Directive on Respectful Interaction and Protection against Discrimination – Principles and Procedures of Bucerius Law School – School of Law (Translation)

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Preamble

Bucerius Law School understands itself as a community of employees, students, and guests who shape an environment of excellence, integrity, diversity, and openness together. This Directive sets out binding principles and rules for responsible interaction.

1. Shared Responsibility and Foundational Values
   All members of and visitors to the University share both individual and collective responsibility for fostering a fair and respectful environment. This Directive is binding on everyone and constitutes the standard for conduct within the University context.
2. Respect and Diversity
   Respectful interaction applies regardless of origin, conviction, or role. Bucerius Law School regards diversity as an asset that forms a central foundation for the personal and professional development of all members of the University community. Through their conduct, the members of the University community contribute to ensuring that everyone can feel safe on campus and at university-related events, and that conflicts are resolved with due regard for the mutual respect owed to one another.
3. Integrity and Responsibility
   Anyone acting within the University context behaves responsibly and an in a transparent manner and maintains a clear separation between personal interests and University-related duties. Abuse of power and corruption violate the duties of University members and endanger the integrity of academic work, equality in decision-making, and the reputation of the University.
4. Openness and Willingness to Engage in Discourse
   Interactions of University members in everyday University life are characterized by a respectful, friendly, and open-minded manner. The clear identification and reporting of misconduct or violations forms part of the University culture. Academic discourse is founded on the receptiveness to criticism, openness, and seriousness; it may also be conducted controversially, provided that it remains methodical, guided by scholarly standards, and focused on the matter at hand. The freedom of expression of the members of the University community is protected within the framework of the general laws, with due regard for equal dignity of all persons and for the prohibition of discriminatory conduct.
5. Reliable Structures and Clear Responsibilities
   The University Leadership (§ 12 Hochschulsatzung) ensures clear responsibilities for the reduction of structural discrimination, for the prevention of conduct violations, and for oversight, conflict resolution, and quality assurance. This creates a reliable environment for academic, professional, and personal growth.

Part 1: Principles of Interaction

Chapter 1: General Provisions

§ 1 Scope of Application

(1) [1]This Directive applies on the campus of Bucerius Law School and at all off-campus events that are connected to the University. [2]These include, in particular, lectures, retreats, excursions, study groups, the admissions procedure, the get-to-know-you weekend for first-trimester students, the University Ball, events of the alumni association, events held as part of student University initiatives, as well as the trimester abroad and practical study periods.

(2) [1]This Directive applies to the members of Bucerius Law School (members of the University within the meaning of § 7 of the Hochschulsatzung), the employees of Bucerius Education GmbH, the adjunct lecturers as well as, the participants in events hosted by the Bucerius Law School and the guests of Bucerius Law School. [2]For employees of Bucerius Law School gGmbH and employees of Bucerius Education GmbH, this Directive applies only in the professional context.

(3) [1]This Directive supplements existing laws, University statutes, and contracts by establishing specific requirements for protection against discrimination and harassment and by setting out principles of integrity and transparency. [2]All persons within the scope of this Directive shall comply with any further specific obligations applicable to them. [3]This applies in particular to the following regulations:

(a) Satzung zur Sicherung guter wissenschaftlicher Praxis und zum Umgang mit Verdachtsfällen wissenschaftlichen Fehlverhaltens an der Bucerius Law School vom 3. Juli 2024, as amended;

(b) Benutzungsordnung Hengeler Mueller-Bibliothek vom Oktober 2000, as amended;

(c) Richtlinie für den Einsatz von generativen KI-Anwendungen in Leistungskontrollen an der Bucerius Law School (KI-Richtlinie) vom 6. März 2024, as amended;

(d) Klausurenkodex vom 11. Oktober 2023, as amended;

(e) the applicable Studien- und Prüfungsordnungen, as amended.

[4]The right of reporting persons to contact the internal reporting office in accordance with the requirements of the Hinweisgeberschutzgesetz remains unaffected by this Directive

Chapter 2: Equal Treatment, Diversity, and Inclusion

§ 2 Principle of Equal Treatment

(1) No one shall be discriminated against on account of a category listed in paragraph 2 (principle of equal treatment).

(2) The principle of equal treatment means that there shall be no discrimination or harassment on account of any of the following categories:

(a) racist attributions, including antisemitic, anti-Muslim, ethnicizing, or cultural-identity-based attributions;

(b) social origin or social status, in particular educational or income background;

(c) sex, gender identity, and gender expression;

(d) sexual orientation;

(e) religion or belief;

(f) physical, mental, or psychological impairments as well as chronic or other health-related limitations, irrespective of whether or not they are classified as a disability;

(g) age;

(h) marital status and caregiving responsibilities, in particular parenthood or the care of relatives (family care responsibility);

(i) political expression and conduct, insofar as these are not incompatible with the fundamental values of the free democratic basic order.

(3) The principle of equal treatment is also violated where discrimination is multidimensional or intersectional.

§ 3 Forms of Discrimination

(1) [1]Direct discrimination occurs where a person, on account of one or more of the categories listed in § 2 paragraph 2, experiences, has experienced, or would experience less favorable treatment than another person in a comparable situation. [2]This also applies where the person carrying out the discrimination merely assumes the existence of a category listed in § 2 paragraph 2.

(2) Indirect discrimination occurs where apparently neutral provisions, criteria, or procedures are liable to place a person at a particular disadvantage on account of one or more of the categories listed in § 2 paragraph 2, unless the provisions, criteria, or procedures in question are objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(3) An instruction to discriminate constitutes discrimination.

(4) Discrimination also occurs where a person is discriminated against on account of their proximity, relationship, or affiliation with individuals who are attributed to one of the categories listed in § 2 paragraph 2.

§ 4 Harassment and Sexual Harassment

(1) [1]Harassment constitutes discrimination where unwanted conduct related to one or more of the categories listed in § 2 paragraph 2 takes place with the purpose or effect of violating the dignity of the person concerned and of creating an intimidating, hostile,

degrading, humiliating, or offensive environment. [2]Harassment may be verbal, non-verbal, and/or physical in nature.

(2) [1]Sexual harassment constitutes a particular form of discrimination. [2]It occurs where unwanted conduct of a sexual nature, which also includes unwanted sexual acts and requests to engage in such acts, sexually determined physical contact, remarks of a sexual nature, and the unwanted display or visible posting of pornographic images, takes place with the purpose or effect of violating the dignity of the person concerned.

§ 5 Permissible Unequal Treatment and Positive Action

(1) There is no discrimination where the act or measure is objectively justified by a legitimate aim and the means of achieving that aim are suitable, necessary, and appropriate.

(2) [1]Without prejudice to § 6, there is no discrimination where the act or measure is a suitable and appropriate means of preventing or compensating for existing structural disadvantages of persons on account of one or more of the categories listed in § 2 paragraph 2. [2]The University Leadership may enact guidelines for this purpose.

(3) Where discrimination is based on several categories, it is justified only if the justification extends to all the grounds on account of which the unequal treatment occurs.

§ 6 Gender Equality

(1) [1]The University pursues the objective of the equality of all genders. [2]It counteracts structural disadvantage, in particular by increasing the proportion of women in all areas in which they are underrepresented, as well as by giving appropriate consideration to persons who belong to neither the female nor the male sex.

(2) The University Leadership reduces structural disadvantages through targeted measures, in particular through:

(a) selection and appointment procedures that promote gender equality;

(b) gender-inclusive language and communication;

(c) support for the reconciliation of study/work and family;

(d) support for the reduction of social inequalities.

§ 7 Measures to Promote a Diversity-Sensitive Campus Culture and to Protect Against Discrimination

(1) The prevention and elimination of every form of discrimination and the promotion of a culture of appreciation of diversity and of mutual respect are applied by the University and its members as a continuous guiding principle.

(2) [1]The University and all its organizational units take structural risks of discrimination into account in the analysis of the organization and of its processes and implement suitable countermeasures to achieve the objectives of this Directive. [2]The University regularly reviews its structures, procedures, and organizational processes for risks of discrimination and adjusts them where necessary. [3]Where the Complaints Office (§ 17)

establishes a violation of this Directive, the responsible bodies (§ 11) examine whether and how organizational workflows, processes, and measures are to be adjusted so that the objective of a discrimination-free University can be achieved.

(3) [1]The fulfillment of these obligations is the task of the University Leadership and of all persons in leadership positions. [2]Persons with leadership, training, and teaching responsibilities are responsible, within their area of competence, for actively counteracting discrimination and harassment and, in the event of a possible violation of this Directive, for initiating suitable measures or involving the Confidential Advisory Office (§ 15). [3]They are in particular responsible for ensuring that existing relationships of dependency are not exploited.

(4) The University Leadership takes preventive measures in order to prevent conduct violations covered by this Directive. These measures include, in particular:

1. the provision of information about this Directive to all members of the University;
2. the agreement on the applicability of this Directive in the contractual relationships of the University, in particular employment contracts, study contracts, and teaching assignments;
3. the incorporation of this Directive by reference under the law governing general terms and conditions in contracts of Bucerius Education GmbH;
4. the provision of information about the existing counseling and complaint options;
5. the regular provision or facilitation of voluntary awareness-raising and training programs on non-discrimination and diversity for all members of the University and of Bucerius Education GmbH, in particular for persons with leadership, training, and teaching responsibilities;
6. the consideration of risks of discrimination in the design of the campus and in organizational changes;
7. the reference to this Directive in the drafting of contracts with external partners, cooperation institutions, and adjunct lecturers.

(5) [1]Measures to protect against discrimination and harassment (§§ 2 et seq.), against serious violations of the duty of respectful interaction (§ 10), against violations of the Allgemeines Gleichbehandlungsgesetz (AGG/General Act on Equal Treatment), and to eliminate structures that facilitate such violations may also be taken independently of a procedure under §§ 11 et seq. [2]The participation rights of the Betriebsrat must be observed.

(6) [1]The University Leadership regularly evaluates this Directive and the existing measures and reports on this once a year to the University public. [2]The results of the evaluation are incorporated into the further development of the Directive and of the measures to be taken.

§ 8 Data Collection and Evaluation

[1]The Confidential Advisory Office (§ 15) and the Complaints Office (§ 17) record counseling and complaint cases in anonymized form, including the affected discrimination categories

as well as the cases of abuse of power (§ 10). [2]The two bodies regularly evaluate the anonymized data and inform the University Leadership thereof; the latter reports on this at least once a year in the Senate and to the Betriebsrat. [3]The evaluation serves the quality assurance of the counseling and complaint services as well as the development of targeted preventive measures.

Chapter 3: Integrity and Transparency

§ 9 Principles of Integrity and Transparency

(1) [1]The acceptance of benefits or advantages that are capable of influencing decisions or may create the appearance of doing so is impermissible. [2]This applies in particular to decisions on performance assessments, expert opinions, letters of recommendation, awards, or certificates.

(2) Sponsoring, donations, and grants may not influence the freedom of research and teaching.

(3) In procurement and the awarding of contracts, the principles of transparency, of the separation of functions, and of the economical use of resources must be observed.

(4) The University works structurally, organizationally, and preventively to prevent impermissible influence, conflicts of interest, and corrupt conduct.

(5) Agreements with external partners must be transparent, must be documented, and must accord with the principles of academic independence.

§ 10 Other Violations of the Duty of Respectful Interaction; Abuse of Power

(1) [1]Irrespective of the categories listed in § 2 paragraph 2, all members of the University are obliged to interact respectfully with one another. [2]Where this duty is violated in a serious manner, the bodies named in § 13 paragraph 1 are responsible.

(2) [1]A serious violation exists where the conduct is comparable to the conduct described in § 4 or where it is an expression of a power imbalance or a relationship of dependency (abuse of power). [2]A power imbalance exists in particular in teaching, examination, supervision, assessment, instruction, or evaluation relationships. [3]It may also arise, outside formal hierarchies, from factual asymmetries, in particular from seniority, reputation, status, or (student) group dynamics. [4]Conduct in digital communication with a University connection is also covered by paragraph 2 sentence 1.

(3) The following, among others, are considered examples of a serious violation of the duty of respectful interaction within the meaning of paragraph 1 sentence 2:

- repeated or serious disparaging, insulting, or shaming statements toward other members of the University, including corresponding statements in digital communication with a University connection;
- the targeted and systematic exclusion of a person from social, academic, or professional contexts of University life without an objective reason, going

beyond the individual shaping of personal social contacts and having effects on the collective sense of belonging;

- the dissemination of untrue or unproven factual assertions about other members of the University that are capable of seriously damaging their personal or professional reputation;
- the repeated or intensive disruption of the teaching, learning, or working activities of others through deliberately uncooperative or hostile conduct.

[2]The following, among others, are considered examples of abuse of power within the meaning of paragraph 2 sentence 1:

- holding out the prospect of advantages or disadvantages in examination, supervision, assessment, or employment relationships in order to induce a person to engage in certain conduct or to assert one's own interests;
- the assignment of tasks that clearly lie outside the agreed or reasonable scope of duties, exploiting a relationship of dependency;
- the withholding of information, resources, access, or supervision services to which the person concerned is entitled or which are due to them according to the circumstances;
- the improper influencing of examination results, expert opinions, assessments, or application procedures for extraneous reasons;
- the exploitation of differences in status, seniority, or group affiliation in order to intimidate members of the University in the face of criticism, objection, or complaints, or to induce them to abandon legitimate concerns;
- the imposition of unreasonable expectations of temporal, spatial, or personal availability, exploiting a teaching, supervision, or instruction relationship.

Part 2: Counseling, Support, and Clarification Procedures

Chapter 1: Areas of Responsibility, Definitions, Competent Bodies, and Confidentiality

§ 11 Areas of Responsibility

(1) [1]The University Leadership is responsible for ensuring that the principles of interaction are observed. [2]It also bears responsibility for the implementation of this Directive.

(2) [1]For employees in the academic area, the heads of the respective units (for example, the President, the directors of institutes, the holders of chairs) perform this task. [2]The management of Bucerius Law School gGmbH is responsible for the employees in University management.

(3) The management of Bucerius Education GmbH is responsible for its employees.

§ 12 Procedural Standing and Right of Complaint; Persons Affected and Accused Person

(1) In proceedings of the Confidential Advisory Office, the following shall have procedural standing: all members of the University (§ 7 der Hochschulsatzung), members of Bucerius Education GmbH, the internal reporting office under § 12 Hinweisgeberschutzgesetz (Whistleblower Protection Act), the Betriebsrat, the University Leadership, and the affected and accused persons within the meaning of paragraph 2.

(2) [1]Affected persons are persons who have experienced discrimination, a violation of the duty of respectful interaction (§ 10), or a violation of the AGG. [2]Accused persons are the persons to whom such a violation is attributed.

(3) In proceedings before the Complaints Office, authority to file complaints is held by all affected and accused persons under paragraph 2, the Confidential Advisory Office (§ 15), the internal reporting office under § 12 Hinweisgeberschutzgesetz, the Betriebsrat, and the University Leadership, in accordance with § 20 paragraph 1.

§ 13 Competent Bodies and Differences in the Procedure

(1) [1]Any person with procedural standing within the meaning of § 12 paragraph 1 may, in the event of a violation of this Directive or of a norm referring to this Directive, contact the Confidential Advisory Office (§ 15). [2]This is the first point of contact for everyone. [3]Any person with authority to file complaints (§ 12 paragraph 1) may, at their choice, alternatively contact the Complaints Office (§ 17) directly.

(2) [1]The Confidential Advisory Office conducts an informal counseling and mediation procedure (§§ 15, 16), in which confidentiality is ensured in accordance with § 14. [2]The Complaints Office (§ 17) conducts the formal complaint procedure (§§ 20–22) in principle by disclosing the identity of the person with authority to file the complaint.

(3) In the respective first meeting, the Confidential Advisory Office and the Complaints Office provide information about confidentiality, its limits, and the different avenues for conflict resolution with (§§ 15, 16) and without (§§ 17–22) anonymity.

§ 14 Confidentiality and Protection Against Prejudgment

(1) [1]If the persons with authority to file complaints wish their identity to remain confidential, they contact the Confidential Advisory Office (§ 15). [2]The latter safeguards the personality rights of all persons involved, and the discussions conducted with it are confidential. [3]Information that may enable the identification of the affected person (§ 12 paragraph 2 sentence 1) is passed on by the Confidential Advisory Office to other bodies within the University only after the express consent of the affected person, which must be given in text form.

(2) [1]Information from the other persons with authority to file complaints (§ 12 paragraph 1) is passed on only with their consent or insofar as the disclosure is strictly necessary in order to avert dangers, on the basis of a statutory duty, or for the conduct of the procedure under this Directive. [2]This applies in particular in procedures of amicable

conflict resolution under § 16 paragraph 1. [3]The consent or the decision to limit confidentiality must be documented.

(3) The rights of the accused person (§ 12 paragraph 2 sentence 2), in particular the right to be heard, proportionality, and effective protection against prejudgment, must be safeguarded by all competent bodies and throughout the entire procedure.

Chapter 2: Confidential Advisory Office and Informal Procedure

§ 15 Confidential Advisory Office

(1) [1]The University Leadership establishes a Confidential Advisory Office that is independent of professional instructions and is staffed with professionally trained confidential advisors, to which persons with procedural standing (§ 12 paragraph 1) may turn. [2]This office comprises at least five persons; the Betriebsrat and the Academic Senate are consulted before it is staffed. [3]The Confidential Advisory Office is the first point of contact for all persons (§ 13 paragraph 1) and the central contact point for all questions in connection with compliance with this Directive; it gathers and collects all information and findings in connection with the implementation of this Directive and documents the informal steps taken (§ 16) in anonymized form. [4]The Confidential Advisory Office and the confidential advisors belonging to it are made known to the University public.

(2) [1]The Confidential Advisory Office provides an initial consultation, offers informal support, refers persons to the appropriate contact persons, provides information about possible courses of action, initiates and guides informal steps toward conflict resolution (§ 16), and points to the complaint procedure (§§ 20–22) as well as to possible alternative solutions for conflict management and to University-internal and external counseling services. [2]Together with the person receiving advice, it examines suitable options for action.

(3) [1]The Confidential Advisory Office may advise and accompany an affected person (§ 12 paragraph 2 sentence 1) in further steps, for instance in conciliation and mediation discussions (§ 16 paragraph 1) or in informal steps toward conflict resolution (§ 16 paragraph 2). [2]At the request of an affected or accused person, a confidential advisor of the Confidential Advisory Office may accompany that person in the complaint procedure as a procedural support person within the meaning of § 19.

§ 16 Mediation and Informal Steps Toward Conflict Resolution

(1) [1]With the consent of the affected person (§ 12 paragraph 2 sentence 1), which must also relate to the extent of any accompanying limitation of confidentiality (§ 14 paragraph 1), the Confidential Advisory Office may work toward an amicable resolution of the conflict. [2]This includes, for example, a moderated conciliation discussion, a mediation, an apology by the accused person, or a joint agreement on the future shaping of conduct. [3]The accused person (§ 12 paragraph 2 sentence 2) should participate in this conflict resolution.

(2) [1]The Confidential Advisory Office may, while safeguarding confidentiality under § 14 paragraph 1, propose to the persons responsible under § 11 paragraph 2 or to the University Leadership that informal steps toward conflict resolution be taken. [2]Such steps include in particular a confidential discussion which, depending on the constellation of facts, a member of the University Leadership, the ombudsperson, the person's superior, or the Human Resources department conducts jointly or individually with the accused person (§ 12 paragraph 2 sentence 2). [3]The steps agreed with the accused person in this discussion must, in light of the facts presented, be suitable to resolve the conflict and to prevent future misconduct; their observance should be reviewed jointly. [4]The participation rights of the Betriebsrat with regard to the agreed steps must be safeguarded. [5]The Confidential Advisory Office is informed of the essential features of the agreed steps; it may inform the affected person thereof while safeguarding the legitimate concerns of the accused person. [6]The steps are not recorded in the personnel or student file.

(3) The Confidential Advisory Office should take the route under paragraph 2 where the person affected by the misconduct insists on the protection of their anonymity, in particular vis-à-vis the accused person.

Chapter 3: Formal Complaint Procedure

Subchapter 1: Competent Bodies and Procedural Support

§ 17 Complaints Office

(1) [1]The University management, in agreement with the President, establishes a Complaints Office within the meaning of § 13 paragraph 1 AGG. [2]This office comprises one person from the academic staff and one person from administrative staff, as well as one deputy for each. [3]Members of the University Leadership or of the Confidential Advisory Office (§ 15) may not belong to the Complaints Office. [4]The term of office of the members is three years.

(2) The Complaints Office conducts the complaint procedure in the case of complaints regarding discrimination and harassment (§§ 2 et seq.), regarding serious violations of the duty of respectful interaction (§ 10), and regarding violations of the AGG, insofar as no Investigation Commission (§ 18) is established.

(3) [1]Excluded from participation in the Complaints Office is anyone who, under the corresponding application of the HmbVwVfG (Hamburgisches Verwaltungsverfahrensgesetz) as amended, is excluded from participation in the specific procedure pursuant to § 20 HmbVwVfG or in whose case there is a concern of bias pursuant to § 21 HmbVwVfG. [2]Excluded from participation in the Complaints Office are in particular persons directly subordinate or directly superior to the affected person or the accused person. [3]In cases of doubt, the University Leadership decides on the existence of the conditions in sentence 1 and on a replacement appointment.

§ 18 Investigation Commission

(1) Upon the proposal of the Complaints Office, the University Leadership establishes an Investigation Commission in particularly difficult cases in which the factual and legal appraisal of the facts requires particular expertise or a diversity of perspectives and in which the Complaints Office is competent within the meaning of § 17 paragraph 2.

(2) [1]The Investigation Commission consists of four members, of whom no more than two belong to the group of professors. [2]Members of the University Leadership, of the Confidential Advisory Office (§ 15), or of the Complaints Office (§ 17) may not belong to the Investigation Commission.

(3) § 17 paragraph 3 applies accordingly.

§ 19 Procedural Support

(1) Any affected or accused person (§ 12 paragraph 2) may be accompanied and supported in the complaint procedure by a trusted person of their choice.

(2) [1]Procedural support may in particular be provided by confidential advisors (§ 15 paragraph 3), members of the Betriebsrat, and equal opportunities officers. [2]Their costs are borne by the University. [3]Costs for external procedural support persons are not borne by the University.

Subchapter 2: Course of the Complaint Procedure

§ 20 Initiation of the Procedure

(1) [1]The complaint procedure may be initiated by all affected or accused persons (§ 12 paragraph 2), the Confidential Advisory Office (§ 15), the internal reporting office under § 12 Hinweisgeberschutzgesetz, the Betriebsrat, and the University Leadership. [2]The Confidential Advisory Office, the internal reporting office, or the University Leadership may initiate the complaint procedure only with the consent of the affected person (§ 12 paragraph 2 sentence 1), which must be given in text form.

(2) [1]The complaint procedure is conducted before the Complaints Office (§ 17). [2]Where an Investigation Commission (§ 18) is established, it replaces the Complaints Office upon the taking effect of its establishment; the Complaints Office supports the Investigation Commission in its tasks.

(3) The complaint should contain in particular the following information:

(a) a description of the incident;

(b) the identification of the affected persons;

(c) the naming of any witnesses as well as of available evidence;

(d) information on which bodies have already been informed and whether measures have been taken.

(4) [1]Upon receipt of the complaint, the Complaints Office informs the affected persons (§ 12 paragraph 2 sentence 1) promptly of their rights and duties, of the options and the

course of the different procedures, in particular of the confidential and informal procedure before the Confidential Advisory Office (§§ 15, 16) and of the formal complaint procedure, as well as of available support services. [2]This includes in particular the information on the differently structured confidentiality in the procedures (§ 14), the lack of anonymity in the complaint procedure and the correspondingly more confidential and informal offer of the Confidential Advisory Office (§ 15), the right to a hearing and to submit a statement (§ 21 paragraph 1), and the right to procedural support (§ 19).

§ 21 Course of the Procedure

(1) [1]The Complaints Office investigates the facts promptly and diligently. [2]It hears the affected and accused persons (§ 12 paragraph 2) and may consult further persons and sources of information. [3]Questioning and statements are voluntary; no one is obliged to incriminate themselves. [4]Questioning is conducted openly and formally recorded.

(2) If an affected person is in an employment relationship with the University or with Bucerius Education GmbH, the Complaints Office examines whether the established facts constitute a violation of § 7 paragraph 1 AGG.

(3) [1]The procedure is confidential. [2]Necessary communications by the University Leadership to the University public are made without naming names, unless the person to be named consents. [3]Insofar as it is strictly necessary for the protection of members of the University or of third parties, naming may also occur without consent.

(4) [1]With the consent of the affected and accused person, the Complaints Office may temporarily suspend the procedure and refer it to the Confidential Advisory Office in order to enable the latter to conduct a mediation (§ 16 paragraph 1) or informal steps (§ 16 paragraph 2). [2]If the complainant is accompanied by a confidential advisor as a procedural support person under § 19, that confidential advisor is excluded from further participation in the procedure of the Confidential Advisory Office. [3]If the mediation leads to a consensual solution or if the affected person agrees to the informal steps (§ 16 paragraph 2), the Confidential Advisory Office informs the Complaints Office thereof and the latter discontinues the procedure.

(5) [1]An affected person (§ 12 paragraph 2 sentence 1) who has initiated the procedure themselves or via the Confidential Advisory Office may end the procedure at any time by withdrawing the complaint. [2]In this case, the Complaints Office discontinues the procedure and informs the University Leadership.

(6) [1]The University Leadership may at any time, including after discontinuation of the procedure under paragraph 5 or upon a waiver of the initiation of proceedings by persons with authority to file complaints, initiate a complaint procedure. [2]In this procedure, the Complaints Office may draw on the questioning and statements recorded in minutes under paragraph 1, insofar as these took place after the information about the limited confidentiality in the complaint procedure. [3]In the case of discontinuation under paragraph 5, the affected person (§ 12 paragraph 2 sentence 1) who initiated the original procedure is free to participate in the investigations in the follow-up procedure.

(7) [1]After conducting the procedure, the Complaints Office prepares a presentation of the facts as well as a proposed decision and forwards these to the equal opportunities officer and the University Leadership. [2]Where a solution is reached following a referral to the Confidential Advisory Office under paragraph 4, or where the complaint is withdrawn under paragraph 5, the Complaints Office documents the closure of the procedure. [3]If an Investigation Commission is established, its proposed decision contains a legal opinion. [4]If the procedure concerns a member of Bucerius Education GmbH, its management is informed so that it can initiate suitable measures.

(8) The Complaints Office informs the affected person, the complainant, and the accused person of the conclusion and the result of the procedure as well as of the essential reasons for a decision in text form, insofar as the safeguarding of the legitimate interests of the persons involved does not preclude this.

(9) All personal data obtained by the Complaints Office within the framework of the procedure are deleted after the conclusion of the procedure, insofar as the personal data obtained in the procedure do not have to be retained in order to substantiate the measure under § 22, are not necessary in order to avert future discrimination and harassment (§§ 2 et seq.) or serious violations of the duty of respectful interaction (§ 10) as well as of the AGG, or in order to fulfill the tasks named in §§ 7 and 8 of this Directive, and insofar as no statutory retention obligation exists. [2]Data that is required solely for the performance of the tasks specified in Sections 7 and 8 of this Directive may only be stored in anonymized form. [3]Other provisions of data protection law, in particular the GDPR and the BDSG, remain unaffected.

(10) [1]Data of persons who are neither affected nor accused persons within the meaning of § 12 paragraph 2 may only be collected and used insofar as this is strictly necessary for the clarification of the specific facts. [2]They are to be deleted without delay as soon as they are no longer needed for the procedure. [3]Data recorded by technical means, in particular emails, recordings from video surveillance, and IT logs, may only be evaluated in the case of a specific suspicion. [4]The evaluation takes place with the participation of a member of the Betriebsrat if a person involved in the procedure is an employee.

Subchapter 3: Measures

§ 22 Decision and Measures

(1) [1]The University Leadership decides on the measures to be taken in the case of discrimination and harassment (§§ 2 et seq.), of a serious violation of the duty of respectful interaction (§ 10), and of a violation of the AGG established by the Complaints Office. [2]These also include the conduct of training measures or participation in information events. [3]The measures are ordered by the person of the University Leadership responsible under § 11 paragraph 2 (the President or the management). [4]That person takes the measures and sanctions on the basis of the established facts, taking the proposed decision into account. [5]Decisions on measures directed at employees of Bucerius Education GmbH are taken by its management; the preceding sentences apply accordingly.

(2) [1]The University Leadership may, in individual cases, take suitable preventive measures. [2]They may be directed at the accused persons (§ 12 paragraph 2 sentence 2) and oblige them to cooperate; at the same time, they may be directed at further persons within the scope of this Directive. [3]If the discrimination, harassment, or violation within the meaning of paragraph 1 sentence 1 originates from partner institutions of the University or their members, or if the discrimination, harassment, or violation within the meaning of paragraph 1 sentence 1 takes place within the University context in their spheres of influence, the University informs these partner institutions and works to ensure that future discrimination, harassment, and violations within the meaning of paragraph 1 sentence 1 are effectively prevented.

(3) Where there is a minor discrimination, harassment, or a minor violation within the meaning of paragraph 1 sentence 1 and no repetition is to be expected, a formal supervisory discussion or a reprimand of the responsible person may suffice as a measure.

(4) [1]In the case of non-minor discrimination, harassment, and violations within the meaning of paragraph 1 sentence 1, the sanctions must be in reasonable proportion to the severity of the violation and must correspond to the purpose of this Directive. [2]The following measures, in particular, may be imposed as sanctions in accordance with the respective provisions:

(a) discussions between the parties to the conflict in the presence of independent third parties;

(b) mandatory participation in training and awareness-raising events;

(c) organizational measures such as the change of supervision relationships or the allocation of courses or of office space;

(d) measures under employment law (e.g., formal cautionary discussion (Belehrung), reprimand (Ermahnung), formal warning (Abmahnung), transfer, ordinary termination and extraordinary termination without notice);

(e) measures under civil law (e.g., the issuance of a ban from the premises, ordinary notice of termination and extraordinary termination without notice of a study contract, the assertion of claims for restitution, removal, injunctive relief, or damages);

(f) academic measures (e.g., the revocation of teaching assignments);

(g) the filing of a criminal complaint or the bringing of a criminal charge in the case of an urgent suspicion of a criminal offense.

(5) [1]The measure taken under paragraphs 2 to 4 is entered in the personnel or student file. [2]The accused person has the right to have their own statement recorded in this regard.

(6) [1]The participation rights of the Betriebsrat must be observed in this regard. [2]This applies in particular to the participation rights in the case of terminations under § 102 BetrVG (Betriebsverfassungsgesetz/Works Constitution Act), transfers under § 99 BetrVG, and training and awareness-raising events under § 98 BetrVG.

§ 23 Interim Measures

(1) [1]If there is a danger of further discrimination, harassment, and violations within the meaning of § 22 paragraph 1 sentence 1, the University Leadership takes suitable measures. [2]These measures should be of a provisional nature and are to be limited to the necessary extent. [3]Insofar as interim measures are taken against an accused employee, the Betriebsrat is to be informed thereof and its participation rights are to be observed.

(2) Regulations under labor and civil service law remain unaffected.

(3) Decisions on measures directed at employees of Bucerius Education GmbH are taken by its management; paragraphs 1 and 2 apply accordingly.

Part 3: Participation Rights and Entry into Force

§ 24 Participation Rights of the Betriebsrat and the Academic Senate

(1) The Betriebsrat approved this Directive in its meeting of 7 July 2026 by resolution pursuant to § 87 paragraph 1 no. 1 BetrVG.

(2) The Academic Senate was involved in the meeting of 1 July 2026 and, by resolution, endorsed this Directive.

§ 25 Entry into Force

[1]This Directive enters into force on 7 July 2026. [2]It is to be made known to the University public, in particular to be published on the homepage of Bucerius Law School. [3]The University Leadership is instructed to draw attention to this Directive in a simple and suitable form.

Note: *This document is a translation of the German-language version („Richtlinie für ein respektvolles Miteinander und zum Schutz vor Diskriminierung"). Only the German version is legally binding.*