

# Guidelines for respectful workplace communication at the University

Last updated: October 2024

In its Mission Statement, the Catholic University of Eichstätt-Ingolstadt commits itself to an appreciative interaction of all University members that is based on mutual respect for the individual personalities and dignity of fellow human beings. This guideline is intended to provide all KU members and guests with an orientation as to which behaviors are not tolerated at the University and what assistance affected persons can expect from various University offices.

## 1. Principles

All KU members contribute to successful interaction with each other through mindful and considerate behavior and appreciative communication. It is therefore the responsibility of each individual to first address any conflicts that arise independently and actively contribute to finding a solution. Serious cases in which personal boundaries are violated, such as discrimination, sexual harassment (in particular also involving abuse of power), stalking and bullying/cyberbullying, on the other hand, constitute violations of personal rights, contractual obligations or misconduct, which may have to be punished and cannot be resolved solely by the parties involved, but may require a formal report to the University Management.

## 2. Scope of application

The regulations in these guidelines apply to the conduct of all KU members with regard to any other persons that work, research, teach, learn or study on the KU campus or any contracted parties that provide services as well as any guests on campus.

These guidelines in particular refer to all forms of (sexual) harassment, threats, violence, insults, discrimination, bullying, cyberbullying and stalking – be it direct or indirect, verbal or non-verbal. These behaviors are not tolerated at the KU. The KU encourages its members to take a stand against undesirable behavior and to make use of the support services offered by the University.

Discriminatory behavior occurs, for example, when people are insulted or disadvantaged because of their ethnicity, religion, sexual identity, disability or illness.

Sexual harassment occurs, for example, through sexualizing remarks or actions that have a shameful effect. At worst, they serve as a means of exercising power (e.g. by exploiting dependency relationships).

This can occur verbally and non-verbally through pictures, e-mails, sticky notes etc. or through physical assaults. If people are harassed with unwanted, frequent calls, e-mails or gifts, this is also referred to as stalking (harassment).

Bullying occurs when a person is systematically and repeatedly harassed, insulted, threatened, exposed, socially excluded or assaulted over a longer period of time, e.g. by spreading negative rumors, or by ridiculing the person, or when information necessary for work or study is repeatedly and deliberately withheld. If this happens online (social media, internet), it is called cyberbullying (also: internet bullying).

## 3. Procedure in suspected cases

Those affected can seek confidential advice from the contact person responsible for their group or submit an official complaint. A consultation can subsequently lead to a complaint.

### 3.1 Initial consultation and contact persons

The primary aim of the consultation is to explore possible further steps together, depending on the situation. Consultation sessions should be recorded and the procedure documented. A sample protocol for a session and for the documentation of an incident is attached.

The first consultation provides guidance on specific intervention strategies and the measures that can be taken to protect the affected person, depending on the severity of the case.

All contact persons are subject to confidentiality, provided there are no legal obligations to the contrary. The consent of the person(s) affected is required for all steps of the intervention.

Research staff (research and teaching):	Research support staff (administration, IT):	Students:
the superior or manager		seminar leader or student representative council/student advisory service/subject advisor if applicable
occupational psychologist		psychological counseling center
Staff Representative Committee		international students/guests: International Office
prevention officer and contact person(s) for protection against sexual harassment in accordance with Art. 25 BayHIG (Bavarian Higher Education Innovation Act)		
Catholic Campus Ministry		
women and equal opportunity officer of the entire University		
women and equal opportunity officer of the respective faculty	women and equal opportunity officer for research support staff	women and equal opportunity officer of the Student Representative Council/ of the respective faculty
Research Service Center/ Ombudspersons for safeguarding good scientific practice		
Additionally for people with disabilities:		
employer's officer for matters involving people with severe disabilities		officer for students with disabilities and chronic illnesses
spokesperson for people with severe disabilities		

Diagram 1: Contact persons for consultation listed by group of people

### 3.2 Specific intervention strategies and procedures for suspected cases

The respective contact persons for consultation support the affected person(s) in clarifying the incident and should take the following initial steps:

- Support and advice for the affected person
- Documentation of the exact facts
- Obtaining a statement from the incriminated person
- Offering a mediating discussion

With the consent of the persons involved, other parties can also be involved in a mediating discussion if this could be helpful in clarifying the incident (see diagram).

If this step is unsuccessful, the affected person can make a formal complaint to the University Management in a second step. As part of its supervisory duties, it has an important role when it comes to investigating a suspected case. After investigating the facts of the case, the University Management may also initiate measures under employment law, labor law and other measures (starting with a ban from the premises reaching to criminal charges).

If an allegation is not confirmed, the KU must ensure that the incriminated person does not suffer any disadvantages.

## 4. Sexual harassment and sexualized violence

The following statements are based on a letter from the Bavarian State Ministry of Science and the Arts dated May 2, 2023, to the managements of all Bavarian universities. The "Minimum requirements for the principles of protection against sexual harassment and sexualized violence pursuant to Art. 25 (1) BayHIG" formulated therein also apply at the KU.

### 4.1 Legal classification and definition

According to Section 3 (4) AGG (General Equal Treatment Act), sexual harassment is "unwanted conduct of a sexual nature" that "has the purpose or effect of violating the dignity of the affected person, in particular if it creates an intimidating, hostile, humiliating, degrading or offensive environment". This includes "unwanted sexual acts and requests for such acts, sexually explicit physical touching, comments of a sexual nature and the unwanted display and visible attachment of pornographic images". According to Section 184i German Criminal Code (StGB), sexual harassment is understood as a "relative offense" that is only prosecuted on request, unless other interests conflict with this. Sexual assault, on the other hand, is a criminal offense (Section 177 StGB) and is therefore prosecuted ex officio.

## 4.2 Procedure for suspected cases, sanctions

Sexual harassment and sexual assault by KU employees are disciplinary offenses that will be prosecuted and punished accordingly. In addition to the procedure mentioned in 3.2, disciplinary or labor law measures may be taken in cases of suspected misconduct. These can be (depending on whether the incriminated persons are employees or students):

- Oral or written instruction issued to the incriminated person
- Written warning
- Initiation of disciplinary proceedings
- Fine, reduction in salary, withdrawal of pension
- Transfer, suspension, termination of employment
- Exclusion from the use of University facilities
- De-registration
- Ban on entering University premises
- Criminal complaint filed by University Management

## 5. Confidentiality and data protection

All consultations are subject to confidentiality with regard to the incidents and the associated information, provided that there are no legal obligations to the contrary.

When processing personal data, the relevant data protection regulations must be observed and declarations of consent must be obtained where necessary.

## 6. Awareness-raising and prevention measures

These guidelines are published in an appropriate form to raise awareness among all members of the KU in order to positively reinforce and permanently develop aspects relating to inclusive, respectful, fair, religion-sensitive, value-oriented and cooperative behavior among all members and guests of the KU. In addition to providing specific consultation, the KU also supports its employees and students by offering targeted training courses to raise awareness of and prevent bullying, discrimination and sexual harassment as well as other forms of behavior that are not tolerated at the KU. The Sports Center offers self-defense courses for KU students and employees.

The President

Prof. Dr. Gabriele Gien

## Annexes:

- Documentation of an incident at the KU
- Release from confidentiality, data protection and declaration of consent

*[These guidelines were adopted in their updated form by the University Management on October 22, 2024, and released for publication]*

## Annex 1:

### Documentation of an incident at the Catholic University of Eichstätt-Ingolstadt

#### 1. General information

- 1.1 Receipt of the notification on \_\_\_\_\_
- 1.2 At which office? \_\_\_\_\_
- 1.3 Affected person: Name \_\_\_\_\_
- 1.4 Department: \_\_\_\_\_
- 1.5 Student with enrollment number: \_\_\_\_\_

#### 2. Determination of the facts or subject matter of the complaint from the perspective of the affected person

- 2.1 What happened from the perspective of the affected person?

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- 2.2 When and where did the incident occur? \_\_\_\_\_

- 2.3 Who initiated the incident? \_\_\_\_\_

- 2.4 Does the affected person feel discriminated against due to

- ☐ Age
- ☐ Sex
- ☐ Sexual identity
- ☐ Religion/world view
- ☐ Disability
- ☐ Ethnic origin
- ☐ Social origin
- ☐ Family status
- ☐ Chronic illness
- ☐ Other

- 2.5 Does the incident fall under one of the following categories?

- ☐ Discrimination
- ☐ Harassment
- ☐ Sexual harassment
- ☐ Bullying
- ☐ Cyberbullying
- ☐ Stalking
- ☐ Other

- 2.6 Are there witnesses or other evidence (pictures, documents, screenshots, etc.)?

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- 2.7 Who has already been informed about the incident? (superiors, students, etc.)

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2.8 Was the incriminated person spoken to about the incident? By whom, when and where?

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2.9 What statement did the incriminated person make? Orally/written?

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2.10 What does the incriminated person state as reasons for the behavior described?

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2.11 Did the incriminated person involve other people in the incident? If so, who, when and where?

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### **3. Statement of the incriminated person**

3.1 Statement of the incriminated person to be obtained by

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3.2 Written or oral

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3.3 In case of oral statement: What happened from the point of view of the incriminated person?

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3.4 What reasons do they give?

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3.5 Were they approached about the incident or was there any other reaction from a third party to the incident?

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3.6 What witnesses, documents or other evidence are available?

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### **4. Examination of the facts and mediation of discussions**

4.1 The affected person is willing to talk to the incriminated person and wishes the following persons to be present during this conversation:

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4.2 The incriminated person is willing to talk to the affected person and would like the following people to be present during this conversation:

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4.3 Result of the conversation

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## Annex 2:

### Release from confidentiality, data protection and declaration of consent

The parties involved expressly agree that their personal data collected in connection with the incident in question may be processed for the purpose of investigating the incident and may be passed on to other bodies within the University in this context.

Of course, this data is treated with appropriate sensitivity. It will not be used for purposes other than those mentioned above.

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Place, date and signature of the person(s) involved

### Data protection information on data processing at KU contact points:

Based on your consent, we process your personal data in accordance with Section 6 para. 1 lit. B Law on Data Protection in the Catholic Church in Germany (KDG). Your consent and provision of data is given voluntarily. Refusal or revocation of such consent will not have any detrimental effects for you.

You can revoke your consent at any time by submitting a corresponding declaration to the responsible data processor. Processing of your personal data will then be inadmissible for the future. However, this shall not affect the lawfulness of the processing effected on the basis of the initial consent up to the point in time of the revocation.

In accordance with the KDG, you can request information from the KU (Section 17 KDG) about which data regarding your person is being processed by the KU and request correction/completion in accordance with Section 18 KDG if the data is incorrect or incomplete.

You can also request deletion in accordance with Section 19 KDG or the restriction of processing of your personal data in accordance with Section 20 KDG or file an objection against certain types of data processing in accordance with Section 23 KDG.

You also have the right to data transferability in accordance with Section 22 KDG.

If you make use of the mentioned rights, the responsible person will verify whether legal prerequisites are fulfilled.

Furthermore, you have the right to complain to the data protection supervisory authority (joint data protection supervisory authority of the Bavarian (arch)dioceses, Kapellenstr. 4, 80333 Munich).

Your personal data will not be processed for the purpose of automated decision making (including profiling).

Your data will be stored for as long as is necessary for the purpose of processing.

Responsible for data processing: Katholische Universität Eichstätt-Ingolstadt, Ostenstraße 26, 85072 Eichstätt, Germany, [info@ku.de](mailto:info@ku.de).

KU data protection officer: Mr. Ziar Kabir  
SCO-CON:SULT GmbH, Hauptstraße 27, 53604 Bad Honnef, Germany, E-mail: [info\(at\)sco-consult.de](mailto:info(at)sco-consult.de).