

Guideline for Counseling and Complaint Procedures in Case of Discrimination and Especially Sexualized Assaults at the Merz Academy

Preamble

As a part of society at large, the Merz Academy is shaped by power constellations that create and reproduce underrepresentation, inequality, and discrimination.

The Merz Akademie strives for the equality of all socially disadvantaged and underrepresented groups. These goals and measures are supported by the university management with an explicitly articulated policy supporting equal opportunity, which in turn serves as the basis for the Equal Opportunity Officers' work. At the same time, striving towards equality is a cross-sectional task for the entire institution that affects the entire academic community and for which everyone bears responsibility.

Not only a formalized procedure for submitting complaints, but also the availability of both informal conversations and official consultation with the Equal Opportunity Officers should help the Merz Akademie to become a "safe space" against discriminatory actions.

Objectives

According to the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz, AGG), which came into force in 2006, every institution of higher learning is obliged to provide assistance to those affected by discrimination and/or sexualized assaults within the context of their work or education. According to § 13 AGG, this possibility exists for all employees and members of the academic community including students (See also *Grundordnung der Merz Akademie*, § 5 Para. 1).

Discriminatory actions based on ethnic origin, gender, religion or ideology, disability, age or sexual identity (§ 1 AGG) are to be prevented.

It is important for the Merz Akademie to promote and, if necessary, defend a respectful and trusting community and work environment, while establishing adequate counseling possibilities and a procedure for submitting complaints. These guidelines are intended to help to achieve these goals.

What can persons affected by discrimination do?

All persons affected by discrimination—including possible witnesses of an incident of discrimination—have the opportunity to contact the Equal Opportunity Officers and/or other persons of trust, such as the Rector, Dean, Managing Director, professors, lecturers, AStA or other employees of the Merz Academy. In the case that they are not the first contact persons, the Equal Opportunity Officers should always be informed immediately by the other contact persons. In all cases, all involved contact persons are obligated to maintain absolute confidentiality vis-à-vis third parties; this applies in particular to those persons against whom the allegations have been directed.

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1. Consultation

Affected persons may request informal counseling from the Equal Opportunity Officers at any time. This can also be done anonymously. The cases are never to be evaluated by the initial contact person. If need be, contact to external professional advice will be facilitated. If needed, the Equal Opportunity Officers can establish contact with said professionals and can personally accompany persons affected by discrimination. It is also possible to facilitate a discussion with all parties affected, initiated by the Equal Opportunity Officers and accompanied by the Rector or other member of upper management, which in turn can be moderated by an independent third party.

those affected by discrimination, or if those affected do not wish to make use of informal clarification, it is also possible to submit a formal complaint (according to Section 13 of the AGG).

2. Complaint Procedure

Affected persons can submit a formal complaint with the Equal Opportunity Officers. This can also be done anonymously, as long as no further claims according to § 15 AGG (e.g. claims for damages) are asserted. The complaint can be made verbally or in writing to the Equal Opportunity Officers or other trusted persons mentioned above. The Equal Opportunity Officers should in any case be immediately informed about the case, who, in turn, are to inform the extended university management (Rector, Dean, Managing Director).

The complaint is to be documented in writing by the Equal Opportunity Officers and confirmed by the person who submitted the complaint.

The submitted complaint will be processed by the Equal Opportunity Officers, the Rector/Dean/Managing Director and—if so desired—by a person of trust named by the person filing the complaint. After deliberation, the person against whom the complaint has been filed is given the opportunity to respond within a specific period of time. The identity of the person filing the complaint will not be disclosed to the person against whom the complaint has been filed.

After receipt of the statement and after expiration of the deadline for the response (even in the case that there is no response), the person against whom a complaint has been made will be invited in writing to a personal interview. If necessary, additional witnesses can be questioned (in writing or orally). However, there is no obligation to give a statement.

After the complaint has been processed and examined by the Equal Opportunity Officer, the Rector, the Dean, the Managing Director or, if applicable, the person of trust, the result will be communicated in writing to the person making the complaint and to the person against whom the complaint is directed (in compliance with personal data and privacy protection regulations).

In the interest of clarifying the complaint as comprehensively and satisfactorily as possible, anonymity cannot be guaranteed throughout, despite the confidentiality that is naturally required. No information on the matter will be passed on to third parties until the allegations have been confirmed.

In principle, there is no time limit for filing a complaint. However, it should be noted that employees and also students at non-state universities have a two-month deadline from the time they become aware of the discriminatory incident (§§ 15 Paragraph 4 and 21 Paragraph 5 AGG) in order, if necessary, to keep legal steps open under the AGG (see Antidiskriminierungsstelle des Bundes, Leitfaden: Diskriminierungsschutz an Hochschulen, page 23).

Concluding Remarks

The Equal Opportunity Officers of Merz Akademie will always stand on the side of those affected by experiences of discrimination in an advisory capacity. Incidents will never be evaluated by the Equal Opportunity Officers. The Equal Opportunity Officers of the Merz Academy will not protect the perpetrators, but will always represent the interests of those affected. It goes without saying that the Equal Opportunity Officers will handle all information responsibly and discreetly, also in the sense of protecting the personal rights of the allegedly accused. Any consequences concerning employment for persons against whom a complaint has been made are the sole responsibility of the university management or the employer.

While maintaining the required confidentiality, written records are kept of all counseling sessions and, of course, of all proceedings within the standard complaint procedure. This is done against the background that cases of discrimination can also have legal consequences.

May 2023

The Equal Opportunity Officers of the Merz Academy.