits discrimination, harassment or violence on the basis of specific protected characteristics, as does the General Act on Equal Treatment (AGG). In addition, the Hamburg Higher Education Act requires universities to guarantee discrimination-free studies and discrimination-free professional and academic employment.

As a university that facilitates social advancement, HAW Hamburg views itself as having a particular duty to promote anti-discrimination and equal opportunity, both within the university and at the societal level, through academic discourse and research. HAW Hamburg also holds itself responsible for actively pursuing a shift towards a culture of explicit mutual respect, both as a workplace and as a place of study.

For HAW Hamburg this means, on the one hand, eliminating discriminatory structures and processes and decisively countering discriminatory behaviours, harassment or violence. This Anti-Discrimination Policy therefore implements mandatory procedures for addressing incidents of discrimination and outlines both process steps and possible courses of action. The policy is thus also a response to the experiences of discrimination and the need for support that have become clear through surveys and reports at both the HAW Hamburg and federal levels.

On the other hand, discrimination prevention is of particular significance for lasting anti-discrimination efforts at HAW Hamburg. This policy establishes important prerequisites for preventing discrimination. These include, among other things, encouraging those impacted and witnesses to report discrimination that they have experienced or observed. An attitude of openness on the part of leadership staff and the counselling and support services, as well as among students and staff, is fundamental in this regard. This requires increasing all university members' awareness of the issue of discrimination.

All members and associate members of HAW Hamburg are called upon to enable and promote discrimination-free cooperation. People with leadership, supervisory and educational duties bear a particular responsibility here given their position within the hierarchical structures and the resulting relationships of dependence. They actively counter discriminatory behaviours in their area of responsibility, and this policy serves as an important aid in doing so.

PLEASE NOTE:

This English translation of the original German 'Antidiskriminierungsrichtlinie' (published in September 2021) is provided for informational purposes. The German version is authoritative. If in any doubt as to the precise meaning or interpretation of this policy, please refer to the German version, asking a German native speaker to help you if required.

1.

POLICY SCOPE

The policy applies to members and associate members of the university as defined in sections 2 and 3 of the HAW Hamburg University Statutes.

The policy also applies in cases of discrimination, harassment or violence carried out on university property by or against third parties if at least one of the people involved belongs to the group outlined in the preceding paragraph. Third parties include, for example, cleaning and security personnel, event attendees, Studierendenwerk Hamburg staff and other cooperation partners.

Additionally, the policy applies to discrimination, harassment or violence against or by members and associate members of HAW Hamburg at university events held off campus, in written electronic communication and in online rooms.

2.

PROHIBITION OF DISCRIMINATION, HARASSMENT AND VIOLENCE

Discrimination, harassment or violence within the scope outlined in Section 1 and based on one or more of the grounds outlined in Section 2.2 is prohibited. Some aspects of specific forms of discrimination, harassment or violence, such as bullying, sexual harassment or stalking, fall under criminal law, which means that charges can be pressed and prosecution pursued.

The decisive factor for discrimination is the outcome, not the motive (intention, thoughtlessness, general administrative practice, etc.). This context must nevertheless be taken into account when measures to protect against or penalise discrimination, as outlined in Section 6, are implemented.

2.1

PROHIBITION OF DISCRIMINATION BASED ON SPECIFIC CHARACTERISTICS

Discrimination occurs when a person experiences less favourable treatment due to a protected characteristic, as outlined in Section 2.2, than a comparable person who does not exhibit this characteristic. Every form of disadvantage, disregard, disparagement, disdain, exclusion or impermissible unequal treatment of individuals or groups on the basis of actual or ascribed group-specific characteristics is discriminatory.

2.2

PROTECTED CHARACTERISTICS

The General Act on Equal Treatment (AGG) defines protected characteristics and prohibits discrimination on these grounds:

- Ethnic origin, racist and anti-Semitic ascriptions
- Gender identity (also includes trans and inter individuals)
- Religion or worldview (also includes not belonging to or subscribing to a particular religion or worldview)
- Disability and chronic illnesses (permanent, visible and invisible, e.g. sensory or mobility impairments, chronic somatic illnesses, partial performance disorders, mental illness)
- Age
- Sexual orientation

Due to their relevance for the university context in general and HAW Hamburg in particular, the protected characteristics outlined in the AGG are supplemented with the following characteristics:

- Social origin/status (e.g. education, income, employment status and/or profession of the person impacted or of their parents)
- Family status (e.g. (un)married, caregiving responsibilities)
- Nationality and citizenship
- Appearance (e.g. weight, clothing, demeanour, language)

This expansion of the characteristics is based on recommendations from the Federal Anti-Discrimination Agency. The additional characteristics do not have any legal consequences under the AGG. However, those impacted can turn to HAW Hamburg's counselling and support services (see Section 4.1) for support and to identify solutions. The additional characteristics are also relevant for the documentation of discrimination cases and the (further) development of preventative measures.

2.3

SPECIFIC FORMS OF DISCRIMINATION

Discrimination can manifest in individual actions and interactions as well as in university structures and processes. Specific forms of discrimination are:

2.3.1

Direct and indirect discrimination

Direct discrimination occurs when a person experiences, has experienced or would experience less favourable treatment than another person in a comparable situation on one or more of the grounds listed in Section 2.2 (Section 3, Paragraph 1, Sentence 1, AGG).

Even seemingly neutral behaviours, rules and regulations that apply to everyone can sometimes have discriminatory impacts on certain (groups of) people in practice on the grounds listed in Section 2.2. This constitutes indirect discrimination (Section 3, Paragraph 2, AGG).

2.3.2

Unequal treatment on several grounds

Discrimination can be based on several protected characteristics at the same time (Section 4, AGG). For this reason, the grounds for discrimination listed in Section 2.2 should be viewed as interwoven.

2.3.3

Instruction to discriminate

An instruction to discriminate occurs if someone instructs (e.g. directs, delegates) a person to behave in a way that discriminates against or can discriminate against another person on the grounds listed in Section 2.2 (Section 3, Paragraph 5, AGG).

2.3.4

Refusal to make reasonable accommodations (disability/inclusion)

Reasonable accommodations are necessary and suitable changes and adjustments to ensure that people with disabilities are equally able to exercise all of their human rights (Article 5, No. 3, UN Convention on the Rights of Persons with Disabilities). The refusal to make reasonable accommodations constitutes discrimination.

However, the accommodations cannot represent an unreasonable burden for HAW Hamburg. Reasonable accommodations include, for example, assistance and sign language interpretation, the provision of teaching materials as barrier-free electronic documents for students with visual impairments, the approval of technical aids, assessment modifications, or the extension of time permitted and deadlines.

2.4

HARASSMENT AND VIOLENCE

Harassment occurs when unwanted conduct has the purpose or effect of violating the dignity of the person impacted. This is particularly the case when it creates an environment characterised by intimidation, hostility, humiliation, degradation or insults.

Violence means physical or psychological coercion that results from force or other behaviour. The aim is to limit or eliminate the other person's ability to freely develop and exercise their own will.

2.4.1

Sexualised, sexist or racist harassment or violence

Sexual harassment is unwanted behaviour of a sexual nature that has the purpose or effect of violating the dignity of the person impacted (Section 3, Paragraph 4, AGG). This unwanted quality also exists if a person has been pressured to tolerate or reciprocate a sexual act.

Sexualised violence includes threats, coercion and rape, among other actions, which are particularly related to the gender of the person impacted.

Sexualised, sexist or racist harassment or violence include the following verbal, nonverbal and physical actions:

- Posting, distribution or displaying of images with sexist or racist content (e.g. posters, mobile phones, screensavers, calendars, software, educational content)
- Sexist or racist graffiti on campus
- Copying and/or use of computer data with pornographic or racist content on university computers and computer systems (outside of critical and academic discussions and content)
- Sexist and racist remarks and forms of address (e.g. sexually suggestive or racist remarks, statements, jokes and comments about other people, their appearance, their behaviour or their bodies)
- Unwanted verbal sexual advances
- Unwanted and unnecessary physical contact
- Requests to perform sexual acts
- Threats of violence, persecution and coercion, as well as physical assault and rape

2.4.2

Stalking

Stalking refers to the intentional and repeated following, pestering and harassment of a person in such a way that their lifestyle is seriously impaired or their safety is even threatened. Stalking manifests in a diverse range of actions, including:

- Emails, phone calls, text messages and voicemail messages
- Unwanted 'gestures of love'
- Cyberstalking
- Ordering of products in the name of the person being stalked
- Unwanted proximity as well as following and ambushing
- False accusations
- Questioning of the person's circle of acquaintances
- Damage to property
- Insults
- Slander
- Threats
- Coercion

Stalking is punishable as a criminal offence under the German Criminal Code (Section 238).

2.4.3

Bullying

Bullying is the targeted and repeated hostile treatment, harassment and exclusion of an individual, with the aim or consequence that the person feels insecure and humiliated and is excluded from the study or work setting. Bullying can include the following verbal, nonverbal and physical actions, among others:

- Spreading of rumours
- Cyberbullying
- Systematic withholding of and refusal to provide information and contacts relevant to studies and work
- Exclusion from conversations
- Assignment of meaningless, insulting, unsolvable, unhealthy tasks, or no tasks at all, by people with leadership or supervisory responsibilities
- Insults, offensive and humiliating treatment
- Threats

- Coercion
- Humiliation in front of others
- Intentional generation of stress
- Raising of doubts about allegations of illness
- Minor physical aggressions up to direct violence

2.5

POSITIVE ACTION (CONSIDERATION OF SPECIAL CIRCUMSTANCES)

Discrimination in the sense of disadvantage must be distinguished from positive action: unequal treatment is permissible if suitable and reasonable measures are adopted to prevent or compensate for existing disadvantages due to one of the grounds listed in Section 2.2 (Section 5, AGG).

3.

PREVENTION

HAW Hamburg is committed to the development of preventative measures in the area of anti-discrimination. The measures will be evaluated regularly and adapted, revised or redesigned where necessary. A focus on specific issues can be implemented. The preventative measures encompass the following areas:

3.1

INFORMATION

All new members and associate members of HAW Hamburg, as outlined in Section 1, shall be made aware of the policy (e.g. as a print or electronic document, as well as in English). The Student Admissions and Registration Office will inform prospective students and students about the policy. The Personnel Department will provide this information to all other members and associate members (including job applicants whose applications are not successful).

Additional information on the issue of discrimination will be made available to (future) HAW Hamburg members and associate members, as well as third parties where possible, in an easily accessible form (e.g. on the HAW Hamburg website). Informational events about the Anti-Discrimination Policy and the corresponding counselling and support services will be held on a regular basis (at least once a year).

3.2

AWARENESS RAISING AND EMPOWERMENT

The university develops various programmes to raise awareness of discrimination issues among its members and associate members (including brochures, websites, events and campaigns). It also views the development of offers to empower those impacted as particularly important.

3.3

QUALIFICATION, TRAINING AND PROFESSIONAL DEVELOPMENT

HAW Hamburg offers its members and associate members professional development training on issues related to anti-discrimination, gender and diversity. The development and recommendation of professional development courses, together with their implementation, is the responsibility of the Personnel Department, in consultation with internal representatives and organisational units as well as external organisations. All members and associate members of the university are called upon to undertake professional development courses on anti-discrimination, gender and diversity on a regular basis. Applications for training on these topics are supported by supervisors, the Personnel Department and the Staff Council.

The counselling and support services and those employees with leadership, supervisory or educational duties have a particular responsibility to regularly undertake professional development activities. In the area of personnel development and personnel selection, HAW Hamburg strives to consider applicants' awareness of gender and diversity when filling leadership positions.

3.4

ACCESSIBILITY AND PROTECTION AGAINST DISCRIMINATION AT THE UNIVERSITY CAMPUSES

Through regular joint inspections and consultations with the equal opportunities commissioners (Sections 87 and 89, Paragraph 6, Hamburg Higher Education Act [HmbHG] and Section 18, Hamburg Act on Equal Opportunity for Men and Women in the Public Service [HmbGleiG]) and the Equal Opportunities Office, the representative for students with disabilities or chronic illness (Section 88, HmbHG), the employer-appointed representative for inclusion, the Staff Council, the representative for employees with disabilities pursuant to Section 178 of the German Social Code, Book IX [SGB IX], the Occupational Safety and Conflict/Environmental Management Unit and other responsible individuals (e.g. the Executive Board, the deans and the department heads), measures for improved accessibility and protection against discrimination will be identified.

3.5

EVALUATION AND QUALITY DEVELOPMENT

HAW Hamburg aims to professionalise and further develop its anti-discrimination efforts. To this end, the tasks listed below are distributed among one or more people. The Executive Board appoints this person/these people and provides the resources to undertake this work:

- Development of informational materials based on the HAW Hamburg Anti-Discrimination Policy
- Development and communication of a professional understanding of advising on discrimination
- Collection of documentation on incidents of discrimination and presentation of results to the HAW Hamburg Executive Board and University Senate
- Evaluation of advising in cases of discrimination and of the complaints procedure; formulation of recommendations for further development for the HAW Hamburg Executive Board and University Senate

- Advising of internal organisational units at HAW Hamburg on the development and implementation of awareness-raising and empowerment measures (especially training sessions)
- Networking between the various counselling and support services addressing discrimination to promote joint quality development

4. ADVISING IN CASES OF DISCRIMINATION

All HAW Hamburg members and associate members as outlined in Section 1 have the right to receive counselling from the responsible university bodies (see Section 4.1) if they experience, observe or are directed to carry out discrimination, harassment or violence as outlined in Section 2.

4.1 COUNSELLING AND SUPPORT SERVICES

The available counselling and support services currently include:

- Students' Union – AStA (Section 102, HmbHG)
- Representative for students with disabilities or chronic illness (Section 88, HmbHG)
- Occupational Health and Conflict Management Unit
- Family Office
- Equal opportunities commissioner for technical, library and administrative staff (Section 18, HmbGleiG)
- Central equal opportunities commissioner for academic staff or the commissioner for the specific faculty (Sections 87 and 89, Paragraph 6, HmbHG)
- Employer-appointed representative for inclusion (Section 181, SGB IX)
- Conflict mediators
- Peer-to-peer advising for students with mental health issues
- Staff Council
- Student Counselling Office
- Representative for employees with disabilities (Sections 177–180, SGBIX)

- Confidential Dispute Advising Office
- Confidential advisors in cases of sexual harassment (see Section 4.1.1)

The Executive Board is entitled to designate other organisational units as part of the counselling and support services. HAW Hamburg members and associate members can also turn to the university management, deans, department heads and their supervisors in the event of discrimination.

The appointment and the responsibilities of the 'confidential advisors in cases of sexual harassment' at HAW Hamburg are defined and explained in the following paragraphs.

4.1.1

Confidential advisors in cases of sexual harassment

Individuals who have experienced harassment or violence can turn to the specially trained confidential advisors. These 'confidential advisors in cases of sexual harassment' act on behalf of the individual concerned, representing their interests in discussions with supervisors or other actors.

All of the responsibilities and core principles outlined in Section 4.2 apply to the confidential advisors. Additionally, they carry out the following duties in cooperation with the equal opportunities commissioners for academic staff; the equal opportunities commissioner for technical, library and administrative staff; and the university's Staff Council:

- Provision of contact information for obtaining legal advice and psychological counselling
- Provision of information about workplace complaints procedures as well as criminal and civil law options and consequences
- Cooperation with counselling and support services working to counter sexual harassment and violence and with similar entities at other universities

In agreement with the Staff Council and based on a suggestion from the Senate Committee for Equal Opportunity and Diversity, the Executive Board appoints at least three confidential advisors, two-thirds of whom must be women, inter or trans, for a revocable period of three years. The Equal Opportunities Office prepares a list of candidates.

4.2

RESPONSIBILITIES AND CORE PRINCIPLES OF THE COUNSELLING AND SUPPORT SERVICES

When a person experiences, observes or is instructed to carry out discrimination, harassment or violence, the counselling and support services at HAW Hamburg provide information, support and counselling. They identify potential courses of action that are in the interest of the person impacted. Particularly in the case of serious violations, they call on the management staff responsible (e.g. Executive Board, staff members with supervisory responsibilities, deans and department heads) to initiate immediate protective measures and interventions (e.g. disciplinary action). They also provide support in determining whether a complaint regarding discrimination, harassment or violence should be submitted to the AGG Complaints Office (see Section 5). As initial points of contact, they may direct individuals to specifically responsible advising organisations where appropriate. Appendix 1 provides a diagram of the possible courses of action for the counselling and support services.

If the person impacted agrees, the counselling and support services can work towards an amicable resolution of the incident between the parties (e.g. as part of a conflict mediation process as outlined in the internal agreement on conflicts), unless this appears inappropriate given the incident (e.g. due to the seriousness of the accusation).

If there is a large number of cases, those cases that are particularly serious or are brought forward by HAW members have priority; these are followed by cases raised by contractors at HAW Hamburg and finally by those raised by all other third parties as listed in Section 1.

4.2.1

Confidentiality

All counselling and support services at HAW Hamburg are obligated to maintain confidentiality and secrecy. This obligation also extends beyond the period during which individuals serve as part of the counselling and support services. Additionally, all those involved in cases of discrimination, particularly supervisory staff, are obligated to maintain confidentiality.

The counselling and support services inform the individual seeking advice at the beginning of each discussion whether or not they are bound to report to and follow the instructions of a superior. Additionally, they inform the individual in the course of the discussion if they are no longer able to maintain the confidentiality or secrecy required of their position. In cases of imminent danger, all counselling and support services are obligated to act to prevent such danger (e.g. by contacting the police, informing the Executive Board), even against the will of the person seeking advice.

4.2.2

Ease of access and infrastructure

The counselling and support services should be easily accessible and easy for those seeking advice to find. Depending on the resources available at HAW Hamburg, trained counselling and support services regarding all of the protected characteristics listed in Section 2.2 should be available, ideally also as peer-to-peer counselling. Barrier-free access and, where necessary, assistance shall be provided for the use of all counselling and support services. Those seeking advice shall provide information regarding their needs in this regard.

The counselling and support services can hold discussions with employees, students and all other persons outlined in Section 1 during their hours of work. Additionally, they are permitted to use university rooms and university infrastructure to enable uninterrupted discussions and to fulfil their responsibilities. The counselling and support services can also support those impacted over the entire course of the complaints procedure as outlined in Section 5.2.

4.2.3

Documentation and evaluation

While ensuring anonymity, the counselling and support services shall document the incidents of discrimination brought forward to them (including those instances that have ultimately proven not to be discrimination) and forward this information to the Equal Opportunities Office for evaluation of the complaints procedure.

5.

GENERAL ACT ON EQUAL TREATMENT (AGG) COMPLAINTS OFFICE AND COMPLAINTS PROCEDURE

All HAW Hamburg members and associate members outlined in Section 1 have the right to submit a complaint to the university's AGG Complaints Office if they experience, observe or are directed to carry out discrimination, harassment or violence pursuant to Section 2. Third parties are also able to submit complaints to the office.

5.1

AGG COMPLAINTS OFFICE

The AGG Complaints Office at HAW Hamburg is responsible for accepting complaints regarding discrimination, harassment and violence as outlined in Section 2. The office accepts and reviews complaints from all members and associate members of HAW Hamburg as well as third parties as outlined in Section 1.

The Executive Board appoints the person or people who make/s up the AGG Complaints Office and provides the office with sufficient personnel and financing. Where possible, the Complaints Office is designed to be sensitive to the status group it serves (e.g. the AGG Complaints Office for employees is based in the Personnel Department and the AGG Complaints Office for students is based in the Student Center). Advising in English shall also be provided.

The AGG Complaints Office is permitted to obtain expert legal advice when reviewing cases of discrimination.

The staff of the AGG Complaints Office is obligated to maintain confidentiality and secrecy. This obligation also extends beyond the period during which staff members work at the office.

5.2 COMPLAINTS PROCEDURE

Depending on the case, the complaints procedure at HAW Hamburg consists of up to four central elements: submission of a complaint, review of the complaint, recommendation for further action, and evaluation. Appendix 2 provides a diagram of the complaints procedure.

5.2.1

Submission of a complaint

The complaint must be submitted in writing to the AGG Complaints Office. If it is not possible for the person making the complaint to do this, the complaint should be made to the office verbally. The AGG Complaints Office will take down the complaint in writing. The written document will be given to the person making the complaint at the end of the discussion for them to review and sign. Efforts will be made to ensure the accessibility of the procedure.

Once the complaint has been received, the AGG Complaints Office will inform the submitting individual about their rights and the remainder of the procedure.

The person submitting the complaint can withdraw their complaint from the AGG Complaints Office or request the suspension of the complaints procedure at any time.

5.2.2

Review of the complaint

If there is a large number of cases, those cases that are particularly serious or are brought forward by HAW members have priority; these are followed by cases raised by contractors at HAW Hamburg and finally by those raised by all other third parties as listed in Section 1.

The AGG Complaints Office reviews the facts of the case through, among other things, interviews with those involved and with witnesses. The AGG Complaints Office can require the accused individual in particular to respond in writing to the complaint. Based on the information obtained, the AGG Complaints Office may conduct an in-person interview with this individual, which shall be held in a timely manner.

The facts of the case shall be reviewed for their relevance in terms of the AGG and this policy. As part of the investigation of these facts, the AGG Complaints Office may consult with counselling and support services/organisations and other experts if necessary.

The facts of the case must be determined using all of the means available to the AGG Complaints Office (e.g. review of files, interviews with witnesses).

The AGG Complaints Office shall document all interviews and the established facts of the case.

5.2.3

Recommendation for further action

If the AGG Complaints Office considers the facts of the case to constitute discrimination based on the Equal Treatment Act (AGG), it will submit this finding together with a recommendation for further action to the supervisor in the case of employees, to the faculty or department head in the case of students, or to the head of the university administration for all other people listed in Section 1. If the complaint has been made against one of these members of the university management, the next highest position is responsible. The measures and sanctions recommended are intended to serve as guidance for the implementation of measures and disciplinary action by the responsible party. The person who lodged the complaint will also be informed of the result of the review.

5.2.4

Documentation and evaluation

Once the complaints procedure has been concluded, the AGG Complaints Office will ask the person who submitted the complaint and the individuals who implemented the recommended measures and sanctions if they are satisfied with how the incident has been addressed.

While ensuring anonymity, the AGG Complaints Office shall document the incidents of discrimination brought forward to it (including those instances that have ultimately proven not to be discrimination) and forward this information to the Equal Opportunities Office for evaluation of the complaints procedure.

5.2.5

Notes on the complaints procedure

If the individual seeking advice would like to keep open the possibility of legal action pursuant to the AGG, they must submit their claim to the AGG Complaints Office within two months of becoming aware of the discrimination. Maintaining this deadline secures the right to take legal action. It is not binding in nature for the person submitting the complaint, i.e., it does not obligate them to take legal action.

The reporting of discrimination, harassment or violence or of the refusal to undertake related actions must not result in any disadvantage for the person submitting the complaint.

6.

MEASURES TO PROTECT AGAINST AND PENALISE DISCRIMINATION

In the event of discrimination, harassment or violence as outlined in Section 2, protective and disciplinary measures that are appropriate, necessary and reasonable in the individual case shall be taken. The disciplinary measures in particular will depend on the legal employment- or study-related status (civil servant, employee, student) of the person against whom the complaint has been made.

In determining the measures and sanctions, the severity of the offence, the harm to the person concerned, the willingness to make amends or improve, and the impact on the person disciplined shall be taken into account. The disciplinary measures should be appropriate to the seriousness of the violation. The principles of appropriateness, suitability and proportionality apply. An act of discrimination is considered particularly severe if it involves the exploitation of relationships of dependence and/or relationships where there is a duty of care.

In cases of discrimination, the person responsible for implementing the protective and disciplinary measures (e.g. the president, dean or supervisor) must take action in a timely manner following reporting of the incident.

6.1

FORMAL DISCUSSION TO ADDRESS THE INCIDENT

The formal discussion to address the incident serves as a minor measure to penalise discriminatory and other unwanted behaviour. It is intended to inform the accused person that their behaviour or actions constitute discrimination, harassment or a form of violence as well as to outline the possible consequences of such misconduct and explain what behaviour is expected in future.

In the case of discrimination, harassment or violence on the part of an employee, the supervisor with disciplinary authority leads the discussion. In the case of discrimination, harassment or violence on the part of a student, the dean is required to lead the discussion. In the case of violations by all other individuals listed in Section 1, the responsibility for leading the discussion lies with the Executive Board. Experts from the counselling and support services (see Section 4.1) can be requested to assist in preparing and conducting the discussion.

6.2

ADDITIONAL MEASURES AND SANCTIONS

Depending on the employment relationship, additional measures for [employees](#) can include the following labour-law or disciplinary measures:

- Reprimand
- Warning of disciplinary action
- Transfer
- Disciplinary proceedings
- Dismissal

Additional measures and sanctions for [sessional instructors](#) may include the following:

- Withdrawal of teaching contract
- Exclusion from the use of university facilities

Additional measures and sanctions for [students](#) may include the following:

- Suspension from specific course sessions or an entire course
- Exclusion from the use of university facilities
- Removal from the register of students pursuant to the prerequisites outlined in Section 42, Paragraph 3, No 3, HmbHG

In the event of violations of the ban on discrimination or incidents of harassment or violence, measures from the university's house rules can be imposed on [all university members/associate members and third parties](#).

The university management can also press criminal charges.

7.

ENTRY INTO FORCE

This policy shall enter into force on the day following its publication in the University Gazette.

Diagram of the advising process at HAW Hamburg

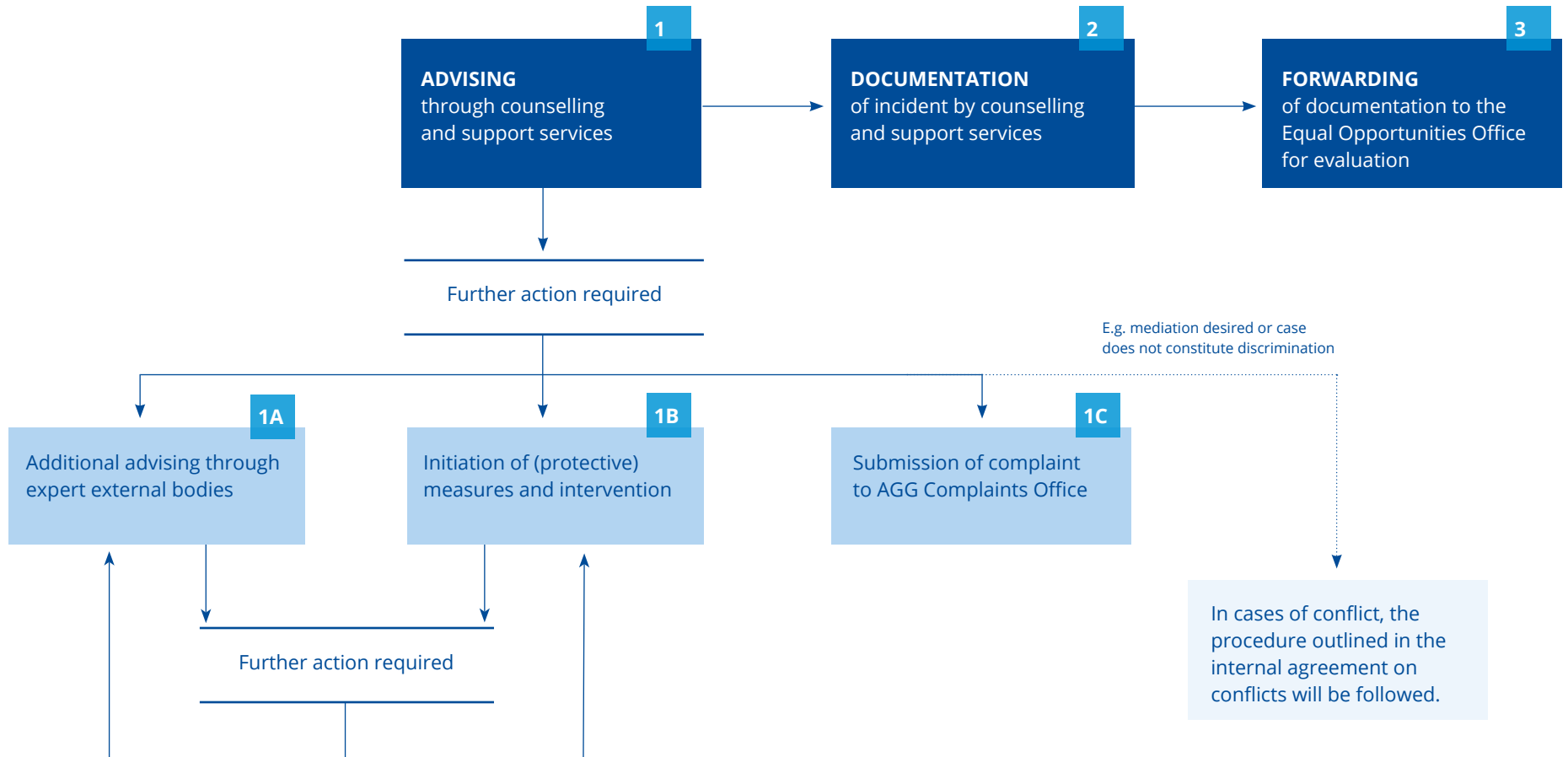
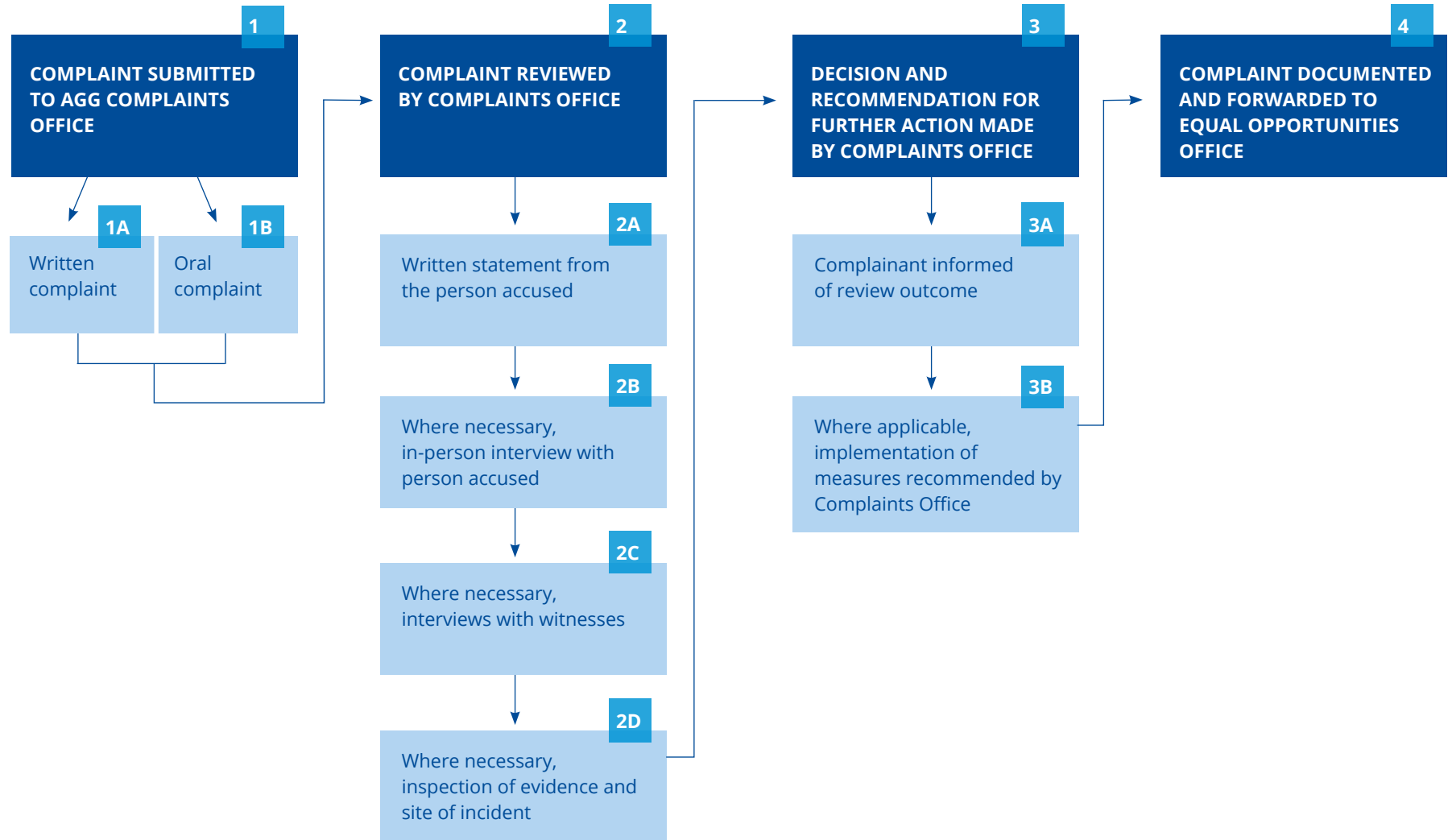


Diagram of the complaints procedure at HAW Hamburg



**HAW-HAMBURG.DE/EN/
EQUAL-OPPORTUNITIES**

IMPRINT

Publisher:

Hamburg University of Applied Sciences,
Berliner Tor 5, 20099 Hamburg

Project and editorial management:

HAW Hamburg Equal Opportunities Office

Publication management and project coordination:

HAW Hamburg Media Relations and
Communications Department

Design:

Bettina Schröder Grafik Design

© HAW Hamburg, September 2021

**HOCHSCHULE FÜR ANGEWANDTE
WISSENSCHAFTEN HAMBURG**

Hamburg University of Applied Sciences
