

as of: 27 June 2013

**Agreement
on
Respectful and Cooperative Behaviour at Münster University**

This is a translation of the original German text. It is for your information only. Under German law only the official German version of the „Vereinbarung: Partnerschaftliches Verhalten an der Westfälischen Wilhelms-Universität Münster“ of 30 July 2013 is legally binding.

1. Preamble

Münster University does not accept any inappropriate behaviour such as sexual harassment, bullying, stalking or discrimination and considers such behaviour to be an infringement of personal rights. Münster University is committed to maintaining a positive working atmosphere and, by using certain procedures and options for imposing penalties, to ensuring that people can work together in an intact, dignified and humane environment.

Uninvolved people are called upon to act responsibly by offering assistance to anyone affected by incidents of this kind.

2. Scope

This agreement is valid for all members and staff of the University, at all levels, including trainees and apprentices, as well as for any people working at the University without an employment contract or without civil-servant status. It applies to all University institutions.

3. Objectives

The objectives of this agreement are to promote

- respectful behaviour in the workplace,
- constructive cooperation based on trust and esteem,
- mutual respect for the personality of others, and
- the resolution of internal conflicts

and to prevent

- sexual harassment
- bullying
- stalking
- discrimination on the basis of ethnicity, disability, sexual identity, skin colour, religion or belief, or age.

4. Definition of terms used

Sexual harassment:

Sexual harassment is any sexually determined behaviour which is recognizable as such by the person at whom it is directed and which is designed to demean that person.

Sexual harassment in the workplace constitutes an infringement of contractual duties or misconduct, as set out in § 3 (4) of the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*).

Sexual harassment can be expressed in words, deeds, gestures or any other sexualized behaviour.

This includes, for example:

- unwanted bodily contact and sexual assaults,
- suggestive remarks or comments, or lewd jokes, directed towards a certain person or about other persons,
- showing pornographic or sexist images,
- incitement to sexual acts, and
- intimations that sexual favours could lead to advantages at work or in a person's studies.

Bullying:

Bullying describes a mode of behaviour fraught with conflict and displayed towards a certain person over a longer period of time. It is characterized by destructive actions, overstepping certain limits and ostracism.

Examples:

- Acts of bullying are target-oriented and systematic and take place over a longer period of time (e.g. disinformation, deliberate withholding of information necessary for the job).
- The aim of bullying is to ostracize a person or exclude them from the working environment (e.g. consciously ridiculing them).
- In the process, the person affected is exposed to hostility, victimization or discrimination and feels such behaviour as an attack, as degradation and a violation of their person.
- Humiliations, threats, verbal abuse, derision, aggression, offensive and/or undignified behaviour such as not assigning tasks or assigning tasks which cannot be fulfilled or are senseless.

Stalking:

Stalking is a deliberate (wilful) and repeated (persistent) pursuit or harassment of a particular person whose physical and mental integrity may be threatened and harmed directly or indirectly or in the long term. Those affected by stalking feel frightened and helpless in being exposed to such stalking (see also "stalking" (*Nachstellung*) as laid down in the German Penal Code (*Strafgesetzbuch*), § 238).

This includes (as defined in § 238, "Stalking"):

- persistently seeking physical proximity to a person (e.g. pursuing a person and lying in wait for them – at work, at home, at doors and windows)
- persistent contacts with a person, using telecommunications or other means of communication or via third parties (e.g. emails at any time, day or night)
- ordering goods or services by the wrongful use of personal data
- threats to the life, personal integrity, health or liberty of the person concerned or of someone close to them.

Discrimination:

Discriminatory behaviour is an infringement of the dignity, rights and liberties of an individual which harms or demeans their standing or reputation. This applies especially when related to

- disability
- gender
- skin colour / origin
- ethnic and/or social background
- the function currently carried out
- sexual identity
- religion or beliefs
- age.

Respectful behaviour:

Respectful behaviour is something that all University members and staff can practise daily to actively work against sexual harassment, bullying, stalking and discrimination.

Respectful behaviour can be practised by

- noting and talking about sexual harassment, bullying, stalking and discrimination
- providing support and encouragement to anyone affected
- superiors, and anyone else responsible for staff, being actively committed to protecting the dignity of their staff and taking steps to create an atmosphere of mutual respect and openness
- everyone endeavouring to show mutual respect in their daily dealings with one another
- people taking an open stand against sexual harassment, bullying, stalking and discrimination
- preventing conflicts being carried out in any unfair way
- everyone concerned taking steps to ensure that conflicts are resolved openly and fairly and in a spirit of mutual respect.

5. Rights of staff and students

5.1 Staff

Anyone involved in such a conflict can speak to a trusted person. This can be their superior or the organs of the advisory network, such as:

- The Human Resources Department (*Personaldezernat*)
- The Equal Opportunity Commissioner (*Gleichstellungsbeauftragte*)
- The Social and Addiction Counselling Centre (*Sozial- und Suchtberatung*)
- The Representative Body for the Severely Disabled (*Schwerbehindertenvertretung*)
- The in-house Medical Services (*Betriebsärztlicher Dienst*)
- Staff Representatives (*Personalvertretungen*).

In these cases it is not necessary to go through official channels.

5.2 Students

Anyone affected can speak to a trusted person, for example

- in the Deans' Offices (*Dekanate*)
- the University or Faculty Equal Opportunity Commissioner (*Gleichstellungsbeauftragte und Gleichstellungsbeauftragte der Fachbereiche*)
- the General Students' Committee (*Allgemeiner Studierendenausschuss, AStA*)
- the Student Advisory and Counselling Centre (*Zentrale Studienberatung*)

- the Rectorate's Representative for Disability Issues (*Rektoratsbeauftragte(r) für Behindertenfragen*).

Strict confidence regarding all information and incidents, personal data and discussions is to be maintained vis-à-vis any third parties not involved. In addition, Münster University will ensure that there are no adverse consequences, either personally or professionally, for anyone affected.

6. Responsibility of Superiors, Supervisors, Teaching Staff

Superiors have a special responsibility to set an example. They must contribute, by the example of their own behaviour, to a working atmosphere characterized by respectful behaviour in which employees' dignity is respected.

In particular, the University expects people in management positions, or who are superiors or vocational training supervisors, to continually undergo further training and implement the skills they acquire.

Positions of responsibility in this sense are, in particular,

- immediate superiors and/or those on the next level up
- the Head of Faculty (*Dekanin/Dekan*)
- Department Heads (*Dezernentin/Dezernent*)
- the Head of Administration (*Kanzlerin/Kanzler*)
- the Rector.

7. Tasks in Positions of Responsibility

Those in positions of responsibility have a duty to follow up without delay any indications of sexual harassment, bullying, stalking or discrimination and to take appropriate measures to clarify and investigate any incident, and to prevent it.

Immediately after they learn of the incident they are to offer the person affected the opportunity to discuss the matter in confidence, counsel them and provide support and assistance in all steps taken, if requested.

In doing so, it must be ensured that the person affected suffers no adverse consequences, either personally or professionally or relating to their training; and that any steps taken are with the agreement of the person affected.

Any attempts at a solution, as well as any measures to resolve the conflict, are to be documented, and any agreements made are to be monitored.

Provided the person affected agrees, the case is to be passed on to the head of the relevant department or to Human Resources (*Personaldezernat*), where the documentation will be kept in line with data protection regulations.

8. Confidentiality

Strict confidence regarding all information and incidents, personal data and discussions is to be maintained vis-à-vis any third parties not involved.

9. Measures

The responsible authorities at Münster University will initiate measures appropriate to each individual case.

These can include

- strengthening constructive communication in the affected person's environment
- warnings to change behaviour
- recommendations to take part in training
- exclusion from University facilities, e.g. being banned from the premises
- infringements by third parties: e.g. being banned from the premises, no further orders, termination of contracts
- transfer to another workplace
- disciplinary action (official warnings, dismissal, disciplinary procedures, suspension of a teaching contract)
- if appropriate, criminal charges by the University.

Any decision on proposed disciplinary measures is a matter for higher levels (Rector, Head of Administration), with the participation of any representative bodies stipulated by law (Staff Council (*Personalrat*), Representative Body for the Severely Disabled (*Schwerbehindertenvertretung*), Equal Opportunity Commissioner (*Gleichstellungsbeauftragte*)).

10. Preventive measures

All University staff are to be sensitized to "Respectful Behaviour in the Workplace", e.g. by

1. promoting social and communicative competencies in all staff, e.g. through seminars
2. seminars for all staff, especially management, on sexual harassment, bullying, stalking and discrimination.

Staff are to be excused from work to participate in such training.

11. Date of commencement

This guideline comes into force on the day after it has been signed. It will be published internally in the University's Faculties and Institutions, as well as on the Intranet.

When professors, department heads (*Dezernentinnen/Dezernenten*), *Abteilungsleitungen*) or anyone else is appointed to positions of leadership, they will be required to sign this guideline.

Münster, 30 June 2013