

On January 14, 2026, the University Executive Board adopted the Anti-Discrimination Directive (German abbreviation: AGG-RL) at the University of Applied Sciences Erfurt (FHE). The co-determination of the Works Council occurred on December 16, 2025.

Anti-Discrimination Directive

Preamble

At our university, we are committed to fostering a work, study and research environment in which all members and affiliates are protected from discrimination. We expressly commit to preventing all forms of discrimination and harassment as defined in the General Act on Equal Treatment (German abbreviation: AGG). It is our declared aim to promote an inclusive community that cultivates a culture of appreciation and respect and is characterized by diversity.

Section One: Principles and Definitions

§ 1 Purpose of the directive

The University of Applied Sciences Erfurt (FHE) does not tolerate any form of discrimination, harassment or violence in accordance with § 3 of this directive. It protects all members, affiliates and guests against discrimination, harassment and violence and punishes any violations. These are the foundations upon which this directive determines how discrimination, harassment and violence are dealt with.

§ 2 Scope

(1) The directive applies to all members and affiliates of FHE as defined in § 21 of the Thuringian Higher Education Act (ThürHG). It also applies to externals, such as guests, scholarship holders and persons involved in recruitment, employment and professorial appointment procedures. It also applies in cases of discrimination, harassment and violence committed by or against third parties on the university campus if at least one person involved is a member or affiliate of FHE.

(2) The directive applies to the entire premises of FHE, including all of its campuses and off-site branches and any facilities rented by FHE. Correspondingly, it also applies to online meeting rooms and events (including: courses, work meetings), digital learning spaces and all other digital communication tools provided by FHE (including: e-mail, video conferencing software, chat rooms).

(3) It also applies outside university premises, insofar as a connection can be established with FHE in its role as an educational establishment or workplace. In accordance with this directive, guests, visitors and employees of service providers are also expected to treat each other and members and affiliates of FHE with respect and esteem.

(4) In cases of sexualized harassment, discrimination and violence, the Directive for the Prevention of and Protection against Sexualized Harassment, Discrimination and Violence (German abbreviation: SBDG) applies.

§ 3 Definitions

(1) The terms used here are based on and complement the terminology defined in § 3 AGG.

(2) Discrimination is the unjustified unequal treatment of a person or group of people on the basis of one or more of the following characteristics or assigned attributes:

- gender and gender identity
- ethnic origin and nationality (racist, anti-semitic or ethnicizing attributions)
- disability or chronic/prolonged illness
- sexual orientation
- religion or belief

– age

(3) Direct discrimination occurs when a person is treated less favourably than another is, has been or would be treated in a comparable situation on any of the grounds referred to in § 3 (2).

(4) Indirect discrimination occurs when an apparently neutral provision, criterion or practice puts persons at a particular disadvantage compared with other persons on the basis of any of the grounds referred to in § 3 (2), unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(5) Harassment is considered discrimination when unwelcome conduct in connection with any of the grounds referred to in § 3 (2) takes place with the purpose or effect of violating the dignity of the affected individual and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

(6) Violence is any physical act that uses physical force to overcome resistance, whether actual or anticipated. Violence may occur in the form of physical assaults or other non-verbal actions that trigger a physical stress or response in the affected individual.

Section Two:

General Provisions

§ 4 Protection and support for individuals affected by misconduct

(1) FHE is particularly vigilant in respect to its duty of care and protection towards affected individuals.

(2) Personal data of the affected individual must not be publicly disclosed. If action is taken, the name and other personal data of the affected individual may only be disclosed to the accused if the accused is legally entitled to know or if the matter can otherwise not be properly clarified. During the informal procedure, the affected individual has an unrestricted right to anonymity; the affected individual can be represented by or, if this is not possible, be accompanied by a person of trust of their choice.

(3) If a case of misconduct becomes known, depending on the status group, the Director of Human Resources and Legal Affairs or the Director of the Centre for Student and Academic Affairs in coordination with the University Executive Board will take appropriate steps to protect the affected individual according to their wishes.

(4) As far as possible, FHE will ensure that complaints do not result in any personal, academic or professional disadvantage for the complainant or their person of trust. Individual solutions will be found for affected students, together with their program director and the Director of the Centre for Student and Academic Affairs. Together with the Human Resources Department, individual solutions will be found for affected employees and academic staff.

(5) This does not affect the rights of the individual affected by the misconduct to take action of their own, including filing charges or seeking legal protection.

§ 5 Protection of the informants and accused and other safeguards

(1) The provisions of § 10 and § 4 apply accordingly to informants.

(2) The university shall honour its duty of care and protection towards the accused. Until the facts of the case have not been fully clarified, the presumption of innocence shall apply in order to prevent individuals from being discredited. The name of the accused may only be disclosed to those entrusted with the case, but not publicly. The accused is entitled to involve a person of trust (hereinafter referred to as "person of trust") in the proceedings.

(3) If the sole purpose of exercising the right to complaint is to cause harm to another person, this can be punished in accordance with § 12.

Section Three: Prevention

§ 6 Principles of prevention

(1) FHE is a safe and non-violent space in which everyone can move freely without fearing discrimination, harassment and violence. The members and affiliates of FHE are to treat each other with respect and professionalism.

(2) FHE endeavours to eliminate taboos, actively promotes prevention and takes the necessary action in the event of misconduct.

§ 7 Preventive measures

(1) The University Executive Board shall develop preventive measures to protect its members and affiliates and further improve general conditions. The insights gained from counselling and complaints procedures are to be used to devise structural improvements.

(2) All members and affiliates of FHE, especially those with responsibility for vocational training, teaching, supervision or management, shall take appropriate measures in their area of work to ensure that discrimination, harassment and violence do not occur.

They are obliged to,

a) actively contribute through their behaviour and preventive measures to promoting a respectful and non-discriminatory environment, ensuring that conflicts are addressed and resolved appropriately, and that the personal integrity of all members and affiliates of the university is respected.

b) not exploit the particular power dynamics and relationships of dependency inherent in their roles in teaching, in academic qualification, and in a training and work environment.

c) investigate reports of incidents in consultation with the affected individuals, to advocate firmly for the rights of those affected, to ensure a thorough investigation, to advise and support affected individuals or arrange appropriate assistance for them and to seek solutions.

d) take action against misconduct.

In the event of non-compliance, the University Executive Board or the responsible supervisor shall remind them of their responsibilities and consider taking measures under labour or employment law.

(3) All members and affiliates of FHE are strongly encouraged to immediately report any observations of misconduct as defined in this directive to the responsible service listed in § 10 (5) or § 11 (2).

(4) FHE shall notify all central and decentralized departments about awareness-raising and training opportunities on the subject of discrimination, harassment and violence. All employees are required to participate yearly in mandatory training on the topic of anti-discrimination.

(5) FHE shall support central and departmental measures and university groups in combating discrimination, harassment and violence.

(6) The counselling services form a network that cooperates in order to pool information on incidents of misconduct and effective preventive measures. The counselling services listed in § 10 (5) shall receive appropriate training for the fulfilment of their duties.

§ 8 Reporting and further development

(1) The Equal Opportunities Officer and the Diversity Officer shall report semi-annually in the University Executive Board's meeting. Based on this report, the University Executive Board, together with the AGG Officer, shall identify necessary measures for the university's action plan. The AGG Officer is responsible for an evaluation taking place every two years and for ongoing monitoring.

- (2) Every year, the AGG Officer shall report to the Senate, with respect for the necessary degree of anonymity.

Section Four: Procedures

§ 9 Right to complaint and procedural principles

- (1) Persons within the scope of application of this directive who have experienced discrimination, harassment and/or violence have the right to individual counselling and to file a complaint.
- (2) All procedures are to be conducted in strict confidence in order to protect the parties involved. Confidentiality must also be maintained after the procedures have been concluded. The parties to these procedures must be explicitly informed of their obligation to confidentiality.
- (3) Possible procedures are counselling (informal procedure) pursuant to § 10 and/or complaint (formal procedure) pursuant to § 11. Formal procedures are used to clarify the facts of a case. This in turn will lead to the corresponding legal consequences under employment, personnel and examination law.
- (4) Regardless of the complaint procedure, it shall be examined whether, in individual cases, interim measures are required to protect the affected individual. Any such measures should not be taken against the will of the affected individual.
- (5) If it is established in the course of the formal procedure that any misconduct as defined in this directive has occurred, the University Executive Board shall take immediate action.
- (6) Affected individuals will be supported and are expressly encouraged to contact the responsible services listed in § 10 (5) or § 11 (2) in order to make it clear to the accused that their behaviour is unwelcome, must stop and is not tolerated by FHE.
- (7) All members and affiliates of the university with responsibility for vocational training, teaching, supervision or management are obliged to immediately inform one of the responsible services listed in § 10 (5) if they suspect discrimination, harassment or violence. Before providing this information, they must obtain the consent of the affected individual. If the affected individual does not consent, the report must be made without naming them. The anonymity of the affected individual must be preserved.
- (8) One of the responsible services under § 10 (5) shall only decide whether and to what extent the President is informed if the affected individual consents.
- (9) All persons involved in the procedures are obliged to maintain confidentiality. Please refer to § 5.
- (10) This does not affect the rights of all parties involved with regard to data protection, confidentiality, privacy and their right to take legal action.
- (11) Regular reviews are conducted to assess the effectiveness of the procedure and to refine it.
- (12) In addition to individual procedures, FHE will take steps to devise structural improvements, where necessary.

§ 10 Counselling (informal procedure)

- (1) Affected individuals can seek counselling (informal procedure) from one of the counselling services and contacts listed in paragraph 5. If the affected individual so chooses, they can be accompanied by a person of trust during these meetings.
- (2) Initial contact can be made by the individual affected by discrimination, harassment or violence or by a third party on their behalf, even anonymously. In these circumstances, it is not necessary to adhere to any prescribed official channels.

(3) The counselling services and contacts listed in paragraph 5 shall support the affected individuals in exercising their rights and will also assist them in making a formal complaint and initiating a formal procedure if they wish to do so. This also includes helping affected individuals to put their verbal complaints in writing.

(4) All counselling sessions under paragraph 1 must be treated confidentially by all parties involved, unless the parties agree in writing to disclose the content of the conversation or parts of the conversation to third parties, in particular

- the responsible service as per § 11 (2)

- law enforcement authorities.

(5) At FHE different services are available to provide counselling to affected individuals, depending on their status group and employment relationship:

a. the Works Council

b. the Equal Opportunities Officer

c. the Diversity Officer

d. the Representative Council for the Severely Disabled

e. Gender und Diversity Service

(6) Further information on counselling services and contacts can be found on the FHE website.

§ 11 Complaints (formal procedure)

(1) A complaint (formal procedure) can be initiated by the affected individual, even if no prior informal procedure has taken place. It serves to clarify the facts of the case and to initiate measures and sanctions. The complaint should provide a specific description of the incident and its consequences, identify any potential evidence or witnesses and state which other persons and services have been involved in this matter and if any measures have already been taken.

(2) In order to initiate the complaint, the affected individual is required to report the facts of the case to the AGG Complaints Office.

(3) The procedure shall be carried out by the AGG Complaints Office. Together with an in-house university lawyer, the AGG Complaints Office shall review the complaint by obtaining statements from the affected individual and the respondent, and, if applicable, witnesses.

(4) The AGG Complaints Office shall then forward the result of the review to the University Executive Board. The University Executive Board shall then initiate the appropriate measures and/or sanctions according to the respective area of responsibility. If members of the University Executive Board themselves are affected by allegations, they shall be excluded from the decision-making process. In such cases, the decision on measures and sanctions shall be taken by the members of the University Executive Board who are not affected.

(5) The complainant can neither demand sanctions from the university nor prevent sanctions (in accordance with § 12).

(6) The AGG Complaints Office shall inform the complainant and the accused of the outcome of the review and, if applicable, any measures that will be taken.

§ 12 Sanctions

(1) These sanctions are designed to firmly signal that misconduct has occurred, prevent its repetition and clearly demonstrate that the university will not tolerate such behaviour. They will always depend on the specific case in question.

(2) Based on the individual's status group or their employment relationship, the following sanctions may be imposed on the person responsible for the misconduct:

- caution
- warning
- cease-and-desist order
- dismissal
- redeployment to another place of work
- initiation of disciplinary proceedings
- account withdrawal (in the event of harassment using electronic communications)
- disqualification from the use of university facilities
- exclusion from participating in university events
- ban on entering university premises
- withdrawal of a teaching assignment

§ 13 Final provisions

This directive was adopted on January 14, 2026 and shall enter into force on the day after its publication. The directive is valid indefinitely. The directive and any amendments of it require the agreement of the University Executive Board and the Works Council.

Frank Setzer

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