

Policy on protection against discrimination and harassment

at the University of Bayreuth

(Anti-Discrimination Directive, ADRI)

dated 30 July 2025

in the version

dated 30 September 2025

Preamble

The University of Bayreuth sees itself as a fair and safe place to research, study, teach and work that is free from discrimination and violence. As a basis for this, the members of the University cultivate a culture of respectful cooperation as well as honest and respectful interaction with each other and with external parties. Discrimination and harassment by members of the University will not be tolerated by the University of Bayreuth.

The University of Bayreuth promotes a culture of looking out for others. University members are called upon to offer help to those affected in cases of discrimination or harassment that come to their attention and to support them in resolving the conflict.

The University of Bayreuth promotes an approach that enables those affected by discriminatory or harassing behaviour to address these incidents while taking all legitimate interests into account.

The purpose of this policy is to raise awareness of harassment and discrimination and to take measures for prevention and effective equality. It also defines procedures for intervention.

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§ 1

Scope of application

- (1) ¹This policy applies to all members of the University of Bayreuth (UBT) in accordance with §19 para 1 of the Bavarian Higher Education Innovation Act (BayHIG). ²It also applies to all other persons in a teaching or employment relationship (lecturers, honorary professors, etc.) as well as to persons who are at UBT temporarily or as guests. ³It applies to all trainees or other persons employed as part of their training. ⁴This directive applies to all functional areas of UBT.
- (2) ¹This guideline also applies to acts committed against third parties by persons within the meaning of para 1 within UBT's area of responsibility or using UBT's IT infrastructure. ²§§4, 5, 7 and 14 sentence 2 shall apply to actions by third parties against persons within the meaning of para 1 that take place within the territorial jurisdiction of UBT or using the IT infrastructure of UBT; § 8 et seq. shall apply with the proviso that the course and consequences of the proceedings vis-à-vis the third party are lawful.

§ 2

Definition of terms

- (1) For the purposes of this Directive
 1. discrimination: any direct or indirect form of disadvantage or harassment based on racial or ethnic
 - a) racial or ethnic discrimination,
 - b) sex and gender identity,
 - c) sexual identity
 - d) religion or belief,
 - e) impairments that are classified as disabilities,
 - f) age.
 2. Direct discrimination: the less favourable treatment of one person because of one or more of the categories mentioned in No. 1 than another person in a comparable situation.
 3. Indirect discrimination: the discrimination of persons in a particular way against other persons because of one or more of the categories mentioned in No. 1 through apparently neutral rules, criteria or procedures.
 4. Harassment: Conduct related to one or more of the categories listed in No. 1. Harassment is discrimination which has the purpose or effect of violating the dignity

- of the harassed person and which creates an intimidating, hostile, degrading, humiliating or offensive environment.
5. Sexual harassment: unwanted behavior with a sexual reference, including unwanted sexual acts and requests for them, sexually explicit physical touching, the unwanted display and visible attachment of pornographic content or the copying, distribution, use and exploitation of obscene or sexually degrading digital content within or in connection with the IT infrastructure of UBT, unless it is justified for illustrative purposes in the context of courses or for the purposes of scientific research. Sexual harassment is discrimination that has the purpose or effect of violating the dignity of the harassed person, in particular if an environment characterized by intimidation, hostility, humiliation, degradation or insults is created.
- (2) The instruction to behave in a manner referred to in para 1 shall be deemed to be discrimination.
²Physical coercion which, by its intensity, is likely to impair another person's free determination or exercise of will (violence) and which is motivated by the characteristics set out in para 1 no. 1 shall constitute discrimination within the meaning of this Directive.
- (3) Conduct is not subject to para 1 nos. 1 to 3, para 2 if it is objectively justified by a legitimate objective and the means used to achieve this objective are proportionate.
- (4) The definitions of the General Equal Treatment Act (AGG) shall apply *mutatis mutandis* to the application of this Directive, unless this Directive contains deviating provisions for circumstances outside the scope of the AGG.

§ 3

General prohibition

- (1) ¹Conduct within the meaning of § 2 para 1 that is not objectively justified and proportionate in accordance with § 2 para 3 is prohibited. ²It disrupts university operations and will be assessed and sanctioned as a violation of employment contract, service law, civil service law and general university law obligations.
- (2) ¹All persons within the meaning of § 1 para 1 are responsible in their area of responsibility for ensuring that conduct within the meaning of § 2 para 1 and para 2 is refrained from or eliminated. ²If superiors become aware of conduct in accordance with § 2 para 1 or 2 in their function, it is recommended that the Diversity Service Centre be consulted.

§ 4

Guiding principles

- (1) Within the scope of its responsibilities, UBT shall take suitable, necessary and appropriate measures aimed at equal treatment and non-discrimination of persons within the meaning of § 1 para 1.
- (2) UBT shall take suitable, necessary and appropriate measures to protect the persons referred to in § 1 para 1 and 2 from conduct within the meaning of § 2 para 1. It shall take the positive measures formulated in § 5 and establish the procedures referred to in § 6.
- (3) Anyone who draws attention to conduct in accordance with § 2 para 1 may not be directly or indirectly disadvantaged as a result (prohibition of reprimands).
- (4) Persons affected by conduct in accordance with § 2 para 1 are encouraged to exercise their rights and to report cases they have experienced to the advising centres, to seek advice and to submit a complaint.

§ 5

Positive measures

- (1) The following positive measures in particular are taken to raise awareness and prevention and to promote effective equality:
 1. publishing this policy in digital form and incorporating it into the University of Bayreuth's communication strategy,
 2. the provision of information on anti-discrimination advising services, complaint options and ways of conflict resolution for all university members in German and English
 3. enabling participation in further training for the complaints office referred to in § 8 and the contact persons in accordance with Art. 25 BayHIG, provided that they impart knowledge that is necessary for their work,
 4. the implementation of training courses on equal treatment and anti-discrimination for persons with supervisory, management and training duties, persons with responsibility for personnel selection as well as for positions and persons with advisory duties,
 5. anchoring diversity and anti-discrimination in the recruitment process and providing training on the AGG for employees and managers.

- (2) The Presidential Advisory Committee for Equal Opportunities & Diversity shall further develop the measures in para 1 within the scope of its responsibilities under § 23 of the constitution; its responsibilities also include
1. developing and proposing further measures to promote equal treatment and anti-discrimination in all areas of UBT,
 2. the biennial evaluation of the measures according to para 1 and the biennial report to the University Governing Board, the Senate and the Employee Council on the effectiveness of the prevention strategy and measures,
 3. the annual evaluation of anonymized consultation and complaint cases.
- (3) ¹The Presidential Committee for Equal Opportunities & Diversity may, in consultation with the University Governing Board, establish up to three committees for sub-areas within its field of work for a specific or indefinite period of time to support its tasks. ²It may issue rules of procedure for the committees with the approval of the University Governing Board.

§ 6

Procedure for protection against discrimination

¹UBT shall establish a consultation procedure (§ 7) and a complaints procedure (§§ 8 ff.). ²Official channels do not have to be followed for this.

§ 7

Consultation procedure

- (1) ¹In the advisory procedure, internal university offices provide advice and support. ²They shall involve non-university bodies where necessary.
- (2) The Diversity Service Centre informs those affected by conduct in accordance with § 2 para 1 comprehensively about the possibilities of conflict resolution, about internal and external advising and support services as well as about the possibility of a complaint procedure in accordance with §§ 8 ff.
- (3) ¹UBT and Studierendenwerk Oberfranken advising centres will provide further advising for those affected. ²The subject of the specific counseling in individual cases are counseling sessions on options for action and protection, including support in initiating a complaint procedure. ³Counseling centres in this sense are
1. Contact persons pursuant to Art. 25 BayHIG
 2. Representative for company integration management
 3. Representative for the interests of students with disabilities or chronic illnesses

4. Representative against anti-Semitism
 5. Employees of the PULS service centre in the faculties
 6. UBT's external conflict advisors
 7. Representative for equal opportunities for women in science and the arts (Women's Representative of the University of Bayreuth)
 8. The faculty representatives for equal opportunities for women in science and the arts
 9. Equal Opportunities Officer or Equal Opportunities Officer for non-academic staff
 10. Inclusion representative at UBT
 11. Contact person for anti-racism
 12. Council of research associates and doctoral researchers
 13. Ombudspersons for early-career researchers
 14. Employee Council
 15. Responsible student representative in the department
 16. Equal Opportunities Service Centre
 17. Dean of studies
 18. Student representatives
 19. Representative for severely disabled employees and employees with equivalent status
 20. Student Advising.
- (4) ¹The advising centres referred to in para 2 nos. 1, 2, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16 and 19 may, if they are competent to do so, support affected persons at their request in conciliation and mediation meetings and assist them in complaints proceedings. ³If a body within the meaning of sentence 1 is concerned about a conflict of interest when carrying out its duties as a confidential body, it must inform the complaints body of this. ⁴In this case, it shall be excluded from involvement in the specific proceedings.
- (5) ¹With the consent of the person concerned, the advisory bodies referred to in para 4 sentence 1 shall inform the Diversity Service Centre about consultations, unless the Diversity Service Centre has already dealt with the matter beforehand. ²If several pieces of information are received on the same matter, the Diversity Service Centre shall network the relevant advising centres.

§ 8

Complaints procedure

- (1) ¹UBT shall set up an easily accessible complaints office to carry out the formal complaints procedure, unless special responsibilities are provided for by law or within the university. ²This office is responsible for complaints regarding violations of § 3 of this directive. ³It is also the complaints office within the meaning of §13 para 1 AGG.
- (2) ¹The complaints body shall consist of at least two persons. ²These persons should belong to different genders and may not act or have acted as an advisory body within the meaning of § 7 para 3 of this directive in the specific case. ³When initiating the procedure, the complainant may indicate a preference as to which member of the complaints body they would like to interact with.
- (3) The complaints body is obligated to remain neutral.

§ 9

Initiation of the complaints procedure

- (1) ¹The complaints procedure shall only be initiated upon complaint to the complaints office by the person affected by conduct within the meaning of § 2 para 1, unless there is a university-wide interest in prosecution in accordance with §§ 8 ff. ²The persons named in § 1 para. 1 are entitled to lodge a complaint.
- (2) ¹With the consent of the person affected by conduct in accordance with § 2 para 1, bodies within the meaning of § 7 para 4 may inform the complaints office of the specific facts of the case. ²In this case, the complaints office shall contact the person concerned, inform them of the possibility of a complaints procedure and advise them on the possible course of action.
- (3) ¹The complaint must describe the alleged conduct. ²Witnesses and other evidence, if available, shall be attached or named. ³The complaint should state which other persons have already been informed about the incidents and whether measures have already been initiated. ⁴The complaint must be submitted to the complaints office in text form or orally for recording. ⁵The person lodging the complaint may be supported by an advising centre in accordance with § 7 para 3 or another person they trust.
- (4) ¹The complaints office shall inform the complainant about their rights, obligations and the further procedure. ²The complaints office shall examine the individual case to determine whether and to what extent preliminary measures for the protection of the person concerned or for mediation and conciliation should be implemented before initiating the procedure; the complaints office may refer the complainant to the contact person pursuant to Art. 25 para 2 BayHIG or to other bodies pursuant to Art. 7 para 4 sentence 1 for advice before initiating the

complaints procedure. ³The complaints office shall draw attention to existing support services in accordance with § 7 para 3 and 4.

- (5) In the event of a withdrawal, the procedure shall be continued insofar as there is a university-wide interest in pursuing the procedure in accordance with §§ 8 ff.

§ 10

Expedited procedure

- (1) ¹In cases of low complexity and low severity, the complaints office may, with the consent of the parties to the complaint, conduct an accelerated procedure, unless there is a university-wide interest in prosecution in accordance with §§ 8 ff. due to the importance of the matter. ²The aim of the expedited procedure is the swift elimination of the impairments caused by the conduct according to § 2 para 1 or para 2, insofar as this is possible, appropriate and necessary, as well as the prevention of a new violation, insofar as this is possible, appropriate and necessary.
- (2) ¹In the accelerated procedure, only sanctions pursuant to § 13 sentence 4 may be ordered. ²The possibility of mediation or amicable dispute resolution remains unaffected; the complaints office shall draw attention to the existing mediation and conciliation options and support the parties in this. ³§12 para 1-3, 6 and § 13 shall apply *mutatis mutandis*.
- (3) ¹If the facts in question constitute a criminal offense or conduct that must be investigated under employment law, service law or regulatory law, the expedited procedure shall not be considered. ²In this case, it must be examined whether a procedure in accordance with § 11 can be considered.

§ 11

Cooperation with other bodies

- (1) ¹If the facts of the case are relevant under employment law, service law or regulatory law, the complaints office shall contact the department of the Central University Administration responsible for personnel matters or academic and student affairs in accordance with the schedule of responsibilities and consult with it on the further course of proceedings. ²The departments shall exchange information about the case for this purpose.
- (2) ¹The procedure shall be managed by the department in whose area of responsibility the facts of the case lie; the regulations of both departments shall be observed in the course of the procedure. ²The other office may participate in the proceedings in an advisory and supporting capacity.

§ 12

Determination of the facts

- (1) ¹The complaints office shall clarify the facts of the case at its own discretion using the means at its disposal. ²To this end, it shall communicate the essential content of the complaint to the respondent and provide the opportunity to comment.
- (2) ¹In appropriate cases and in consultation with the persons named in § 7 para 3 no. 1, the complaints office may interrupt the investigation of the facts by means of an amicable settlement of the dispute. ²In this case, the complaints office shall mediate between the persons involved either independently or through an office named in § 7 para 3. ³If one of the persons involved does not agree to this or if amicable dispute resolution or mediation remain unsuccessful, the complaints procedure shall be continued in accordance with paragraphs 3 to 7.
- (3) ¹The appeals body shall interview the complainant, the respondent and witnesses and involve the relevant bodies. ²The questioning of the parties and witnesses shall take place separately. ³If desired, the interviewees may be accompanied by an advisory body in accordance with § 7 para 4. ⁴The right to consult legal counsel remains unaffected. ⁵All oral interviews, statements and discussions shall be recorded and signed by the interviewee.
- (4) ¹The complaints office shall draw up a final report on the basis of its investigation of the facts. ²This report may also contain proposals for measures that are not of a labor or service law nature. ³These include, in particular, proposals for (further) mediation and preventive training.
- (5) ¹If the proper clarification and assessment of the facts requires special expertise or if there are other valid reasons, the complaints office shall convene a complaints committee. ²On the basis of the final report of the complaints office, the complaints committee shall draw up an explanation and comprehensive assessment of the facts of the case, which shall be included as part of the final report. ³Valid reasons within the meaning of sentence 1 may include, in particular, serious violations of legal interests, concerns about the bias of the parties involved in the proceedings or the fundamental importance of the matter.
- (6) ¹The appeals committee shall consist of at least three persons who, due to their specific expertise, can contribute to the proper clarification and explanation of the facts of the case. ²The status groups of the parties must be represented. ³The following persons in particular may be members of the committee, unless they are already acting or have already acted as an advisory body within the meaning of § 7 para 2 or a confidential body pursuant to § 7 para 3 or 4 or as a complaints body pursuant to § 8 para 2 in a specific case:
 1. University members with academic or specific expertise in the subject matter of the complaint,

2. Contact persons pursuant to Art. 25 BayHIG,
 3. Representative for the interests of students with disabilities or chronic illnesses,
 4. Representative for the equality of women in science and art (Women's Representative of the University of Bayreuth) and the Faculty Representative for the equality of women in science and art,
 5. Representative against anti-Semitism,
 6. Equal Opportunities Officer or Equal Opportunities Officer for non-academic staff,
 7. Contact person for anti-racism,
 8. Members of the Convention of Academic Staff and Doctoral Candidates,
 9. Equal Opportunities Service Centre,
 10. Ombudspersons for early career researchers,
 11. Employee Council,
 12. Responsible person in the departmental council of the student parliament
 13. Student Parliament,
 14. Representative of the severely disabled and equivalent employees.
- (7) If employees and trainees are involved, the final report is sent to Human Resources for further processing; otherwise it is sent to the department of the Central University Administration responsible for academic and student affairs.

§ 13

Legal examination, notification of results, intervention

- (1) ¹The department of the Central University Administration responsible for academic and student affairs or personnel matters in accordance with the schedule of responsibilities shall legally review the final report, comment on any legal consequences and sanctions and forward the case to the President or the Provost for a decision in accordance with their respective responsibilities.
- (2) ¹The President or Provost shall make the final decision on the complaint. ²The person making the complaint shall be informed of this in writing by the complaints office. ³The decision must be substantiated.
- (3) If there is no conduct within the meaning of § 2 para 1, para 2, the proceedings shall be discontinued.
- (4) ¹If the facts of the case that are the subject of the complaint constitute conduct within the meaning of § 2 para 1, para 2, the President or the Provost shall decide on suitable, necessary

and appropriate measures. ²Insofar as this is proportionate, these should include both measures of intervention against those persons who have misconducted themselves, as well as measures to eliminate the impairment caused by the conduct in accordance with § 2 para 1, para 2. ³Furthermore, proportionate preventive measures shall be taken to avoid similar violations in the future.

- (5) ¹If there is a conflict that is detrimental to the study, work or supervisory relationship, the reasons for the decision under para 2 may be supplemented by a proposal for conflict resolution options. ²The same applies in cases in which mediation appears to be expedient but was rejected by the parties involved in accordance with § 10 para 2 sentence 3.

§ 14

Sanctions

¹Insofar as the facts of the complaint constitute conduct within the meaning of Section 2 (1), it shall be reviewed by the competent authorities under employment law, service law and regulatory law. ²If the facts of the case are of criminal relevance, the matter shall be referred to the competent criminal prosecution authority. ³Irrespective of sentences 1 and 2, atypical measures may be ordered, insofar as legally permissible, in particular participation in workshops and training courses; § 19 of the UBT Regulations regarding enrolment, renewing enrolment, and withdrawal remains unaffected. ⁴Sentences 1 to 3 shall also apply in procedures within the meaning of § 11 of these guidelines. ⁵If the proceedings are directed against external parties, the University Rules may be exercised in particular.

§ 15

Confidentiality in dealing with personal data

- (1) The members of the advisory and complaints bodies as well as all persons involved in the proceedings pursuant to §§ 7 ff. shall maintain strict confidentiality with regard to the personal data pursuant to Art. 4 No. 1, Art. 5 para 1 No. 6 General Data Protection Regulation (GDPR) to which they gain access or knowledge in the course of their work.
- (2) ¹Cases of advice and complaints shall be continuously documented by the Diversity Service Centre, the advising centres given in § 7 para 3 or the complaints office pursuant to § 8 para 1. ²The offices named in sentence 1 shall collect case numbers and categories of discrimination in anonymized form and in compliance with all data protection regulations. ³At the end of the academic year, the data shall be anonymized by the Diversity Service Centre. ⁴This serves the purpose of quality assurance and the further development of protection against discrimination at UBT.

§ 16

Entry into force, expiry

¹This guideline shall enter into force on 31 July 2025; it shall also apply to procedures already in progress. ²At the same time, the Guideline for Protection against Discrimination and Harassment under the General Equal Treatment Act at the University of Bayreuth dated 15 October 2020, which was last amended on 9 January 2023, shall cease to apply. *)

*) The amending regulation of 30 September 2025 contains the following provision on entry into force:

The present regulations shall enter into force retroactively as of 31 July 2025.

Appendix: Non-exhaustive overview of possible consequences of discrimination and harassment

1. Consequences under employment or labor law if the allegations are confirmed against a member of staff of the University:
 - a) Consequences under civil service law for civil servants: Disciplinary proceedings with the imposition of disciplinary measures (see Art. 7 ff. Bavarian Disciplinary Act);
 - b) consequences under labour law for employees (in particular warning, dismissal, termination of contract).
2. Consequences under civil law:
 - a) Issuing a ban from the premises (Art. 31 para 12 BayHIG)
 - b) Claims for damages in tort:
 - i. Violation of general personal rights, § 823 para 1 BGB, immoral, intentional damage, § 826 BGB, breach of official duty, § 839 BGB,
 - ii. Compensation for pain and suffering, § 249 BGB
 - c) Compensation and damage claims against the employer,
 - i. § 15 AGG
 - d) Claims for injunctive relief and damages against the discriminating party, § 21 AGG.
3. Consequences under criminal law:
 - a) Sexual harassment, § 184i StGB, insult, § 185 StGB,
 - b) Defamation, § 186 StGB, coercion § 240 StGB.
4. Administrative consequences:

Disciplinary measures in accordance with § 19 of the University of Bayreuth's Regulations regarding enrolment, renewing enrolment, and withdrawal (Enrolment Regulations).