



Universität der Künste Berlin

Frauenbeauftragte

# INFORMATION

on sexual harassment and sexual assault  
for students, teaching staff and employees  
of the Berlin University of the Arts

*„It wasn't a secret to the inner circle“*

The quotes used in the design of the brochure are  
from the following source:  
Jodi Kantor and Megan Twohey, "Harvey Weinstein  
Paid Off Sexual Harassment Accusers for Decades,"  
In: The New York Times, October 5, 2017.  
[https://www.nytimes.com/2017/10/05/us/  
harvey-weinstein-harassment-allegations.html](https://www.nytimes.com/2017/10/05/us/harvey-weinstein-harassment-allegations.html)  
(accessed on August 22, 2019).

## Foreword

This informational brochure presents an immensely important document on the way to a non-discriminatory Berlin University of the Arts. It has been initiated and developed by the Office of the Women's Representative. Special thanks go to Ms. Naile Tanış and Dr. Henrike Lehnguth for their dedicated work.

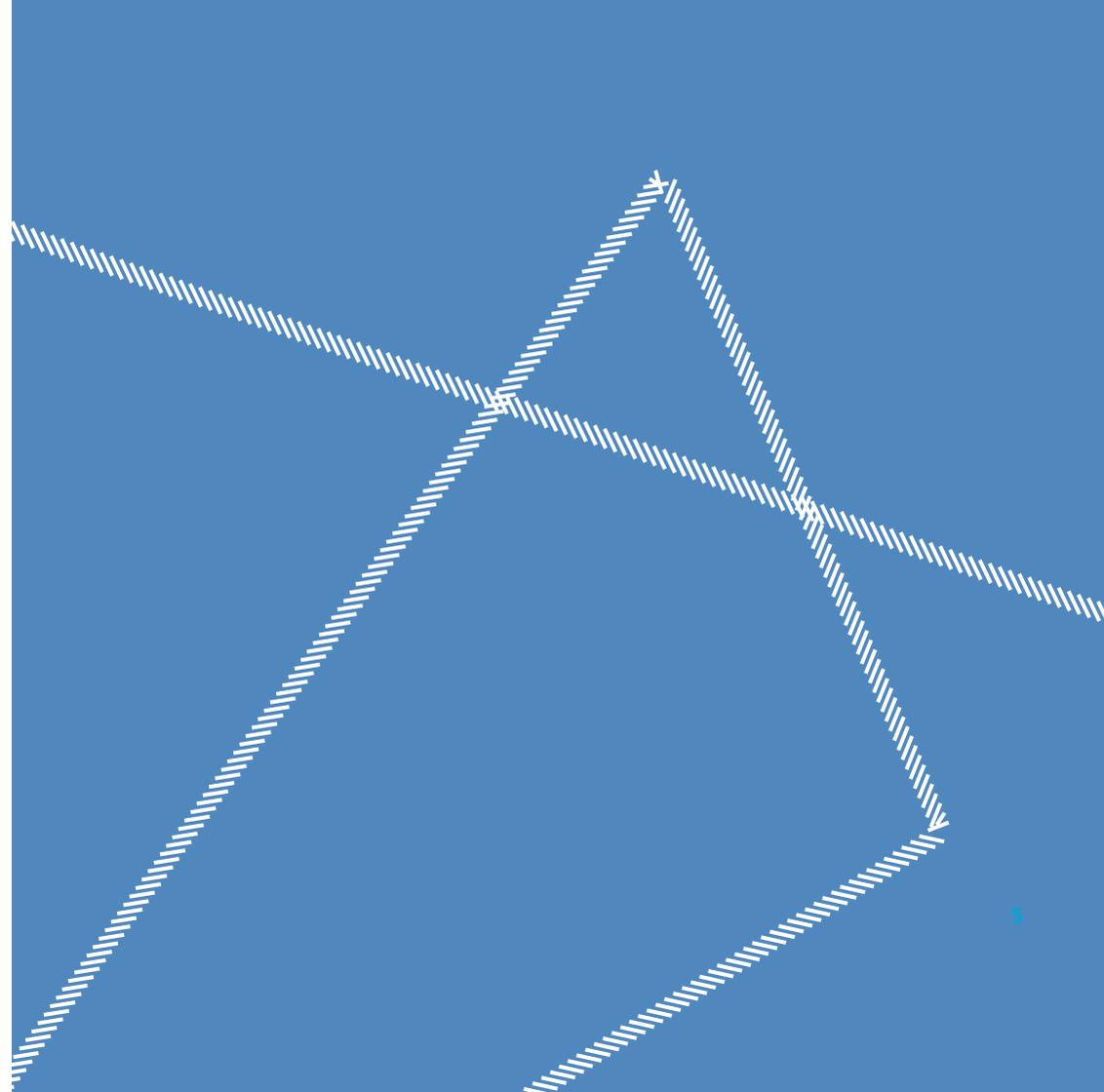
Arts education frequently challenges students to explore and expand personal boundaries, which is why a respectful and appreciative work environment is particularly essential to an arts university. The fragile moments of artistic development require a sensitive approach to students – an approach that corresponds with their individual and cultural potential.

Beyond face-to-face teaching and learning, the last semester, in particular, has pressed us to attend to the digital world. The digital world carries enormous possibilities for creativity, acceleration and multiplication. Yet, it is also an arena for discriminatory hate speech and potential detriment to individual members of our university community.

It is important to take precautions to ensure that members of our community receive the necessary protection and care in the event of an incident. It is equally important that harassment and assault are institutionally met with appropriate measures.

Mutual trust and cooperation are of ongoing significance to our institution. We strive towards an institution and community that is free of discrimination and barriers and welcomes diverse cultural perspectives that enrich the complex discourse of our university in the 21st century.

Yours sincerely,  
Norbert Palz  
*President of the Berlin University of the Arts*



## What is sexual harassment? What is sexual assault?

While the lines between sexual harassment and sexual assault are blurry, sexual harassment is, broadly speaking, regulated by civil law, sexual assault by criminal law. This brochure is predominantly concerned with sexual harassment, which describes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (see Types of Sexual Harassment in this brochure). Stalking and cyber-stalking constitute a form of sexual harassment. Sexual assault refers to any type of sexual contact or sexual behavior without the consent of the recipient.

The term “sexual harassment” can be misleading in that it seems to imply that sexuality and sexual desire are central to why harassment occurs. However, sexual harassment is less about sexual desire than asserting dominance and control. An offender’s sexual desire is secondary to whether or not their conduct constitutes sexual

harassment (see latest case-law). Consequently, a flirt or compliment are only a flirt or compliment, if they rely on consent.

Sexual harassment potentially devastates a person’s physical and psychological integrity and contributes to a toxic work environment. It feeds off of societal discourses that frame female-connotated behavior as inferior, heterosexuality as the norm, and gender and the gender binary as naturally-given.

## Who is affected?

Before addressing the question at hand, please note that this brochure understands “woman” as a complex, socially constructed category beyond biological essentialisms. Within the understanding of this brochure, the category “woman” therefore encompasses all people who self-present as women, regardless of the gender assigned at birth.

Sexual harassment is predominantly directed at women, regardless of skin color / ‘race’, appearance, age, social and cultural background, sexual orientation, religious affiliation / weltanschauung, nationality, physical and mental disposition etc. Women with disabilities can be particularly affected. In addition, non-binary-identifying and male-identifying members of the LGBTQIA\* community (Lesbian, Gay, Bi, Trans\*, Queer/Questioning, Inter\*, Asexual) can also be impacted by sexual harassment to a high degree.

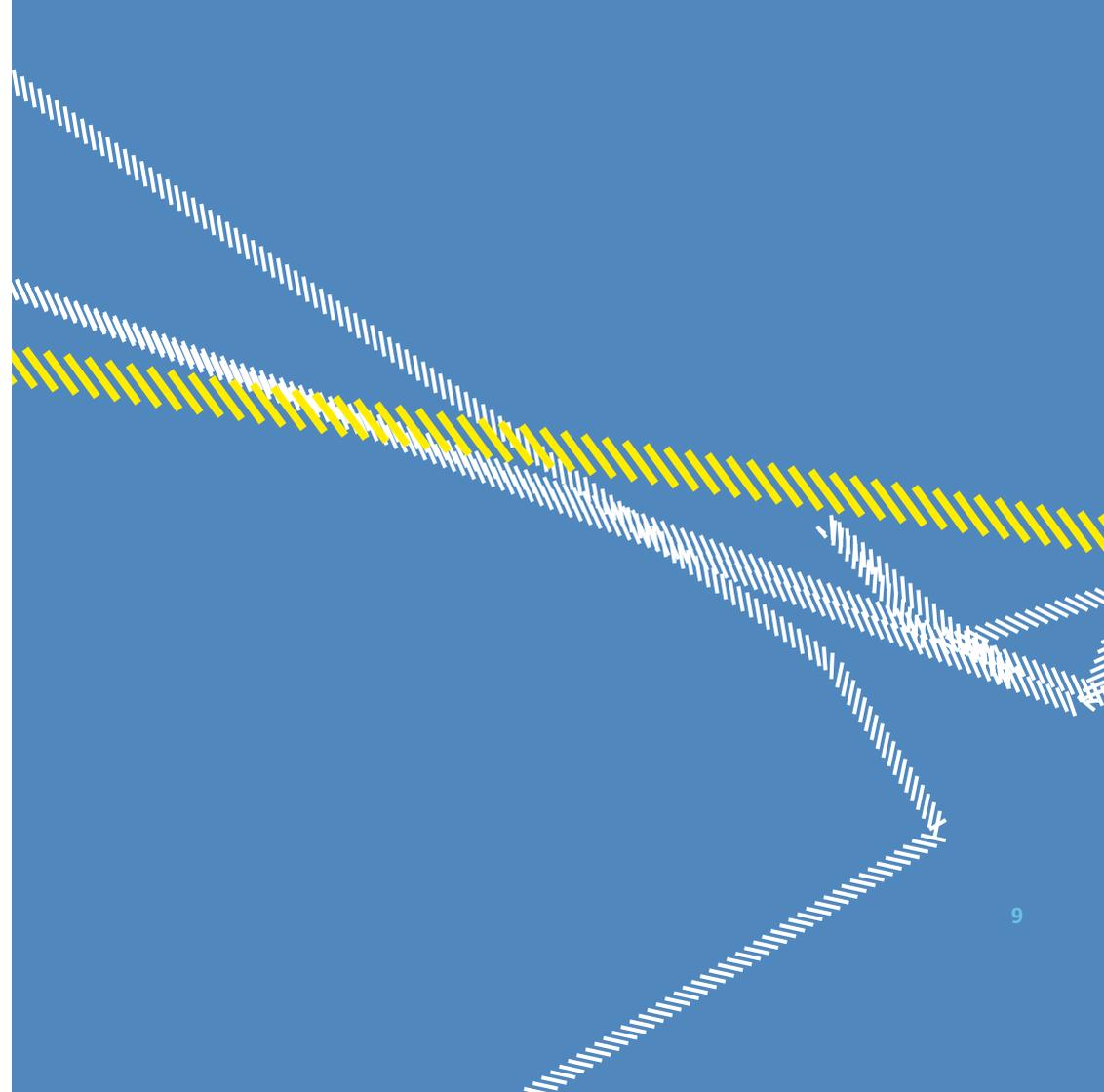
Sexual harassment at the workplace is no exceptional phenomenon. According to a survey by the Federal Anti-Discrimination Agency conducted in 2015, one in two respondents have experienced sexual harassment at the workplace. Similarly, 51% of all female students at German universities reported that they had been subjected to sexual harassment. A third of these experiences occurred within a university setting (see Feltes et al.) At the international level, the International Labour Organization (ILO) recently adopted a new agreement on ending sexual harassment and violence, which according to ILO General Director Guy Ryder recognizes “*the right of everyone to a world of work free from violence and harassment*” and commits the member states to implement statutory regulations.

The effects of sexual harassment are often severe. Many survivors suffer from debilitating self-doubt, anxiety

and fear. Psychosomatic complaints, sleeping disorders and depression can also be frequent consequences. Other mental health risks include a loss of meaning, self-efficacy and trust. Given that the relationship of students and teaching staff like that of employees and superiors is marked by a pronounced dependency, incidents involving sexual harassment may also reduce work performance and career prospects of those affected. In addition, sexual harassment has broader structural implications for the workplace and university, in that it contributes to a toxic work environment and a loss of productivity.

Legal frameworks pertaining to sexual harassment can be found, for instance, in the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz – AGG), which in paragraph 3, section 4 prohibits any form of sexual harassment as discrimination and unfair difference in treatment in the work

environment. According to the Berlin State Equality Act (Landesgleichstellungsgesetz Berlin – LGG) employees in leadership positions are obligated to follow up on any sexual harassment complaint (see paragraph 12, clause 1). A most recent framework passed with Berlin's State Antidiscrimination Law (Landes-Antidiskriminierungsgesetz – LADG), which prohibits all public service employees, including university employees and teaching staff, from discriminatory behavior and enables those who experienced discrimination within the public service sector to take legal action. Besides AGG, LGG, LADG, criminal law may apply. Also, some cases may warrant civil claims for damages.



## Types of sexual harassment

Sexual harassment encompasses many – often subtle – behaviors and actions, such as:

- Degrading sexual/ized remarks and comments (e.g. about physical characteristics, appearance, clothing)
- Unwanted sexual/ized looks and gestures (“elevator eyes”)
- Suggestive jokes and insinuations
- Unwelcome contact and communication (by e-mail, WhatsApp, Facebook, phone etc.)
- Request for sexual favors in promise of professional advancement (“quid pro quo”)
- Use and display of pornographic material (including online)
- Unwelcome physical contact, including seemingly “accidental” touching
- exhibitionist behavior
- Stalking and cyber-stalking
- Sexual assault and rape

There is no definition that conclusively determines what sexual harassment does and does not include. The authority to define whether a behavior or action is experienced as harassment lies with the person affected by

the behavior or action (see also AGG). Initial protective measures should therefore be taken when a person reports that they feel harassed.

## Specificities of teaching and learning at art institutions

In artistic work, emotions, sensations and physicality form an integral and necessary part of the creative process and creative freedom. For musicians as for actors, this includes breath work, the use of one's body and emotional permeability. For visual artists and designers, the artistic work is always also an expression of personal concerns, feelings and/or lines of thought. Inappropriate touching during a music rehearsal, humiliation during an intimate theatrical scene or suggestive gestures in a course of nude painting may cross personal boundaries that are invariably interlinked with a person's self-image and their identity as an artist.

Common learning formats at art universities – such as individual music lessons, evening classes as well as rehearsals in private spaces – require a high degree of professionalism on part of the teaching staff.

It is natural that students and instructors bond, especially in light of one-on-one lessons, informal rehearsal spaces, and post-production celebrations. Is the student-teacher relationship handled with professional standards in mind, the relationship may greatly enrich artistic development. Is the student-teacher relationship lacking professional standards, personal boundaries may be crossed and harm inflicted. The breach of trust resulting from such boundary violations may be experienced as particularly unsettling and destructive.

The freedom of the arts and sciences and the freedom of academic teaching are great values that are enshrined in article 5 (3) of the constitution. But freedom does not equal a *carte blanche* where "everything goes." Teaching responsibilities require instructors to cultivate supportive learning environments and respect students' personal boundaries. Good

teaching practice includes regular course assessment, for instance by way of anonymous student feedback, and a regular reflection of one's approaches, expectations, and assumptions as a teacher.

Good teaching practice also implies that the student-teacher-relationship is addressed in class. If physical contact may be beneficial to student learning, for instance, in order to correct posture in music or dance, instructors should always ask for consent before touching and accept a "no", if voiced.

## What to do if you are being sexually harassed

\\ Take your own perception seriously and clearly reject any harassing behavior. Example: *"I do not want you to comment on my appearance!"*

\\ Share your experience with peers, colleagues and people you trust.

\\ Contact the UdK Vertrauensrat (the point committee for sexual harassment complaints) and/or the Office of the Central Women's Representative (Frauenbeauftragte) for support. All consultations are confidential. You may also consider contacting a free-of-charge off-campus support service (available also in languages other than German). You can find a select list of off-campus support services here:

\\ Document harassing behavior promptly and in writing (memory journal), detailing the incident, place, time and people you have confided in. Gather evidence such as letters, e-mails, pictures and, if applicable, visits to the doctor.

**You can find information on how to initiate an informal or formal complaint at UdK Berlin on page 18 and 19.**

[www.udk-berlin.de/grenzuerschreitungen](http://www.udk-berlin.de/grenzuerschreitungen)

*„I said no, a lot of ways, a lot of times, and he always came back at me.“*

## What to do about sexual harassment as a peer or colleague

\| If you are confided in, be open and supportive, e.g. accompany your peer or colleague to support services. While doing so, keep in mind that human relationships are complex, that perceptions of events may vary, and that different human beings have different personal boundaries and needs.

Anyone in a leadership, management or teaching position at UdK Berlin is required by law to follow up on information on sexual harassment and assault, i.e. to take appropriate steps to shed light on, prosecute and prevent such cases.

\| If you observe harassing behavior, contact the UdK Vertrauensrat (the point committee for sexual harassment complaints) and/or the Office of the Central Women's Representative (Frauenbeauftragte). In case of an emergency, contact the police (call 110).

## Filing a complaint at UdK Berlin

On June 3, 2019, UdK Berlin adopted the Guideline for Protection from (Sexual) Harassment and Assault (Richtlinie zum Schutz vor sexualisierter Diskriminierung und Gewalt). It provides a course of action for addressing sexual harassment. If you have experienced sexual harassment, consider filing a complaint. Here are the steps:

For an informal complaint, you and/or a representative of your choosing contact the UdK Vertrauensrat (the point committee for sexual harassment complaints), the Office of the Central Women's Representative (Büro der Frauenbeauftragten), or any other in-house contact specified in the Guideline for Protection. The UdK Vertrauensrat then invites you and/or your representative to a personal meeting to document the incident and provide information on available resources. At your request, a formal complaint's process may be initiated.

For a formal complaint, you and/or a representative of your choosing contact the UdK chancellor, who functions as complaint's officer in accordance with the law (section 13 AGG). After you and/or your representative have instructed the chancellor to investigate, you and/or your representative will be invited to a personal meeting to present your case. Thereafter, the accused party will be informed of the allegations and be asked to respond in writing within a set timeframe of (usually) fourteen days. After the deadline, the chancellor will conduct a personal meeting with the accused party for questioning. The university administration then decides what further steps to take.

Possible measures include:

- a formal performance review (Dienstgespräch) with the accused party
- a verbal or written instruction/ directive
- a letter of warning
- a job transfer within the university
- job termination (with or without notice)
- the removal from classes and university facilities
- banning the accused party from entering university premises
- expulsion/ exmatriculation
- revoking the accused party's personnel responsibilities
- initiating formal disciplinary proceedings/ implementing disciplinary measures (reprimands, fines, salary reductions, job dismissal)
- filing a criminal complaint with the authorities

## Support Services at UdK Berlin

\\ **UdK Vertrauensrat**  
**(the point committee for sexual harassment complaints)**

Website: <https://www.udk-berlin.de/universitaet/gleichstellungspolitik/umgang-mit-diskriminierung/vertrauensrat/>

The website includes a list of the committee members and e-mail addresses.

\\ **Hauptberufliche Frauenbeauftragte**  
**(Central Women's Representative)**

Telephone: 030 – 3185 2714

E-Mail: [frauenbeauftragte@udk-berlin.de](mailto:frauenbeauftragte@udk-berlin.de)

Webseite: [www.udk-berlin.de/universitaet/gleichstellungspolitik](http://www.udk-berlin.de/universitaet/gleichstellungspolitik)

\\ **Nebenberufliche Frauenbeauftragte**  
**(Women's Representatives)**

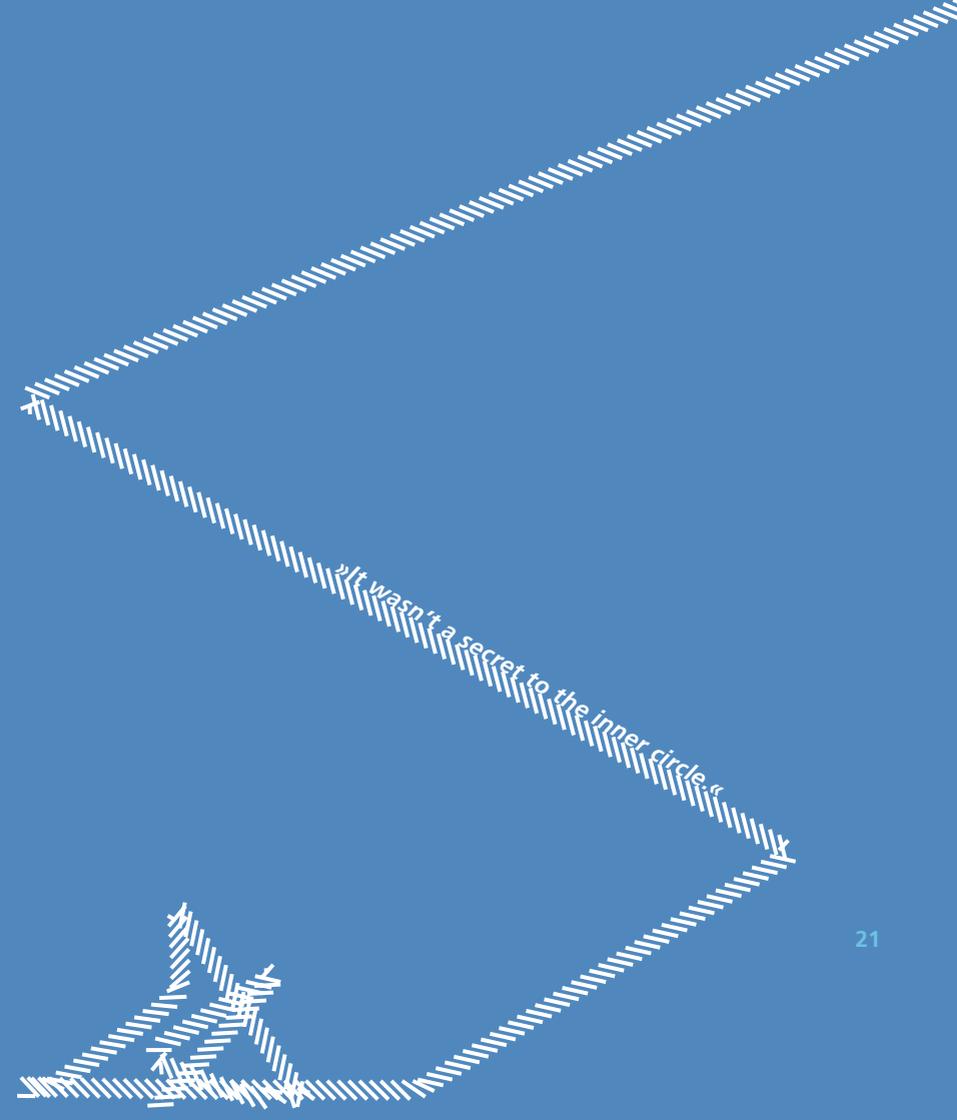
A list of the women's representatives serving individual faculties, departments and institutions is available at:

[www.udk-berlin.de/universitaet/gleichstellungspolitik/rat-finden/frauenbeauftragte/](http://www.udk-berlin.de/universitaet/gleichstellungspolitik/rat-finden/frauenbeauftragte/)

\\ **Chancellor**  
**(as the complaint's officer according to section 13 AGG)**

Telephone: 030 – 3185 2445

E-mail: [kanzlerin@udk-berlin.de](mailto:kanzlerin@udk-berlin.de)



## Off-Campus Support Services

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The **Violence against Women Support Hotline** is a nationwide advisory service for women who have experienced or continue to experience violence. It is offered around the clock, 365 days a year, and is available in 17 languages.

**Telephone: 08000 – 116 016**

**Website:** [www.hilfetelefon.de](http://www.hilfetelefon.de)

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The **FrauenKrisenTelefon (Women's Crisis Hotline)** supports women in difficult situations – in German, English and Farsi/Dari.

**Telephone hotline:**

**030 – 615 4243**

**Website:**

[www.frauenkrisentelefon.de](http://www.frauenkrisentelefon.de)

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The **Outpatient Clinic for Protection against Violence at Charité** provides forensic examination and documentation, suitable for submission in court. There is no pressure or requirement to involve the police. The service is free of charge.

**Telephone**

**(to make an appointment):**

**030 – 450 570 270**

**Website: (available in multiple languages)**

<http://gewaltschutz-ambulanz.charite.de>

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**LARA** supports women\* in processing their experience with sexual assault and rape. (The service is available in several languages.)

**Telephone:**

(Mon – Fri, 9 am – 6 pm):

**030 – 216 8888**

**Website:** [www.lara-berlin.de](http://www.lara-berlin.de)

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**LesMigraS** is engaged in anti-discrimination and anti-violence work, offers counselling and a space for self-empowerment.

**Telephone hotline**

(see opening hours of LesMigraS):

**030 – 2191 5090**

**Website:** [www.lesmigras.de](http://www.lesmigras.de)

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**Frida Frauenzentrum e.V.** provides advice for women\* affected by stalking and cyber-stalking.

**Telephone:**

(to make an appointment)

**030 – 422 4276**

**Website:** (only in German language)  
[www.frieda-frauenzentrum.de](http://www.frieda-frauenzentrum.de)

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**Opferhilfe Berlin e.V.** offers advice and support to the victims and witnesses of crime and their families in the city of Berlin.

**Telephone: 030 – 395 2867**

**Website:** (also in English)  
[www.opferhilfe-berlin.de](http://www.opferhilfe-berlin.de)

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You find many additional **support services**, here:

[www.udk-berlin.de/grenzueberschreitungen](http://www.udk-berlin.de/grenzueberschreitungen)

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In case of **emergency**, please call the police.

**Telephone: 110**

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## LEGAL NOTICE

*Published by*

Berlin University of Arts

The Women's Representative

Einsteinufer 43 – 53

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10587 Berlin

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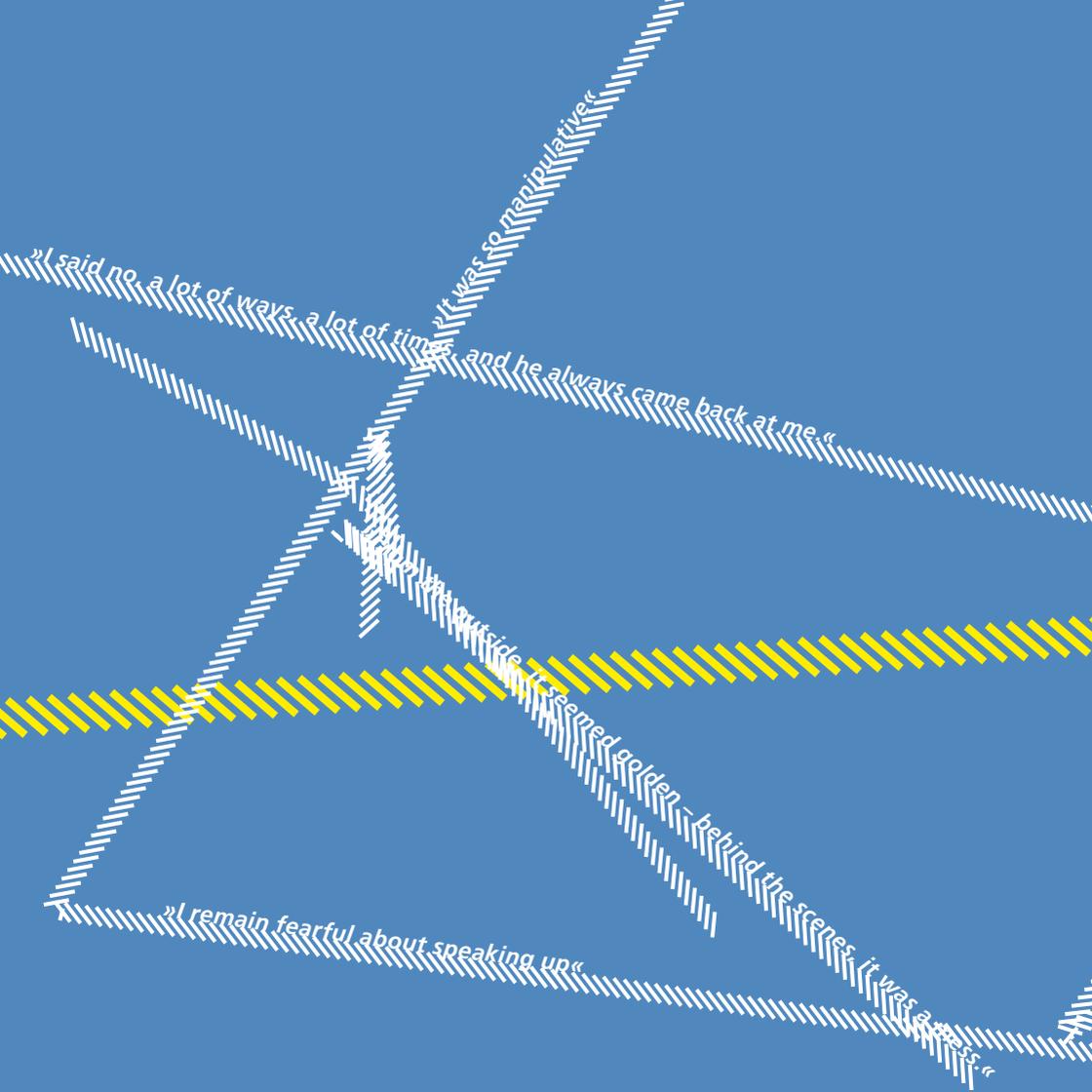
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*Text and Editing (in English):* Dr. Henrike Lehnguth

*Design:* Ricarda Löser

*Print:* Oktoberdruck, Berlin

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Berlin 2020



»It was so manipulative«

»I said no, a lot of ways, a lot of times, and he always came back at me.«

»He was so outside«

»It seemed golden – behind the scenes, it was a mess.«

»I remain fearful about speaking up«