



albert Schweitzer
Albert Schweitzer Stiftung
für unsere Mitwelt

Directive on the Prevention and Handling of Sexualized Violence at Albert Schweitzer Foundation for Our Contemporaries

Contents

- § 1 Preamble3
- § 2 Scope of Application3
 - Personnel3
 - External third parties3
 - Spatial3
- § 3 Principles3
- § 4 Definition of Terms4
- § 5 Position of the Executive Board and Management5
- § 6 Position of Managers and Superiors5
- § 7 Responsibility of All Employees5
- § 8 Travel Regulations6
- § 9 Rights of Affected Persons and Third Perspective6
- § 10 Company Contact Points and Persons to Contact7
 - Company contact points7
 - Public contact points7
 - Confidentiality7
 - Tasks of the internal contact points7
- § 11 Representatives8
 - Tasks of representatives8
- § 12 Complaint Procedure8
- § 13 Sanctions9
- § 14 Preventive Measures10
 - Catalogue of measures10
- § 15 Notification11
- § 16 Period of Validity11
- § 17 Changes11

§ 1 Preamble

Sexualized violence (cf. Section 4) constitutes a violation of human dignity. It immensely impairs the personal rights of each individual and can cause considerable health problems in those affected.

The personal development, self-esteem and freedom of action and decision-making of those affected are impaired. They are prevented from fully contributing their skills and expertise and from performing tasks in a meaningful, effective and high quality manner. Work processes, the quality of work results and the working atmosphere are affected.

Last but not least, sexual acts can also constitute criminal offences.

Protection from sexualized violence is an important contribution by the Foundation toward the realization of equal rights and equal opportunities. Sexualized violence occurs out of a need for control and power on the part of the perpetrator. Any gender can be affected by sexualized violence, but women are mostly confronted with it. All employees (including management) and the Executive Board agree that neither sexualized violence nor any other form of discrimination will be tolerated. The Executive Board and the management bear a special responsibility in this regard and are required by their duty of care to protect employees from physical and psychological injury.

§ 2 Scope of Application

Personnel

This agreement applies personally to all employees, including the Management Board. It also applies to external parties who are largely integrated into the Albert Schweitzer Foundation for Our Contemporaries, such as interns or persons in the application process.

External third parties

External third parties are, for example, external service providers, cooperating parties (e.g. other organizations), all campaign groups and guests in the offices.

The Albert Schweitzer Foundation decides on a case-by-case basis with regard to how external third parties are informed about the content of the Directives.

The policy will be posted on the Foundation's website.

Spatial

This agreement applies in spatial terms to all offices and all associated rooms and areas (elevator, basement, courtyards and staircase).

It also applies during business trips, company events, external events in which representatives of the Foundation participate, as well as in all contexts in which there is a company connection (e.g. joint project work in private or public spaces, during online meetings or telephone conversations, etc.).

§ 3 Principles

The prohibition of sexualized violence and discrimination at the workplace is expressly established in Section 3 of the General Act on Equal Treatment [AGG].

The Executive Board, management and all other management personnel (division and department managers) contribute to a respectful working atmosphere by shaping the framework conditions in which

the personalities of all employees are respected. A work environment of mutual respect, tolerance and esteem is lived and promoted at once. In this world of work environment no one has to expect sexualized violence or any other form of discrimination (gender, gender identity, origin, disability, etc.).

Through their conduct and actions, superiors (including temporary superiors such as project managers, internship supervisors, etc.) actively contribute within the scope of their management tasks to appropriate, respectful interaction in the working environment, which respects the personal integrity and dignity of all employees. They undertake to prevent discrimination and sexualized violence and to sanction them appropriately (cf. Section 13).

All employees are encouraged to participate in the design of a workplace in which the above values are experienced. This includes professional, respectful behaviour appropriate to the workplace. Those affected by sexualized violence and discrimination are expressly encouraged to not accept their situation, but rather to defend themselves and report incidents. The persons affected and witnessing persons do not suffer any professional disadvantages as a result of addressing and demonstrating misconduct (cf. Section 9 and Section 10), unless someone has been wrongfully accused with intent (cf. Section 13).

Any disregard for the rules shall be accordingly sanctioned within the scope of this Directive (cf. Section 13).

All personal data documented and stored as part of an incident must be deleted when it is no longer required.

§ 4 Definition of Terms

The term sexualized violence encompasses various forms of violence and the exercise of power that are expressed through sexual acts. According to the General Act on Equal Treatment [AGG], sexualized violence is any sexually determined verbal or physical behaviour

- > that is unwanted by the person affected
- > and violates the dignity of employees.

In addition, this behaviour is characterized by the fact that it is

- > is designed to abuse power and authority,
- > has a negative effect on the person affected,
- > and possibly creates an intimidating, hostile, degrading, humiliating or offensive environment.

It is crucial that the behaviour is one-sided and undesirable. What is perceived as sexualized violence is determined by the feelings of those affected. In legal terms, sexualized violence includes (cf. Section 3 Paragraph 4 of the General Act on Equal Treatment [AGG]):

- > unwanted touching, physical assaults
- > offensive remarks, jokes, invitations
- > lewd gestures, facial expressions and behaviours
- > bringing along, displaying, attaching pornographic images
- > offensive statements about sexual orientation.

The act is considered particularly serious if it is carried out by superiors or if it is associated with indications of a possible link between the fulfilment of sexual demands and professional advancement. Sexualized violence must be distinguished from mutual flirtation and amicable relationships.

Sexualized violence can affect all people regardless of gender, sexual orientation (e.g. women, men, lesbians, gays, bisexuals, transgenders, transsexuals, intersexuals and queers).

Direct and open gender discrimination occurs when a person is treated less favourably than a comparator. In this Directive this unequal treatment refers to the category of gender (cf. Section 3 Paragraph 1 of the General Act on Equal Treatment [AGG]).

Indirect gender discrimination occurs when apparently neutral regulations have a negative effect on the category of gender (cf. Section 3 Paragraph 2 AGG).

§ 5 Position of the Executive Board and Management

The Executive Board and management do not tolerate sexualized violence or any other form of discrimination in the workplace. The Executive Board shall protect employees from this within the meaning of this Directive. The Albert Schweitzer Foundation for Our Contemporaries takes action against sexualized violence at the workplace and thus promotes a non-violent, non-discriminatory working environment. This goal is supported by proactive prevention measures and organizational structures (cf. Section 14).

The Executive Board and management shall ensure that complainants and the persons testifying do not suffer any disadvantage as a result of the notification of misconduct. This shall also apply if proceedings against the parties involved are discontinued. Then the person originally accused must not suffer any disadvantages under labour law as a result of the previous proceedings.

If employees are subjected to sexualized violence by external third parties (cf. Section 2), then the Executive Board and management shall exhaust their legal and actual possibilities to prevent this in the future and to protect the employees.

§ 6 Position of Managers and Superiors

Executive personnel (management, division and department managers) and other superiors (also temporary superiors such as project managers, etc.) have a general role model function within the scope of their management tasks. There is also a clear position to take any complaints that arise seriously and to deal with them in a constructive manner. Supervisors and executive personnel have the task of protecting employees from sexual assault. They are responsible for ensuring that information about sexualized violence in the workplace is followed up immediately and that procedural measures (cf. Section 12) are initiated and reviewed. If it is apparent that it is not possible to process and clarify the occurrences in the work area, then the respective superior is obliged to involve the next higher superior. Supervisors and managers are obliged to take part in further training and education measures on sexualized violence. Such acquired skills are assessed positively as part of the qualification when it comes to applications. Failure by a supervisor to exercise his or her managerial responsibilities within the meaning of this Directive when an incident is brought to his or her attention shall constitute a violation of duty subject to disciplinary measures or action under labour law.

§ 7 Responsibility of All Employees

All employees (from permanent employees to interns, external employees with contracts for work, etc.) must maintain their social manners and treat all other employees with dignity and respect. Behaviours which aim to injure others or reduce their prestige are to be avoided. The personal rights and dignity of each and every individual must be respected, protected and promoted. This requires empathy with the situation of those affected and the willingness to act as mediators and to resolve conflicts. To this end, it is

appropriate to approach a potentially affected person, show openness, sincerity, compassion and commitment, and offer help. This could also include addressing discrimination anonymously among colleagues and seeking solutions for all those involved. All measures should always be taken in consultation with the parties concerned. In clearly serious situations, caused by sexualized violence and other forms of discrimination, it should be natural for colleagues to show solidarity with those affected. It goes without saying that the personal rights of the perpetrator shall be respected.

§ 8 Travel Regulations

In order to ensure the well-being of all participants and to avoid misunderstandings, the Foundation is obliged to provide separate accommodation in single rooms when it comes to travel. This rule may be waived on a case-by-case basis if travellers wish to waive the right to a single room on their own initiative.

In the case of group trips, a separate document explaining how the accommodation is planned shall be provided to all participants prior to a trip:

- > Where will I spend the night (possibly name the host or hostess by name)?
- > What kind of facility is it?
- > Does accommodation take place in separate rooms?
- > If not: With whom do I share a room?
- > Can the bedroom and the bathroom be locked?

All participants can then state whether a single room is desired or not. In exceptional cases (e.g. unplanned overnight stays), this regulation may be deviated from after consultation with all of the parties involved. The booking of a room is done by the administrative staff; therefore all participants should be informed as soon as possible. If a person has decided not to stay in a single room, then he or she can deviate from this decision at any time during the trip if he or she feels uncomfortable with the previous decision. The main responsible persons during an assignment (permanent employees, division managers) are obliged, when staying in shared accommodation and bedrooms, to proactively ask all participants about their well-being before staying overnight and once again give them the possibility to book a single room. It must be made clear to all employees that additional costs for the Foundation are irrelevant in this context. The well-being of the employee(s) is paramount.

When staying overnight in shared bedrooms, strict rules apply to protect all participants and create a safe space:

- > Sleeping takes place in garments that cover the body at least to the extent that a T-shirt and knee-length trousers are worn. In exceptional cases, departures may be made to this rule if all parties expressly agree.
- > When showering, clothes are taken into the bathroom so that you are always dressed. As a rule people do not dress in front of other people, but always visit a separate room for this purpose.
- > In general, one does not appear naked from the waist up or in underwear.

The hosts will be informed of this policy with each request for overnight accommodation.

§ 9 Rights of Affected Persons and Third Perspective

Those affected are expressly encouraged not to tolerate sexualized violence, but to defend themselves against it and to make it clear to the perpetrator, first verbally or in writing, that their behaviour is

undesirable and has to be stopped, that it is perceived as hurtful or disrespectful and disturbs the working atmosphere. In addition, it is recommended that the misconduct be documented as well as possible witnesses of the person concerned.

If employees see themselves affected by sexualized violence, then they have the right at any time to complain to or seek advice from the company contact points within the Albert Schweitzer Foundation for Our Contemporaries (cf. Section 10) (also during working hours). Affected persons may also make use of external offices (counselling centres, legal assistance, etc.) (if necessary, the Foundation will bear the costs) and call in external persons whom they trust for any discussions within the Foundation.

There are no professional disadvantages of any kind whatsoever for testifying persons (employees). They are also protected by the General Act on Equal Treatment [AGG]).

If a person involved in some proceedings feels him- or herself discriminated against by the reporting of an incident, he or she can lodge a complaint with the human resources department which acts as the complaints office (currently staffed by Anne Schäfer). The complaint will be treated with confidentiality.

Similarly, employees who are not personally affected but who perceive or are told of the misconduct of others may lodge a complaint against it if those affected agree.

§ 10 Company Contact Points and Persons to Contact

Those affected can turn to the contact points listed or the persons to contact or a person whom they personally trust for advice and support.

Company contact points

President: Mahi Klosterhalfen

Equal Opportunities Officer: Anne Schäfer

Representatives (for all employees): Inken Jacob, Robin Rader

Public contact points

Lara - Special Unit against Sexualized Violence against Women, Tel.: +49 (0) 30 / 216 8888

Berlin Network against Sexual Violence, Tel.: +49 (0) 30 / 9028 2073

Berlin Crisis Service, Tel.: +49 (0) 30 / 390 6300

Confidentiality

Counselling is confidential and protects the wishes for anonymity of the persons concerned – unless there is a compelling need for action to protect the life and limb of the persons concerned.

All of the persons involved in the procedure shall be obliged to treat the personal data made available to them in a confidential manner and to not make such accessible to third parties.

Tasks of the internal contact points

- > within the meaning of this Directive provide the affected persons with prompt (within one week) advise and support after gaining knowledge of the incident
- > determine and document the facts of the case in separate / joint discussions with the persons concerned

- > inform the persons concerned (both those affected and perpetrators) about the relationships under labour law and the consequences of sexualized violence
- > to identify possible options for support and action on the basis of the Directive
- > The further procedure will be agreed in consultation with the person concerned.
- > On request, those affected can be accompanied and provided with support during discussions.
- > If possible, anonymous, confidential information will also be followed up by the contact point.

If the company contact point cannot clearly decide the cases, then external experts must be consulted (especially in particularly serious cases).

§ 11 Representatives

Two representatives (of different gender) and one deputy shall be elected. The term of office shall be three years. All employees (except interns) of the Albert Schweitzer Foundation are entitled to vote. All permanent employees may stand for election. The election is conducted by means of an anonymous survey, currently with two separate lists (one list per gender currently represented at the Foundation). The two persons with the most votes per list win the election. The person with the third highest number of votes becomes a deputy. If two persons have the same number of votes, then a run-off vote will be held.

The current voting procedure should be seen as a process of further development. We aim to further improve the election process over time and through annual review.

Tasks of representatives

In addition to the tasks specified in Section 10, representatives introduce themselves to new employees and explain their role as representatives to them. They are trained in the topic and handling of sexualized violence through appropriate further training (at the beginning of their term of office and, if necessary, during the further course of their term of office). The deputy shall take over the duties of the representatives during their absence and shall also receive appropriate training.

§ 12 Complaint Procedure

At this point, it should again be pointed out that those affected should be expressly encouraged to defend themselves against sexualized violence and to make it clear to the perpetrator first, verbally or in writing, that their behaviour is undesirable and must be ended. The person concerned shall prepare minutes from memory (who, what, when, where, witnesses if any) of the incident. The initial contact point can be freely chosen by the person concerned.

As a rule, an initial discussion takes place with the President and the Equal Opportunities Officer, unless one of the two persons is the perpetrator or appears to be biased for other reasons (e.g. close relationship with the perpetrator). In such a case, the Executive Board may also be chosen as one of the Representatives.

An (internal or external) person of trust may be called in at any time for the discussion. The further procedure shall be determined by the President and the Equal Opportunities Officer in consultation with the person concerned.

The discussion and further procedure shall be documented. After the discussion, the participants check the minutes for completeness and correctness and then sign them.

Safeguarding measures can already be taken to protect the person concerned (e.g. spatial separation). However, measures under labour law may not yet be taken.

The President and the Equal Opportunities Officer consult as to whether external assistance should be sought.

Initial discussion between perpetrator/President/Equal Opportunities Officer: The President and the Equal Opportunities Officer decide on whether a discussion should be held with the perpetrator. If yes, then this should be done immediately after the incident has been reported. The purpose of this discussion is to validate the allegation. If the person concerned so wishes, then witnessing persons may be questioned about the incident. Minutes of the discussion will be recorded.

If an incident is confirmed, then appropriate measures must be taken (cf. Section 13) and documented by the President and the Equal Opportunities Officer in order to prevent continuation of the sexualized act. Depending on the incident, a moderated discussion that which should take place within one week may be offered between the perpetrator and the person concerned. If necessary, divisional management of the perpetrator shall be informed of the incident. Depending on the severity of the incident, psychological and physical injuries shall be documented and an accident report (cf. Section 193 of Volume II of the German Penal Code [StGB] VII and the German Accident Insurance Notification Regulation [UVAV]) can be submitted at the request of the person concerned.

Fourteen days after this discussion the President and the Equal Opportunities Officer and possibly the representative shall inquiry with the person concerned as to whether such action has ceased. Minutes of this discussion shall be recorded as well. If the sexualized act has not been discontinued, then measures under employment and labour law shall be taken (cf. Section 13).

If the incident is not confirmed, then the complaint may not be recorded in the personnel file (cf. Section 13). If the incident is unclear, then the President and the Equal Opportunities Officer will decide whether to call in external expertise.

If the President is informed about an incident on our premises or on other occasions (e.g. external events) with external persons (cooperating partners, etc.), then she/he is obliged to introduce the necessary steps (e.g. discussions with all participants and, if necessary, their superiors, possibly obtaining help through external experts, etc.) that contribute to clarifying the incident. In such a case the persons concerned must be able to rely on the support of the Management. Under no circumstances shall reported incidents go unheeded. At this point, particular reference is made to the employer's duty to have regard for the welfare of employees under Sections 617 et seq. of the German Civil Code [BGB].

If an employee of the Albert Schweitzer Foundation is accused of a sexualized act by an external party (cooperating partner, etc.), then the President shall be obliged to take the necessary steps to clarify the incident. For further guidance, see Paragraphs 12 and 13.

In unclear cases (e.g. without a direct work context), the President and the Equal Opportunities Officer shall be obliged to provide a forum for discussion and to take the fears and concerns of employees seriously.

It is not permitted to require the consent to confidentiality agreements from those concerned or involved.

§ 13 Sanctions

Sexualized violence shall be regarded as a violation of industrial peace and violates the General Equal Treatment Act. The measures to be taken always relate to the individual case. They should make misconduct clear, prevent repetition and make it clear that the Management and the Executive Board do not accept such behaviour.

The Management and the Equal Opportunities Officer shall, if necessary, take measures under service and labour law (in compliance with the principle of proportionality) within the scope of the applicable labour law provisions (reminder, warning, and suspension, up to dismissal).

With regard to the disciplinary measure, the accusation of sexualized violence shall be identified as such.

Possible individual measures carried out by the Management may, for example, be relocation/transfer of the perpetrator (not the person concerned).

Unconfirmed complaints shall not be recorded in writing in the personnel file and shall not adversely affect the person concerned. An falsely accused person may request rectification without exposing the person concerned. If a person is accused against better judgment, then an investigation procedure conducted by the Management shall clarify why the false accusation was made. Subsequently, the Management shall submit appropriate sanctions to the Executive Board and the Equal Opportunities Officer. Here, too, in unclear cases, external experts (e.g. LARA) should be consulted for advice.

§ 14 Preventive Measures

Prevention measures are of great importance in order to continuously develop and optimize a non-discriminatory culture at the Foundation. The employees themselves are important active participants in this process. Together we strive for constant improvement of the Foundation culture and see challenges as an opportunity for further development and as an investment in the future.

Catalogue of measures

- > The framework conditions shall be designed in such a way that sexualized violence and discrimination may not arise in the first place.
- > Open communication and a cooperative, objective and employee-oriented management style shall be cultivated.
- > In particular, managers with personnel responsibility are required to observe equal treatment according to uniform criteria when recruiting new staff and in the case of individual personnel measures, and to make the recruitment process transparent.
- > Constructive feedback culture: Criticism is formulated in a positive manner so that opportunities for change may be exploited (“positive error culture”, “learning from mistakes”). The focus is on problem-solving and not on the search for guilty parties.
- > Conflicts are part of everyday work and are solved in a constructive manner (conflict counselling).
- > The topic of “sexualized violence” and current information in this regard shall be included in the regular meetings of the division heads (quarterly meetings).
- > Supervisors/executives shall be obliged to take part in further and advanced training measures on the subject of “sexualized violence”.
- > All employees are requested to participate in sensitization measures against sexualized violence within the meaning of fair dealing and social intercourse.
- > The topic of “sexualized violence” is anchored in further education and training.
- > New employees will be informed about this Directive by the Equal Opportunities Officer.
- > The General Equal Treatment Act can be reviewed at any time in the Personnel Office.

- > Technical and spatial conditions for avoiding fear and dangerous situations must be continuously optimized (e.g. avoiding dark areas, ensuring functioning lighting everywhere, etc.).

§ 15 Notification

- > All employees shall be notified about this agreement.
- > Newly employed persons shall be notified about the Directive by the Equal Opportunities Officer (cf. Section 14).
- > The Directive shall also be made public on the website and stored in our knowledge database.
- > At the request of management personnel, the Directive may be presented again in official/team meetings by the Equal Opportunities Officer.
- > Once a year at the kick-off meetings, reporting on the status of implementation of this Directive shall form an item on the agenda.
- > The Directive shall be published on the website for all stakeholders.

§ 16 Period of Validity

The Directive applies immediately and indefinitely. An initial review shall be carried out by management one year after the effective date and shall then be repeated at annual intervals.

§ 17 Changes

In the event of a change, the Management, the acting representative and the Equal Opportunities Officer shall endeavour to evaluate the experience and findings in good time and to examine them together before changing the agreement. The aim of the evaluation is to update the agreement or to produce a corresponding new edition. The Directive shall remain in force until its conclusion. On-going procedures shall remain unaffected by the changes. Changes shall be announced in the minutes and also discussed at the status meetings.

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Legend of the complaint process (graphic)

VP = Representatives

BL = Divisional management

GB = Equal Opportunities Officer (currently Anne)

GF = President (currently Mahi)