

## **Guidelines and Commitment to a Respectful Work Environment at Forum Transregionale Studien**

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### **§ 1 Preamble and Self-Conception**

Since its foundation, the Forum Transregionale Studien in Berlin has been committed to the openness and internationality of research in the humanities and the social sciences and to the cooperation between scholars with different regional and disciplinary perspectives. It provides a space for scholars from different career levels and diverse disciplinary and regional academic cultures to exchange with each other on an equal footing. It offers opportunities and support to researchers to develop and test research ideas and projects.

The Forum's agenda should not only guide its work, but should also be reflected in its organization, in the composition of its staff, and in its relations with and between its staff members, its academic directors, its Fellows, their families, and visitors.

The Forum is committed to ensuring that all those who work here or are associated with the Forum are assured an atmosphere of trust that is as conducive as possible to their well-being and their needs for respect, acknowledgement and security. This commitment firmly prohibits discrimination, the exploitation of power imbalances, bullying, stalking, sexual harassment and violence – just as it forbids the tolerance of this behavior. The Forum is committed to protecting all of its full-time and part-time employees, its Fellows and their family members, as well as its guests, from discrimination, bullying, stalking, sexual harassment and violence in its work environment. Violations of these principles will be met with repercussions. Misconduct will not be tolerated, trivialized, quietly accepted or ignored.

Employees, Fellows and guests who have been affected by discrimination, bullying, stalking, sexual harassment and violence are urged not to tolerate such incidents, and are encouraged to defend themselves or to involve third parties to obtain support quickly and effectively. This requires confidence and trust in the firm position of the institution and the responsible action on the part of its leadership. Both concerns are to be reinforced by this commitment.

At the same time, bystanders and non-involved parties are to be asked not to turn away from incidents they observe or of which they become aware, but to offer direct help to those affected and to support them in solving the issues that may arise. It is assured in full security that they will not suffer any form of disadvantage from addressing and reporting relevant incidents.

It is the task of superiors at all levels to make an active contribution, within the framework of their management tasks, to ensuring that conflicts are dealt with and resolved appropriately. They are obliged to ensure compliance with the standards described here and, in the event of cases of discrimination, bullying, stalking, sexual harassment and violence, to stand up for the rights of those affected and to ensure that the relevant misconduct is consequently investigated and punished.

A respectful work environment also includes dealing with persons in need of special protection and offering advice and support to Forum staff and academics in dealing with conflicts and problems that

may arise in interactions with such persons. The Forum commits to pay special attention to the protection and treatment of vulnerable people.

## **§ 2 Jurisdiction**

- (1) Following this commitment, all staff members of the Forum Transregionale Studien, its directors, its Fellows and scholarship holders declare their willingness to respect the following agreements and to conduct themselves in accordance with them.

## **§ 3 Aim**

The aim of this commitment is to promote and implement:

- Trustful, constructive and meaningful cooperation;
- Mutual respect for each other;
- The self-responsibility of the individual to contribute to a positive working atmosphere;
- The anchoring of common values and principles of action for the long term;
- A greater awareness among employees and colleagues to possible transgressions in their work, in order to be able to prevent them or to protect them.

## **§ 4 Prevention**

- (1) The staff and leadership of the Forum must agree in writing their compliance with these guidelines.
- (2) In the event of new appointments of staff members and new appointments of academics, the persons concerned will be informed about these guidelines and their acceptance will be made a condition of their employment or appointment.
- (3) The leaders of projects at the Forum will be informed of these guidelines. Researchers and Fellows who are contractually bound to the Forum through their services are obliged to accept the guidelines by incorporating them into their contracts.
- (4) Employees of the Forum are encouraged to take part regularly in further training and to attend courses that help them in interactions with particularly vulnerable people.

## **§ 5 Rights of Affected Persons**

- (1) In cases of discrimination, bullying, stalking, sexual harassment and violence, it is the right of all persons affected to receive consultation. This right also includes counselling on issues relating to problems that may arise in interactions with vulnerable persons. For these purposes, they can consult the following contact persons:
  - Their superior;
  - The relevant staff council representative; or
  - The responsible Equal Opportunities Officer.

The person affected will be supported and advised there in the strictest confidence. They may request a consultation/hearing by a person of their own gender.

- (2) If it is the express will of the person affected to take further action in solving the issues beyond consultative discussions, such action will be arranged and coordinated with them. During all

discussions, the person affected has the right to be accompanied by a person they trust – including someone from outside of the workplace.

- (3) After becoming aware of an incident, the contact persons mentioned in paragraph 1, in accordance with this commitment, have the tasks, promptly and responsibly:
  - To support and advise the person affected;
  - With the consent of the person affected, to establish the facts of the case and to document them in separate or shared discussions with the persons involved;
  - With the consent of the person affected, to accompany them to all interviews and meetings, including meetings with the Human Resources Department, to advise and support them in representing their interests;
  - With the consent of the person affected, to consult a conflict adviser.
- (4) In addition, the persons affected are free to make use of other advisory services, both internal and external.
- (5) The person affected is not impeded by these guidelines and commitment to seek legal advice from third parties and take legal action on their own initiative.
- (6) Persons affected must not be put under any disadvantage when entitled to report violations according to § 6. The same applies in the event of a refusal to comply with directives that are in violation of these guidelines.
- (7) In the case of discrimination, bullying, stalking, sexual harassment and violence directly affecting the person, they are entitled to cease work without loss of pay or entitlements, insofar as this is required for their protection, and if their employer does not take any measures or takes evidently inadequate measures to prevent and suppress these activities. The Human Resources Department must be informed before their work is ceased. § 273 of the German Civil Code remains unaffected.

## § 6 Measures and Procedures in Cases of Conflict or Problems

### (1) Informal Measures

- A personal meeting with the person affected and/or a person they trust, with another person affected or the accused person, if appropriate, with a third person.
- A personal meeting with a superior and/or a contact person with the person affected or accused.

### (2) Official Measures

Depending on the accused person's position under labor or employment law and on the seriousness of the allegation, the Forum's management, with the involvement of the competent authorities, may consider the steps listed below. The Equal Opportunities Officer may be involved in the procedure, unless the person affected objects to this.

For accused employees:

- Conduct a formal meeting with verbal/written instructions;
- Written warning;
- Termination of employment with or without notice;
- Filing of a criminal complaint (only after prior consultation with the person affected).

For Fellows of the Forum:

- A meeting with the accused to clarify the situation;
- Written warning;
- Termination of the Fellowship;
- Filing of a criminal complaint (only after prior consultation with the person affected).

For external third parties who are accused:

- A meeting with the accused to clarify the situation;
- Written warning;
- Ban from entering the premises of the Forum;
- Filing of a criminal complaint (only after prior consultation with the person affected).

Measures cannot be implemented on the basis of an anonymous appeal.

Problems or conflicts with vulnerable people require special attention. In addition to the possible measures above, external problem-specific advisory services can be called upon, for example with regard to dealing with people in the immediate working environment who, due to experiences of seeking refuge, violence and other serious personal experiences or events, carry traumas or problems with them, and the handling of which is beyond the capacity of the Forum's staff or academics. To find appropriate support and to guarantee it within the capabilities of the Forum is an overall responsibility of the organization and the leadership. As this refers to undefined individual cases, no specific measures can be planned, but rather, the responsibility of the Forum's leadership to deal with these cases is emphasized.

## **§ 7 Confidentiality/Data Protection**

- (1) In accordance with the principles of data economy and necessity, the number of people informed about the procedure shall be kept to a minimum. Unless otherwise specified, all persons involved in this procedure are obliged to treat the personal data made available to them as confidential and to not make it available to third parties, unless this disclosure has been ruled by this guideline/service agreement, another legal provision, or all parties to the conflict have given their express consent.
- (2) Documents that have been made available by the affected parties shall be returned to them or destroyed. The destruction of documents and deletion of data shall comply with the security standards for sensitive data carriers.
- (3) In the event of questions or issues concerning data protection, the Data Protection Officer of the Forum may be consulted.

## **§ 8 Entry into Force**

- (1) These guidelines shall enter into force on 09.03.2020 after mutual agreement of all employees and the leadership of the Forum by resolution of the Board of Directors.
- (2) To sustain a practicing culture of safeguarding a respectable work environment, the aim is to regularly develop these guidelines and commitment further. Thereby, new experiences are to be incorporated and feedback from Fellows and employees integrated. Updates are to take place regularly every two years.

## Annex: Definitions

### 1. Discrimination

Discrimination can be directly aimed towards a person or occur indirectly, e.g. through regulations, behavior and situations that might appear neutral, such as a lack of accessibility, which refers not only to barriers in the physical sense, but also encompasses accessibility, availability and usability (with regard to work equipment, workspace, work processes, communication and information).

#### a) Prejudicial Discrimination

Prejudicial discrimination is unjustified unequal treatment towards another person on grounds such as:

- National, regional or ethno-cultural origin;
- Racist assumptions;
- Appearance;
- Gender;
- Sexual identity;
- Physical and/or mental disability and/or impairment;
- Social background;
- Religious and/or ideological orientation;
- Political affiliation; and
- Age.

#### b) Discrimination in Violation of Human Dignity

Discrimination that violates human dignity concerns behavior that denies the inviolable dignity of human beings and/or their rights and freedoms according to constitutional law. This also includes harassment that creates an environment of intimidation, hostility, humiliation, degradation, abuse, sexualization and/or repression. Discrimination that violates human dignity can include, for example, verbal or written statements and actions with derogatory content on the grounds mentioned in paragraph 1 (a), as well as the verbal or visual presentation of pornographic or sexist content and the use of pornographic or sexist websites, image, sound or data carriers or computer programs.

### 2. Bullying

Bullying refers to conflictual communication or conduct between one or more parties, in which the person affected is or feels inferior and is repeatedly and systematically harassed and assaulted, directly or indirectly, by one or more other persons, often over a long period of time, with the aim or effect of exclusion. This also includes cyberbullying. Acts of bullying particularly constitute systematic discrimination, harassment or hostility emanating from individuals or from a group of individuals acting together, which have or may have negative effects on social relations, on the quality of professional and life situations, on opportunities for communication, and on the health and/or social image of a person or group.

Bullying tactics include, for example:

- Systematic withholding of information necessary for work and study;
- Disinformation;
- Defamation of persons or groups of persons;
- Spreading of harmful or negative rumors;
- Threats and humiliation, particularly threats of physical or psychological violence;
- Abuse, injurious treatment, mockery, and aggression;
- Undeserving treatment, such as the assignment of insulting, unhealthy, impossible or senseless tasks, or no tasks at all;
- Harassment that takes place within the private and/or public sphere;
- Systematic exclusion of individual people;
- Ridiculing or making fun of, for example, one's physical or mental impairments or their private life;
- Silence and the hushing up of incidents;
- Refusal or withholding of means that serve to provide an accessible working environment (including refusal to provide them in a timely manner).

### 3. Stalking

Stalking is the deliberate and repeated, persistent surveillance, pursuit or harassment of a person whose physical or psychological well-being may be directly, indirectly or lastingly threatened and damaged by it (cf. §238 of the German Criminal Code).

Stalking behavior particularly includes:

- Unwanted, frequent contact (in person, by telephone, mail or e-mail);
- Unwanted presence in the affected person's proximity, including running or driving after them.

### 4. Sexual Harassment

Sexual harassment is something different from compliments, friendly behavior or flirting. Sexual harassment is one-sided and constitutes a violation of personal rights. **Sexual harassment includes sexually-explicit behavior and actions that are undesirable and are perceived as disrespectful and abusive.** Sexual harassment and violence is behavior that is directed against the physical and mental integrity of the other person and is linked to the sexuality of both the perpetrator and the victim. Sexual harassment and violence result from the perpetrator's need for power and control.

Sexual harassment is expressed, for example, in the following conduct:

- Lewd jokes or comments;
- Staring, meaningful glances;
- Suggestive gestures;
- Unwanted touching;
- Unwanted invitations;
- Display or observable presentation of pornographic images;
- Derogatory/sexist remarks about one's appearance, private life, behavior etc.;

- Matters relevant to criminal investigation, such as stalking, sexual assault, and rape.

## 5. Vulnerable Groups of People

Vulnerable (Groups of) People include:

- Children and teenagers,
- People with impairments (disability, mental or other illnesses);
- People in the penal system;
- Victims of persecution;
- People who have had serious experiences of marginalization, discrimination, violence, bullying, racism, sexism and other forms of disrespect and/or abuse of their personal dignity.