

Code of Conduct - Guideline on protection against discrimination, harassment and violence

This document is a service translation. If there are questions, please refer to the German version.

Preamble

The AIP respects the personality of each individual and rejects any form of discrimination. No person may be discriminated in the institute because of gender, ethnic or social origin, age, disability, sexual orientation or identity, religion, beliefs or political convictions.

The institute values a culture of care in which institute members treat each other respectfully and appreciatively. Fairness, communication and partnership play an important role at the workplace, in research and apprenticeship.

The aim of this guideline is to prevent discrimination, harassment and violence and to give contact points, procedures and possible consequences in the event of conflict.

1. Principles

- (1) The AIP shall work within its sphere of influence to ensure that the personal rights of all members of the institute are respected and protected regardless of gender, ethnic or social origin, age, disability, sexual orientation or identity, religion, belief or political conviction.
- (2) The members of the AIP shall contribute to ensuring that the institute is a place of work, research and training characterised by tolerance, openness and mutual respect.
- (3) Affected persons shall be encouraged to report, seek advice and complain about discrimination, harassment, stalking, bullying and violence.

2. Scope

These guidelines apply to members of the AIP. This also includes persons without an employment contract who are involved in the work organisation and bound by the instructions of the AIP.

3. Definitions

- (1) **Discrimination**
Discrimination is the unequal treatment of a person on any ground mentioned in the preamble without any objective ground justifying the unequal treatment.
- (2) **Direct discrimination**
Direct discrimination occurs when a person is treated less favourably than another person is, has been or would be treated in a comparable situation on one of the grounds mentioned in the preamble. Any form of disadvantage, disregard, contempt, degradation, exclusion or

inadmissible unequal treatment of individuals or groups on the basis of actual or attributed group-specific characteristics is discriminatory.

(3) Indirect discrimination

Indirect discrimination occurs where an apparently neutral rule, criteria or procedure would place persons at a particular disadvantage compared with others on any ground mentioned in the preamble, unless that rule, criterion or procedure is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(4) Harassment (including stalking and bullying)

Harassment occurs when unwanted conduct related to a reason stated in the preamble has the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

These include in particular stalking and bullying. Stalking refers to the intended and repeated pursuit, pestering or harassing of a person so that their lifestyle is seriously impaired or their safety threatened.

Bullying is systematic and repeated hostility, harassment and exclusion of a person with the aim or consequence that the bullied person is insecure, degraded and excluded from the working environment.

(5) Violence

Violence is the use of physical force or other physical influence against another person, including restraining or preventing free action.

(6) Sexualised discrimination, harassment and violence

In accordance with this guideline, conduct and actions shall be deemed to constitute sexualised discrimination, harassment and violence if the purpose or effect is to commit unwanted conduct of a sexual nature which offends against the dignity of the person concerned, in particular where it creates an intimidating, hostile, degrading, humiliating or offensive environment.

This can happen verbally, non-verbally or through physical assault, in particular through remarks of sexual content, such as sexually degrading language or gestures, through unwanted showing or otherwise presenting obscene, sexually degrading or pornographic representations e.g. graffiti, and through unwanted sexual acts or requests, in particular through sexually determined physical contact.

There is no conclusive definition of sexualised discrimination, harassment and violence. The affected persons themselves decide on the demarcation.

4. Duties of the AIP and responsibility of supervisors

- (1) The AIP disapproves of all forms of discrimination, harassment and violence. It undertakes to use all means at its disposal to protect its members against such conduct by other members. To this end, for example information events and training courses are offered.
- (2) The institute shall consistently pursue and punish violations of this guideline.
- (3) The AIP shall ensure that the accused persons and the complaining persons do not suffer any disadvantages. This is done above all by maintaining the anonymity of all parties involved and by treating personal data and discussion contents confidentially.
- (4) Members of the AIP with personnel responsibility and/or management and training functions have the duty to contribute through their conduct and appropriate preventive measures to promoting respectful and non-discriminatory interaction with one another and to respecting the integrity of all members. They must investigate complaints about and indications of cases of discrimination, harassment, bullying, stalking and violence, and advise and support those affected.

5. (Initial) consultation and complaint procedures

- (1) Points of contact
Persons who feel discriminated against or harassed or who have experienced violence may contact one of the following points of contact within the institute:
 - supervisors, institute staff with personnel responsibility
 - equal opportunities commissioner
 - works council

In addition, affected persons can also consult external contact points.

- (2) (Initial) consultation
The contact points of the AIP offer confidential support and advise affected persons on protection and action options (e.g. conciliating conversation with the accused person, complaint, contact with external contact points). The right to anonymity is protected during the counselling interview. All information, personal data and contents of the conversation are treated confidentially.

After the initial consultation by the AIP contact point, the affected person decides whether and what action he or she wishes to take.

- (3) Complaints procedure
If the affected person opts for a complaints procedure, he or she must lodge a written complaint with one of the internal contact points and grant the latter the mandate. The complaint should contain at least the following information: The nature, date and place of the incident, any persons involved, any witnesses and any evidence.

The contact or complaint office will then give the accused person the opportunity to comment on the complaint in writing within a reasonable time.

After receipt of the statement or expiry of the deadline, a personal interview will be held with the accused person. The invitation to the hearing as well as the documentation of the interview shall be made in writing by the AIP's appointed complaints office.

The complaints office may also question witnesses and examine evidence, provided that such evidence has been named and is accessible to the complaints office.

(4) Rights of the participants

Affected and accused persons have the right to call in further interest groups/councils for discussions. The accused person and witnesses are not obliged to submit comments to the complaints office.

As long as the accusation has not been confirmed, care will be taken to ensure that the accused person does not suffer any disadvantages as a result of the matter.

(5) Conclusion

If there arise no concrete grounds for suspecting discriminatory or harassing conduct or violence by the accused person, the complaints office shall inform the complainant and accused person of the outcome.

If, however, concrete suspicious facts arise for such conduct on the part of the accused person, the complaints office informs the executive board of AIP, which in turn communicates the result to the accused person.

6. Consequences and measures

(1) The Executive Board shall take suitable, necessary and appropriate measures to prevent discrimination, harassment or violence.

(2) The Executive Board may take the following measures:

- conducting a formal employee interview
- recommendation of coaching or other consulting services
- warning
- reprimand
- relocation of the work place
- reassignment to a different section or work group
- termination of contract
- exclusion from the use of AIP facilities.