

Sexual Harassment and Discrimination

Guidelines on how to Raise Awareness,
Prevent and Respond

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Gender-based violence — more common than you think

In the European Union, since the age of 15:

1 in 3

women has experienced
physical and/or
sexual violence

1 in 2

women has experienced
sexual harassment

1 in 20

women has been **raped**



1 in 5

women has experienced
stalking

95 %

of victims **trafficked**
for **sexual exploitation** in the EU are women

Sources: European Union Agency for Fundamental Rights, *Violence against women: an EU-wide survey — Results at a glance*, 2014.
Eurostat, *Trafficking in human beings*, 2015.

Image: Margaret Jone Wollman/Shutterstock.com.

Grafik: EIGE - Let's put an end to gender-based violence; © European Institute for Gender Equality, 2018.

Introduction

This handout addresses students as well as employees at RWTH Aachen University. Its purpose is to point out which actions are to be understood as sexual harassment and discrimination and which consequences are to be expected when showing these kinds of behavior. Furthermore, it can serve as a guideline that promotes possibilities of action for affected persons as well as supervisors and teaching staff members by presenting preventative measures, raising awareness and suggesting possible reactions.

What is Sexual Harassment?

Sexual harassment denotes any behavior of a sexual nature that is unwanted and experienced as disrespectful or offensive.

Sexual harassment is especially serious if actions or comments of a sexual nature are used to exercise power or force over another person.

The starting point of sexual harassment
is the transgression of signalized boundaries!

The **General Equal Treatment Act (Allgemeine Gleichbehandlungsgesetz - AGG)** defines sexual harassment in Section 3, Number 4, as follows:

“Sexual harassment shall be deemed to be discrimination [...] when an unwanted conduct of a sexual nature, including unwanted sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, comments of a sexual nature, as well as the unwanted showing or public exhibition of pornographic images, 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.” (own highlights)

Sexual harassment may be of verbal or nonverbal nature – or both.

Defining is the fact that the act is undertaken against the will of the affected person. Sexual harassment represents a violation of the affected party's personal rights and human dignity.

Examples for sexual harassment in verbal form:

- Degrading comments or sexist jokes
- Belittlements or pet names
- Comments on a person's appearance
- Intrusive questioning of a person's life style
- Unsolicited approaches via e-mails, text messages, or letters

Examples for sexual harassment in nonverbal form:

- Presentation of pornographic or sexist material
- Leering or lewd looks
- Repetitive and prolonged staring
- Provocative and improper behavior
- Sexually degrading gestures
- Exposing oneself
- Stalking

Sexual harassment in physical form can further be:

- Unwanted and inappropriate physical proximity or contact
- Requests for sexual acts
- Sexual assault or rape

Why is this Topic Important and Current?

Sexual harassment, which in its extremist form is sexual violence, most often affects women. But even though in a disproportionately high number of cases the perpetrators of sexual harassment are men and the affected persons are women, there are also cases in which women become offenders – may this be towards men or other (mostly hierarchically subordinated) women.

According to the representative study “Health, Well-Being and Personal Safety of Women in Germany”¹ from 2003, 58% of all surveyed women had experienced situations of sexual harassment – in public, at their place of work or education, or in their primary social context (family, friends, etc.). In public spaces, the harassment mainly emanates from strangers or lesser known people, followed by coworkers, or peers at school, or from the environment of vocational training.

In Germany, 40% of women have experienced physical and/or sexual abuse since the age of sixteen.

In 97% of the cases, sexual harassment emanated from male persons, merely 2% from female persons. According to a study by the Federal Anti-Discrimination Agency on sexual harassment at the work place, not only women, but also men report sexual harassment as mainly emanating from male persons.²

Depending on the form of harassment, 56% to 80% of the affected persons suffered from psychological consequences (sleep disorders, depression, heightened anxieties, etc.) that were directly linked to these experiences. The percentage was especially high for victims of psychological or sexual abuse. The World Health Organization has identified abuse as one of the greatest risks to women’s health worldwide.

1 Ursula Müller/Monika Schröttle: Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland.

2 See: Antidiskriminierungsstelle des Bundes: Sexuelle Belästigung am Arbeitsplatz – Vorkommen, Wissensstand und Umgangsstrategien.

The topic of sexual harassment was, and still is, often taboo. Affected persons frequently feel complicit, or are too ashamed to talk openly about their experiences. However, not working through an experience of violence or trauma can heighten the probability of consequential psychological damages in the long run. Once again, women are affected more frequently.

Nevertheless, it has become clear that it is just as (if not more) difficult for men to communicate experiences of sexual harassment since such experiences contradict the stereotypical societal role of men.

This illustrates the importance of keeping this topic current, the necessity to combat the causes of sexual harassment and to break taboos, as well as the need for a broad range of services that offer counsel and confidential advice.

Sexual Harassment in Higher Education Contexts

Universities are as affected by sexual harassment and sexist transgressions as other areas of society.

Discriminations on grounds of gender affiliation – as other forms of harassment and abuse of power – often transpire within the contexts of hierarchies. Relationships between students and their teachers as well as between staff and supervisors show hierarchical dependencies – maybe even more so within the university context than in other institutions.

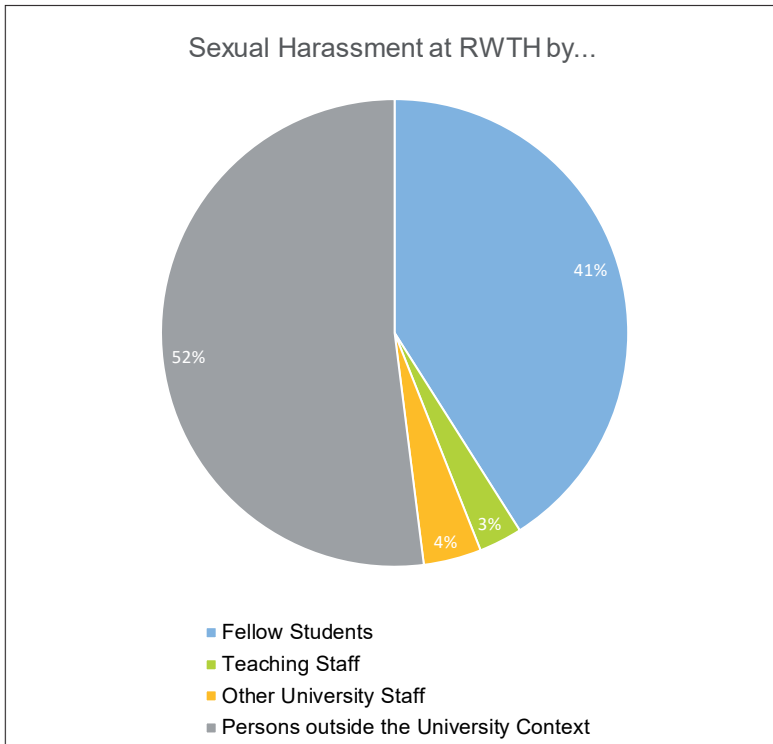
Such relationships of dependence cannot only be fertile ground for unequal treatment, discrimination, harassment, etc., but it can also strongly impede or prevent the affected person from communicating their experiences of unjust treatment.

The affected persons endure the (sexual) discrimination by necessity so as not to endanger their success at work or in their studies.

According to the study **Gender-Based Violence, Stalking and Fear of Crime** from 2010, for which female students from the RWTH Aachen were interviewed as well, two thirds of the students reported that they had already been affected by sexual harassment. Forms of sexual harassment named within the survey were: Being on the receiving end of wolf-whistling, sordid remarks or leering, unnecessary and intrusive approaches, comments on their bodies, on their private life, or sexual innuendos, as well as sexual advances, stalking, and hassling that left them feeling threatened. In most of the cases of harassment, fellow students or persons outside the university context were identified as perpetrators, but sexist comments by university teachers were also stated.

Close to 40% of the cases of sexual harassment occurred during the first year of study. The survey also revealed that only a small number of affected persons turn to the offered services for advice or counsel to lodge a complaint.³

³ See: Thomas Feltes et al.: Gender-based violence, stalking and fear of crime. Länderbericht Deutschland.



Representation based on own research: Equal Opportunities Office RWTH Aachen: Sexuelle Belästigung und Diskriminierung. Bei uns doch nicht!? 2011.

The German Rector's Conference explicitly takes a stand against sexual harassment and abuse in their statement against sexual discrimination and sexual harassment in university contexts:

„A particular vulnerability exists especially in the context of higher education because special relationships of dependency exist both for students and in the post-doctoral training phase. This can be due, for example, to the fact that the same person has the role of both supervisor and superior, and can also have an impact on the academic community beyond individual higher education institutions. In this respect, and also in respect of technical and administrative and academic staff, higher education institutions must design their structures in such a way that the danger of abuse of power through hierarchical structures is minimised. The same applies to relationships between students.“⁴

⁴ Hochschulrektorenkonferenz: Gegen sexualisierte Diskriminierung und sexuelle Belästigung an Hochschulen.

In 2013, RWTH Aachen University has thus adopted the Guideline for Protection against Discrimination according to the General Equal Treatment Act or AGG of RWTH Aachen University (Guideline for Fair Behavior at RWTH Aachen).

The guideline implements a two-level procedure for complaints that consists of a confidential consultation (informal) on the first level, and the official lodging of a complaint (formal) with the complaints office at RWTH Aachen on the second level.

Both the guideline and further information can be found on the university's website (www.rwth-aachen.de/antidiscrimination).

Guidelines for ...

... Persons Affected

Persons affected by harassment often react by trying to avoid a confrontation with either the experience itself or the perpetrator responsible, or by trivializing the experience. This, however, does not lead to a solution of the problems at hand, but merely postpones them or causes them to accumulate over time. To be clear: You are not at fault!

Persons affected by sexual harassment should go on the offensive:

- Be explicit in stating that the offending behavior is unwanted and unwelcome. Clearly state that you will not tolerate any comments, looks or approaches of a sexual nature.
- Address the problem in the presence of colleagues or fellow students.
- Note down the explicit situation with the date, names of the people involved, location, and names of possible witnesses. Seek advice from persons of trust or corresponding advisors at the university as quickly as possible. Lodge a complaint!
- In cases of massive harassment or violence call the University's Security Department (+49 241 80 94250) or the Police (110).

Complaints Procedure at RWTH Aachen (according to the Guideline for Protection against Discrimination according to the General Equal Treatment Act (AGG), §8-§11):

1. Consultation/Counseling with the University Advisory Services (informal)

All consultations are highly confidential. If you wish, and only if you wish, the advisory services will accompany you on your way to lodge an official complaint. No one will act against your explicit approval! You alone decide whether you merely want to ask for advice or counsel, or if you would like to lodge a complaint.

2. Filing a Complaint with the RWTH Aachen Complaints Office

You are entitled to lodge an official complaint against the person who harassed or discriminated against you. The point of contact for grievances is the Department of Legal Affairs at RWTH Aachen.

2.1. A complaint can be lodged either in written form or an oral account can be given for a transcription. Possible witnesses or evidence, as well as a list of people/positions already informed should be provided. Afterwards, the complaints office will advise the complainant on his/her rights, responsibilities, and the continuing procedure. The complaint office may call up on responsible personnel from the respective areas affected.

2.2. The accused will then be called upon to provide a written statement in response to the complaint. Within a period of 10 working days, the complaints office will then interview the accused. (The accused may bring a person of trust to the interview.)

2.3. The complaints office will investigate the facts of the case, inform the Rector about their findings, and offer suggestions on how to proceed. Both parties will be informed about the results by the complaints office. The Rector will come to the final decision.

Guidelines for ...

... Colleagues and Fellow Students

For persons affected by sexual harassment or discrimination, taking the necessary steps to lodge a complaint or seek counsel with one of the advisory services is often anything but easy. Therefore, if you have been a witness to such situations, you should lend your support to those directly affected. Looking the other way means protecting the wrong people.

- State clearly that you find the witnessed behavior inappropriate.
- Ask yourself, if any of your own actions might have (inadvertently) supported this behavior. Sexual discrimination is often subconscious. Reflect on your own actions regarding this situation.
- If a person turns to you with an experience of harassment or discrimination, you need to treat this information with confidentiality.
- Encourage the affected person to go on the offensive and to ask for support or counsel from advisory services both within and without the university context.
- Do not take action without that person's consent.
- (Jointly,) consider who might be able to help.

Guidelines for ...

... Supervisors and Teaching Staff

- In your department, clearly state that you expect a working environment, in which the personal integrity and dignity of all members of the staff (and student body) are to be treated with respect and that sexual harassment is unacceptable. Make it very clear that you will not tolerate such behavior.
- Set the stage for respectful interaction and act in sufficient time to prevent a situation from escalating.

- This also includes a sensitive ear for discriminatory or sexist jokes, repeated and unsolicited invitations of a sexual nature or motive, deprecatory pet names or insults.
- Make use of the opportunity to ask for confidential counsel. This includes the opportunity to engage in discussions on different paths of action. You may discuss these with an advisor and learn to assess their advantages and disadvantages.
- If affected persons turn to you for support or to inform you of sexual harassment, never take action without said person's consent. Ask for help from the advisory services if necessary.
- The Equal Opportunities Office will gladly support you in urgent cases as well as in preventative measures and training.

Guideline for Protection against Discrimination according to the General Equal Treatment Act or AGG of RWTH Aachen University (for legally binding version, see the document in German: Richtlinie zum Schutz vor Benachteiligungen nach dem Allgemeinen Gleichbehandlungsgesetz (AGG), §6 (4))

Members of RWTH Aachen with managerial responsibilities or in charge of teaching, instructing or other qualifying measures in academia, scientific research or administration are obligated to the following:

- Establishing a respectful and non-discriminatory environment for all employees and students by being a role model through their own behavior and installing suitable preventative measures.
- Ensuring that hierarchical dependencies in the work or study environment are not being exploited.
- Taking any complaints or indications regarding discrimination, sexual violence and harassment, bullying or stalking seriously. Helping and supporting affected persons with finding the right contacts for counseling and finding solutions (also within the university).
- In case of non-compliance to these obligations, supervisors or the board of governors are obliged to apprise them of their responsibilities.

Guidelines for ...

... Men

We neither believe nor portray that all men are potential perpetrators. Within the group of sexual harassers, however, men present the largest group with a staggering margin, as shown in the numbers stated above. We therefore ask you to reflect critically on your own behavior and that of others in this specific context – both towards women and towards other men.

The aspects we suggest for consideration are the following:

- Statements and behavior that men might consider “funny” or “charming” when interacting with women (and also other men) are often already perceived as degrading or harassing by the other party.
- Avoid, and be sensitive towards offending behavior such as insinuating remarks on appearance or clothes, intrusive questioning of a person’s life style, unsolicited invitations, letters, e-mails, presents, sexual innuendos, and discriminating jokes. This kind of behavior contaminates the workspace.
- Be aware that dependencies restrict the scope in which your colleagues or students may react. They might (have to) accept insults due to these dependencies where they would normally defend themselves. This does not equal consent!
- Take your colleagues or staff members or students seriously when they point out that your behavior is offending. No means no! This includes verbal attacks.
- Talk to your own colleagues when you realize their behavior is offending or discriminatory. It is always better to state early on that this behavior is not tolerated, rather than to wait for more serious incidents to occur.

Laws / Judicial Basis

- General Act on Equal Treatment in English:
www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/AGG/agg_in_englischer_Sprache.html
- Chapter Thirteen: Offences against Sexual Self-Determination:
www.gesetze-im-internet.de/englisch_stgb/index.html
- Guideline for Protection against Discrimination according to the General Equal Treatment Act or AGG of RWTH Aachen University:
www.rwth-aachen.de/cms/root/Die-RWTH/Profil/Gender-Diversity/Gleichbehandlung-Antidiskriminierung/~frod/Richtlinie-zum-Schutz-vor-Benachteiligung/?lidx=1

Help and Counsel

Security Department and University Police

Phone: +49 241 80 94250

Phone: 113 (RWTH in-house)

Police

Emergency phone number: **110**

Some areas of RWTH Aachen Campus are without German phone reception.

In this case call this number to get to the police department:

+49 241 957710 (We strongly suggest you save it on quick-dial.)

Equal Opportunities Office

www.rwth-aachen.de/gsb

E-Mail: gsb@rwth-aachen.de

AGG Complaints Office

www.rwth-aachen.de/cms/root/Die-RWTH/Einrichtungen/Verwaltung/Dezernate/~pvl/Recht/

E-Mail: recht@zhv.rwth-aachen.de

For Students:

- Equal Opportunities Office
- Gender Equality AStA
www.asta.rwth-aachen.de/de/gender-equality_38bcf
E-Mail: gleichstellung@asta.rwth-aachen.de

For Staff Members:

- Direct Supervisors
- Equal Opportunities Office RWTH
- Social Counselling
- Staff Council
- Concerns for Employees with Disabilities

Further Support Services Outside the University

Frauen helfen Frauen e.V. Aachen

Support and counselling service for women, intervention against domestic violence

Theaterstr. 42, 52062 Aachen

Phone +49 241 902416

E-Mail: info@fhf-aachen.de

www.fhf-aachen.de

Equal Opportunities Office Aachen / PÄZ Aachen e.V.

Mariahilf Str. 16, 52062 Aachen

Phone +49 241 49000 or 4017778

E-Mail: info@gleichbehandlungsbuero.de

www.gleichbehandlungsbuero.de

RückHalt e.V.

Support and counselling service against sexual violence

Franzstr. 107, 52064 Aachen

Phone +49 241 542220

E-Mail: info@rueckhalt-beratung.de

www.rueckhalt-beratung.de

Police / Kriminalkommissariat Vorbeugung und Opferschutz

Jesuitenstr. 5, 52062 Aachen

Phone +49 241 9577 34401

E-Mail: opferschutz.aachen@polizei.nrw.de

<https://aachen.polizei.nrw/artikel/opferschutz-7>

„Gender Gewaltkonzept“ der Uniklinik RWTH Aachen

Support Service for Patients after experiences of violence

Uniklinik RWTH Aachen

www.gmgr.de

Hilfetelefon „Gewalt gegen Frauen“

Federal Ministry for Family and Civic Engagement

Phone 08000 116 016

www.hilfetelefon.de/en.html

Where can I find further information?

www.rwth-aachen.de/gsb

www.frauen-gegen-gewalt.de

www.aachen-gewaltfrei-kampagnen.de

www.gesetze-im-internet.de/agg

www.antidiskriminierungsstelle.de

www.bmfsfj.de

www.mhkgb.nrw/gleichstellung

Helpful Links

- Legal Affairs Department at RWTH Aachen (AGG Complaints Office):
www.rwth-aachen.de/cms/root/Die-RWTH/Einrichtungen/Verwaltung/Dezernate/~pvl/Recht/?lidx=1
- RWTH Aachen – Equal Treatment and Nondiscrimination:
www.rwth-aachen.de/cms/root/Die-RWTH/Profil/Gender-Diversity/~ens/Gleichbehandlung-Antidiskriminierung/?lidx=1

Literature and Sources

- Antidiskriminierungsstelle des Bundes: Sexuelle Belästigung am Arbeitsplatz – Vorkommen, Wissensstand und Umgangsstrategien. Berlin 2015.
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113 (RWTH in-house)

Police **110** +49 241 957 710 (near borders)

Hilfetelefon „Gewalt gegen Frauen“ **08000 116 016**

Counselling

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AGG Complaints Office +49 241 80 94014

