



LUDWIG-
MAXIMILIANS-
UNIVERSITÄT
MÜNCHEN



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Policy for Preventing, Protecting against, and Dealing with Cases of Discrimination, Harassment, Sexual Harassment, and Sexual Assault

at Ludwig-Maximilians-Universität München

Dated December 13, 2023

The University Executive Board of Ludwig-Maximilians-Universität München has adopted the following Policy in its meeting on December 13, 2023:

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Preamble

¹Ludwig-Maximilians-Universität München (LMU) sees itself as a globally open university where people from different backgrounds study, teach, research and work.

²Outstanding academic and scientific performance and good work results can only be achieved in an environment free of prejudice and in a trustworthy study, research, and work atmosphere. ³LMU is committed to protecting against discrimination, harassment, sexual harassment, and sexual assault. ⁴All members pursuant to Art. 19 BayHIG [Bayerisches Hochschulinnovationsgesetz - Bavarian Higher Education Innovation Act] and guests of LMU should feel welcome and safe in their study and work environment. ⁵LMU promotes a culture of awareness based on mutual respect and tolerance as well as respect for the dignity of each person. ⁶LMU takes measures to protect against and prevent discrimination, harassment, sexual harassment, and sexual assault. ⁷Any misconduct will be pursued. ⁸For this purpose, and also with regard to Art. 25 para. 1 sent. 1 BayHIG, the University Executive Board issues the following Policy.

§ 1 Purpose of the Policy

¹This Policy ensures that cases of discrimination, harassment, sexual harassment and sexual assault at LMU are dealt with transparently. ²It sets out rights and obligations and specifies counseling and outreach services to those affected. ³It details a structured procedure for filing an official complaint and outlines a catalog of sanctions and preventative measures.

§ 2 Scope

(1) ¹This Policy applies to all members of LMU in accordance with Art. 19 BayHIG. ²It also applies to external parties such as interns, visiting scholars or fellows at LMU, visiting students, guest visitors, seminar participants, LMU scholarship holders, freelance lecturers and teachers, and people involved in application appointment procedures as well as employees of external companies working for LMU. ³The Policy also applies to visitors on LMU premises or attending LMU events.

(2) ¹This Policy applies in cases of discrimination, harassment, sexual harassment and sexual assault. ²The regulation of Ludwig-Maximilians-Universität München for Safeguarding Good Scientific Practice, as amended, remains unaffected.

(3) ¹This Policy applies across all LMU premises, including leased premises and land, as well as to all external locations of the university. ²It also applies during business trips, at official and digital events or platforms organized by LMU, as well as during university-related functional exercises.

(4) ¹Arbitration according to § 7 and a formal complaint procedure according to § 8 can only be carried out if the discrimination, harassment or sexual harassment

originates from a member of LMU. ²In all other cases, appropriate measures will be taken.

§ 3 Definitions

Discrimination

(1) ¹Discrimination is when someone is treated unfairly or placed at a disadvantage on the grounds referred to in § 1 [AGG \[Allgemeines Gleichbehandlungsgesetz - General Equal Treatment Act\]](#). ²When determining whether or not discrimination has taken place, it is the outcome which counts, irrespective of the motive or whether or not it was intentional. ³Acting without exercising due consideration or following established procedures that are discriminatory (for example, in general administrative affairs) may count as an act of discrimination.

(2) ¹Direct discrimination is taken to occur where one person is treated less favorably than another is, has been or would be treated in a comparable situation on any of the grounds referred to in § 1 AGG. ²Direct discrimination on the ground of gender is also taken to occur in the event of the less favorable treatment of a woman on account of pregnancy or maternity.

(3) Indirect discrimination is taken to occur where apparently neutral provisions, criteria or practices are liable to put persons at a particular disadvantage compared with other persons on any of the grounds referred to in § 1 AGG.

(4) Discrimination pursuant to paragraphs 1 to 3 shall not apply if the disadvantage is objectively justified by a legitimate aim and the means of achieving this aim are appropriate and necessary.

Harassment

(5) ¹Harassment pursuant to § 3 para. 3 AGG takes place when unwanted conduct in connection with any of the grounds referred to in § 1 AGG takes place with the purpose or effect of violating the dignity of the person concerned. ²This is particularly the case where an intimidating, hostile, degrading, humiliating or offensive environment is created.

Sexual Harassment and Sexual Assault

(6) ¹Sexual harassment pursuant to § 3 para. 4 AGG takes place when unwanted conduct of a sexual nature 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. ²It also includes, e.g., unwanted sexual acts and solicitation of such acts, physical contact of a sexual nature, remarks with sexual content, as well as the unwanted showing or public exhibition

of pornographic images. ³Sexual assault is defined in § 177 StGB [German Criminal Code].

⁴Sexual harassment and sexual assault may take many forms. ⁵These include, but are not limited to:

- Photographic images with sexual or sexist content
- Verbal comments with sexual or sexist content
- Sexist or sexually explicit advertising
- Sexist or sexual communication of any kind, such as sexually motivated staring, derogatory gender stereotypes, sexually degrading language
- Unwanted or unnecessary physical contact
- Unwanted sexual advances of any kind
- Sexually motivated actions constituting a criminal offense, such as coercion, stalking, and the use of mental and/or physical abuse

⁶§§ 184i and 177 StGB remain unaffected.

Instruction on Discrimination, Harassment, Sexual Harassment or Sexual Assault

(7) Instructions relating to discrimination, harassment, sexual harassment or sexual assault towards or by a person shall be deemed to be discrimination, harassment, sexual harassment or sexual assault.

§ 4 Principles

(1) ¹LMU promotes a respectful and non-discriminatory study, research, and work environment through the creation of general conditions and encourages all members, especially those with managerial, training, and qualification tasks, to actively and constructively participate. ²It rejects any form of discrimination, harassment, sexual harassment and sexual assault. ³This applies in particular to cases of discrimination, harassment, sexual harassment, and sexual assault involving the exploitation of a relationship of dependency in the workplace, at the training location, during the course of study, and in the academic qualification phase with respect to subordinate and dependent persons, and/or with indications of a possible connection between the fulfillment of (sexual) demands and career advancement or disadvantage in the workplace, at the training location, during the course of study, and in the academic qualification phase. ⁴LMU ensures the protection of its members and individuals pursuant to § 2 para. 1 from such conduct through this Policy and the implementation of protective, preventive and punitive measures. ⁵It shall ensure that the exercise of the rights pursuant to §§ 5 through 8 of this Policy does not result in any disadvantages for these persons.

(2) All persons referred to in § 2 para. 1 contribute to making LMU a study, research, and work environment characterized by mutual respect, openness, and equal opportunity.

(3) ¹Supervisors and persons with managerial, training and qualification tasks in administration, training, research and teaching shall serve as role models and shall promote a culture of attentiveness through their conduct. ²They have a special responsibility to exercise duty of care. ³They shall protect against discrimination, harassment, sexual harassment and sexual assault in their area of responsibility and, if necessary, take appropriate preventive measures. ⁴If incidents are reported to the persons referred to in sent. 1, further measures to stop discriminatory, harassing or sexually harassing actions should be taken in consultation with the person affected, whenever possible. ⁵The persons referred to in sent. 1 shall also inform the persons affected of their right to seek advice in accordance with § 6 and of the possibility of filing a formal complaint in accordance with § 8. ⁶The persons referred to in sent. 1 may also seek advice from the counseling and outreach services (§ 6).

(4) ¹Minor members of the university are a particularly vulnerable group and must therefore be given special protection against discrimination, harassment, sexual harassment and sexual assault. ²Detailed information on this matter shall be made available at the university in an appropriate manner.

(5) Bystanders are encouraged not to turn a blind eye to discrimination, harassment, sexual harassment, and sexual assault, but to offer help to those affected and to support them in finding a solution.

§ 5 Right to File Complaints; Rights of the Person Implicated

(1) ¹Persons affected by discrimination, harassment, sexual harassment and sexual assault are expressly encouraged not to accept their situation but to take action against it. ²In cases that are relevant under criminal law, the persons affected should contact the competent state investigating authorities; if criminal proceedings are instituted, the procedures set forth in this Policy pursuant to § 7 and § 8 shall no longer apply. ³Every person referred to in § 2 para. 1 of this Policy has the right to file a complaint with the complaints office (§ 8 para. 2). ⁴§ 2 para. 4 remains unaffected.

(2) ¹The principle of the presumption of innocence applies in favor of the person implicated. ²If the accusation is not confirmed, care shall be taken to ensure that the person wrongly implicated does not suffer any disadvantages as a result of the complaint.

§ 6 Counseling and Outreach Services

(1) ¹The University Executive Board shall appoint a counseling service from outside LMU, which shall also be the contact person pursuant to Art. 25 para. 1 sent. 2

BayHIG. ²As long as an appointment according to sent. 1 has not been made, the counseling and outreach services shall assume this task in accordance with para. 2 letters A, B, C, each no. 2.

(2) In addition, the following counseling and outreach services exist at LMU:

A. Students:

1. Vice President for International Affairs and Diversity
2. Anti-Discrimination Officer and Conflict Resolution Officer for Students
3. University/Faculty Women's Representative
4. Representative for Students with Disabilities
5. Responsible Units of the Student Council
6. Psychotherapeutic and Psychosocial Advisory Service of the Munich Student Union

B. Academic and research staff, visiting scholars or freelance lecturers:

1. Vice President for International Affairs and Diversity
2. Anti-Discrimination Officer for Academic Staff
3. University/Faculty Women's Representative
4. Representative for Staff with Disabilities
5. Staff Council
6. Conflict Resolution Officer for Academic Staff
7. In-House Medical Services and Health Management

C. Research support staff:

1. Vice President for International Affairs and Diversity
2. Anti-Discrimination Officer for Administration and Technology
3. Equal Opportunities Officer
4. Staff Council
5. Conflict Resolution Officer for Research Support Staff
6. Representative for Staff with Disabilities
7. In-House Medical Services and Health Management

(3) ¹All persons referred to in § 2 para. 1 may contact the counseling and outreach services mentioned in paras. 1 and 2 for basic, confidential initial and referral advice, while maintaining the anonymity of all parties involved in the issue to the greatest extent possible. ²The counseling and outreach services shall assess the request for advice and the consulting needs of the persons affected and provide a solution-oriented initial counseling session. ³They offer information about protection and possible courses of action and explain the formal complaint procedure (§ 8) and possible arbitration (§ 7). ⁴If necessary, they shall make referrals to other appropriate specialized internal or external counseling and support offices or offer to arrange for such counseling and support.

(4) The persons affected have the right to be accompanied by someone they trust, also someone from outside LMU.

(5) ¹The persons affected are free to contact additional counseling services from outside LMU or people they trust. ²Important counseling and outreach services from outside the university can be found on the LMU website.

§ 7 Arbitration

(1) ¹If circumstances warrant it, LMU's counseling and outreach services may advise pursuing arbitration with the responsible conflict resolution officers or conduct arbitration themselves in order to find an amicable solution. ²Arbitration can may also be advised by the complaints office in accordance with § 8 para. 5. ³If the person implicated is a student, arbitration may be conducted by the vice dean (students) at the respective faculty. ⁴Arbitration may only take place with the mutual consent of the conflicting parties. ⁵If a proposed resolution is agreed upon by both parties, it will be documented in writing as a basis for future interaction.

(2) ¹If arbitration does not result in a resolution, a professional arbitration process may be conducted with the consent of both parties. ²If this is not desired, the matter will be referred back to the original counseling and outreach services or complaints office.

§ 8 Formal Complaint Procedure

(1) The aim of a complaint is to make LMU aware of any misconduct pursuant to § 3 of this Policy in order to ensure that in the event of discrimination, harassment or sexual harassment pursuant to § 3, all necessary measures can be taken to prevent the situation from continuing and preventing repeated discriminatory behavior, harassment or sexual harassment in the future.

(2) ¹The complainant should file a complaint with the complaints office of LMU at antidiskriminierung@lmu.de. ²If the complaint is made against a member of the academic, scientific or research support staff, the complaints office is the Head of Division II, in all other cases it is the Head of Division I of the Central University Administration (ZUV). ³The complaint may also be made verbally and recorded in writing at the complaints office in accordance with sent. 2. ⁴At the request of the complainant, someone they trust may take part in the verbal recording in accordance with § 6 para. 3.

(3) ¹The complaint must describe the events experienced as discriminatory, harassing or sexually harassing. ²Any evidence and the names of witnesses should be included. ³In addition, the complaint should state who has already been informed about the incident, which measures have been taken and with whom it has already been discussed.

(4) ¹Once the complaint has been received, the complaints office shall inform the complainant of their rights, obligations and the procedure to be followed. ²The complainant shall be informed that they are not entitled to remain anonymous and that submitting a complaint does not justify an extension of the time limit for filing a complaint of two months pursuant to § 15 AGG.

(5) If the issue warrants it and arbitration proceedings have not yet been initiated, the complaints office may suspend the formal complaint procedure and conduct arbitration pursuant to § 7.

(6) ¹The complaints office may involve people in a managerial position from each of the areas affected. ²This shall in particular be the case if immediate measures are required to protect the person affected or others. ³In order to be able to assess the situation appropriately, the complaints office may also seek and receive expert advice, provided these people have not already been involved in dealing with the case at counseling and outreach services as defined in § 6.

(7) ¹The complaints office shall give the person implicated a detailed account of the complaint and ask for a response to the complaint within the set deadline. ²This period shall not exceed two weeks.

(8) ¹Based on the statement of the person implicated, a member of the complaints office shall meet the person implicated to discuss the matter in person within 10 days of receiving the statement. ²The direct supervisor of the person implicated may be involved in the meeting by the complaints office. ³If requested by the person implicated, a person they trust may also be invited to attend.

(9) ¹The respective complaints office shall investigate the issue; at the request of the complainant, another responsible internal counseling and outreach services pursuant to § 6 para. 2 may be involved. ²Providing they comply with data protection provisions and exercise due discretion, it may inspect any relevant documents and hear witnesses. ³The complaints office shall document the proceedings. ⁴It shall inform both parties in writing of the outcome of the investigation.

(10) ¹The formal procedure shall be discontinued by the complaints office if the investigation does not uncover sufficient evidence for discrimination, harassment or sexual harassment. ²However, measures may still be taken to resolve the conflict. ³In the event that the formal complaint procedure is discontinued, the complainant may not appeal.

(11) ¹If the complaint is found to have merit, the complaints office shall report the outcome of its investigation to the President or, if the person implicated is a member of the research support staff, to the Vice President for Finance and Administration. ²The complainant and the person implicated may not appeal against the outcome of the investigation.

(12) The President or, in the case of research support staff, the Vice President for Finance and Administration, shall decide on further measures under labor law, civil service law, status law, or university law, as well as possible sanctions pursuant to § 9 of this Policy, and shall initiate them accordingly.

(13) ¹In the formal complaint procedure, the complainant may withdraw the complaint. ²This leads to the discontinuation of the formal complaint procedure.

§ 9 Consequences, Sanctions and Recourse

(1) ¹If it has been determined that discrimination, harassment, sexual harassment, or sexual assault has taken place, the President or the Vice President for Finance and Administration shall take suitable, necessary and appropriate preventive measures. ²These include, but are not limited to the following:

For students:

- Meeting with the Dean or Vice Dean (students)
- Ban from attending from courses
- Ban from entering the premises
- Criminal charges from LMU
- Expulsion

For employees:

- A formal interview
- A verbal or written warning
- Transfer or relocation
- Dismissal with or without notice
- Disciplinary action
- Cancellation of teaching contract
- Ban from using university facilities
- Ban from entering the premises
- Criminal charges from LMU

³This is not an exhaustive list. ⁴The requirements and procedures for individual sanctions against further parties pursuant to § 2 para. 1 are guided by the applicable legal regulations.

(2) If the complainant files a claim for damages with LMU on the basis of discrimination, harassment, sexual harassment or sexual assault, LMU may claim compensation in line with legal provisions from the person implicated for violating their contractual obligations, or their obligations under employment or university law.

§ 10 Preventive Measures; Reporting

(1) By publishing this Policy, LMU hopes to raise awareness among all groups of people set forth in § 2 para. 1 and to ensure that cases of discrimination, harassment, sexual harassment and sexual assault are not ignored or tolerated.

(2) LMU shall take preventive measures, in particular by

- Raising awareness within the institutions for problems posed by discrimination, harassment, sexual harassment and sexual assault at the workplace and while studying or doing research
- Providing information materials about dealing with cases of discrimination, harassment, sexual harassment and sexual assault
- Offering training courses for supervisors and people with managerial, training and qualification tasks in administration, training, research and teaching as well as for counseling and outreach services and the complaints office

(3) LMU pledges to refrain from using discriminatory and sexist images in its advertising and public appearances.

(4) ¹The counseling and outreach services as well as the complaints office shall submit an annual report of figures in anonymized form to the University Executive Board on the matters they have gained access to or of which they have become aware in the course of their activities. ²The report shall be broken down by the grounds referred to in § 3 and, if possible, shall contain information on the individual steps of the procedures described in this Policy. ³On the basis of this information, LMU shall prepare a comprehensive annual report, which shall also provide information on the measures pursuant to para. 2. ⁴The report pursuant to sent. 3 shall be made available to the counseling and outreach services and complaints office upon request.

§ 11 Confidentiality and Data Protection

The counseling and outreach services shall maintain strict confidentiality with regard to personal data pursuant to Art. 4 no. 1, Art. 5 para. 1 of the General Data Protection Regulation (GDPR), as well matters they have gained access to or of which they have become aware in the course of their activities.

§ 12 Entry into Force and Publication

(1) This Policy shall enter into force on the day following its adoption and shall remain in force until revoked by the University Executive Board.

(2) It will be published on the LMU website.

Munich, December 13, 2023

Signed by
Prof. Dr. Dr. h.c. Bernd Huber
President