

Policy
for Dealing with Sexual Misconduct
at
Bucerius Law School

dated January 19, 2022

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Preamble

Bucerius Law School aspires to create a trusting community of learners and teachers. Its core values are respect and trust. Bucerius Law School therefore condemns all forms of sexual misconduct, physical and psychological violence, bullying, and discrimination. This policy embodies Bucerius Law School's Code of Conduct regarding sexual misconduct.¹ It is intended to provide clear and consistent rules on how to deal with sexual misconduct to minimize reservations that may exist concerning reporting such conduct to the designated persons at Bucerius Law School.

§ 1 - Goal of the Policy

(1) ¹The primary goal of this policy is to prevent sexual misconduct. ²It is intended to raise awareness of sexual misconduct and its negative impact on the individual, the university and the community.

(2) ¹This policy is intended to encourage affected individuals to actively resist any form of sexual misconduct and foster an attitude of zero tolerance for sexual misconduct. ²It

¹ With regard to physical and psychological violence, mobbing and discrimination, a concretization is being worked out.

intends to lay down a clear procedure for reporting and dealing with acts of sexual misconduct.

§ 2 - Scope

(1) This policy applies to the members of Bucerius Law School as defined in § 7 of the University Statutes¹, which includes employees of Bucerius Education GmbH, lecturers, participants in events at and guests of Bucerius Law School.

(2) The policy applies to incidents occurring on the campus of Bucerius Law School and at external events related to the university, such as seminars, closed meetings of the academic senate, excursions, study groups, social weekends planned for first-year students, university balls, and/or events organized by students or the university.

§ 3 - Definition

¹Sexual misconduct includes all forms of sexual acts that lead to insult, coercion, or degradation of the affected person. ²Sexual misconduct may take the form of language, gestures, actions, or solicitations, particularly through:

- sexually degrading touching, physical assault, and any other unsolicited physical contact,
- inappropriate requests for sexual acts,
- the exploitation of dependency relationships at the workplace or training site with the aim of committing sexual acts,
- the dissemination of sexually derogatory or pornographic statements and depictions,
- insinuating remarks and jokes, as well as gestures and other forms of non-verbal communication having sexual connotations.

³In determining whether said conduct transgresses the threshold for sexual misconduct, the perspective of the affected person shall be taken into account.

§ 4 - Self-commitment and preventive measures

(1) ¹The members of the university and the persons named in § 2 section 1 shall treat each other with respect. ²They shall respect the autonomy and dignity of all persons who have contact with the university, as well as those individuals who are working and studying there.

¹ § 7 - Membership: "Members of Bucerius Law School are a) the President, b) the Vice President, c) the Managing Director, d) the full-time academic staff, which includes the following groups of persons: the professors, subdivided into the university professors and the junior professors, the scientific staff and assistants, the academic directors of the graduate study programs, e) the private lecturers pursuant to § 22, f) the non-scientific employees, g) the enrolled students and doctoral candidates pursuant to § 23, h) the professors pursuant to § 17 para. 1 Hamburg Higher Education Act, i) the tenured or emeritus university professors, j) the postdoctoral researchers pursuant to § 21."

(2) ¹The university management shall ensure that initial contact persons, an external confidant, and the Ombudspersons appointed in accordance with the Code of Conduct are made available to affected persons. ²It shall ensure that members of the university are informed about such bodies responsible for dealing with cases of sexual misconduct. ³In addition, the university management shall organize information and training sessions for the members of the university, including in particular a prescribed session for first-year students as part of the orientation week pre-sessions.

(3) ¹The student council shall prepare a guideline for student events specifying measures for preventing sexual misconduct, which is to be taken into account when planning student events. ²This guideline shall be regularly revised to reflect the current climate, with the aim of creating a safe and secure environment at such events. ³The guideline shall be coordinated with the university administration and officially published by the university.

§ 5 - Responsible bodies and procedures

(1) ¹Affected persons are encouraged to contact the bodies responsible under § 4 section 2 at their discretion. ²All discussions with the bodies responsible, pursuant to § 4 section 2, shall be kept confidential. ³There shall not be any exchange between the bodies named in § 4 section 2 without the express request of the person concerned.

(2) ¹The initial contact persons shall be members of the professorium, the academic staff or the university administration who may be called on to act as points of contact. ²The task of the initial contact person is merely to facilitate the initial contact for the affected person and, if this is desired, to refer him or her to the external person of trust and/or the Ombudspersons.

(3) ¹The external person of trust, as an expert in dealing with sexual misconduct, shall provide primary psychological support to the affected persons. ²The external person of trust shall be exclusively responsible for the care of the person concerned and shall be bound solely to the affected persons interests. ³The Ombudspersons shall not become involved in the internal university processing of the incident.

(4) ¹The Ombudspersons shall be responsible for the internal management of the incident. ²If the alleged sexual misconduct is raised in discussions with the affected person, the Ombudsperson, only with the consent of the affected person, shall initiate a conversation with the accused person and give him or her the opportunity to comment on the allegations. ³Joint discussions may take place at the request of the affected person and with the consent of the accused person. ⁴The findings of such discussions shall be documented so that they can be communicated to the university management, if necessary.

(5) ¹The Ombudspersons shall investigate any information received from third parties regarding sexual misconduct. ²When such information is brought to the attention of the Ombudspersons, the Ombudspersons shall contact the person allegedly affected and propose to him or her the measures provided for under this policy.

§ 6 - Measures after sexual misconduct has been identified

(1) ¹If the Ombudsperson determines that sexual misconduct has occurred, he or she shall forward his or her findings to the university management after consulting with the affected person. ²The university management shall give the accused person the opportunity to respond to the findings and take proportionate measures against the accused person in its sole discretion. ³In addition to the German statutory provisions, the proportionate measures shall in particular be based on the employment or study contract in question, as well as the university statutes and the house rules.

(2) ¹Proportionate measures are those which represent a suitable, necessary, and appropriate response, depending on the particular case. ²In selecting the measure, particular consideration shall be given to the seriousness of the misconduct, its effects on the person concerned, and previous misconduct.

(3) Proportionate measures may include:

- (a) a written or verbal reprimand or warning,
- (b) an obligation to participate in anti-discrimination training,
- (c) a temporary suspension from the use of university facilities and/or premises,
- (d) suspension from attending particular classes, or
- (e) terminating the study or employment contract in question.

§ 7 - Amendments and Promulgation

¹These guidelines are issued and amended by the Senate from time to time. ²They shall be promulgated by the university.

§ 8 - Entry into force

This policy shall enter into force on January 19, 2022.