



Universität Regensburg

## Principles for Protection against Anti-Semitism (pursuant to Art. 25 Para. 2 BayHIG)<sup>1</sup>

### 1. Preamble

Anti-Semitic statements, incitement or the use of anti-Semitic violence by and towards university members is a violation of the human dignity protected by the German Constitution (Articles 1 and 3 GG) and will not be tolerated at the University of Regensburg (UR). The UR contributes to the protection against anti-Semitic discrimination, harassment and violence through preventive and reactive measures by

- sensitizing all members about anti-Semitism,
- actively supporting those affected in enforcing their right to complain and file a complaint,
- sanctioning Anti-Semitic statements, incitement or the use of anti-Semitic violence.

Criminally relevant facts will be reported immediately.

The following information serves to assess the phenomena of anti-Semitism and shows effective and offensive options for action for affected persons.

### 2. Scope of Application

Notwithstanding the rights and obligations of university members arising from overriding binding standards (labor law, civil service law, etc.), these principles apply to all persons who perform research, teaching, learning and work tasks at the UR - even temporarily or as guests - or who perform services there as employees of outside companies. In the event of incidents of anti-Semitism, in particular those in which dependency relationships play a role, they are to be consulted in a binding manner.

### 3. Prevention

All members of the university contribute to the protection of those affected when they become witnesses of statements or the exercise of anti-Semitic violence through personal interventions (intervention in events, reports to the complaints offices).

Supervisors sensitize their employees to the topic.

Since the beginning of 2024, the Anti-Discrimination & Diversity Officer has been the official Consultant against anti-Semitism at UR. Her portfolio includes training courses on the topic of raising awareness of and preventing anti-Semitism (for all status groups).

The Anti-Discrimination Office, established in 2020, acts as a counseling and complaints office for all UR members affected by discrimination and offers status group-specific workshops and information on discrimination. In addition, there is a section on the UR Diversity Portal for each of the discrimination dimensions according to the General Equal Treatment Act (AGG) and the Diversity Charter, in which the various measures, initiatives, cooperations and references are assigned in a professional manner. Current information is also reliably posted here.<sup>2</sup>

### 4. Legal classification and clear definition of anti-Semitism

**Anti-Semitic offenses** are defined in § 130 StGB (incitement to hatred) as:

- 1) defamation or agitation directed against a national, racial, religious or ethnic group,
- 2) trivialization, approval or glorification of National Socialism.

They are prosecuted without a criminal complaint and are punishable by prison sentences of three months to five years or a fine.

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<sup>1</sup> Dealing with discrimination and conflicts and with Sexual harassment at the UR is regulated in a separate documents

<sup>2</sup> <https://www.uni-regensburg.de/diversity/startseite/index.htm>

The penalty depends on the type and degree of the offense and the guilt of the perpetrator (§ 46 StGB).

#### 5. Options for persons affected by anti-Semitism at the UR.

Anti-Semitic statements or the use of anti-Semitic violence are therefore always relevant under criminal law and can be reported immediately.

Of course, affected persons also have the option of **informal, anonymous counseling** or an **official, non-anonymous complaint**, whereby counseling can lead to a complaint.

##### a) Counseling

It is the task of the counseling agencies to offer the affected person an opportunity to speak out and to inform him or her about forms of support as well as the option of a complaint procedure. They clearly communicate the possibilities and limits of their offer as well as the counseling process; if necessary, they refer to internal and/or external counseling services. The counseling persons are available for

- Accompaniment to further informal talks
- arranging contact with a psychosocial counseling center
- accompaniment in the event of a complaint.

##### b) Complaint

The purpose of the complaint is to inform the department to investigate the allegations and, if necessary, to take further action against the accused person(s). The complaint may be lodged by the person concerned or by a third party on his/her behalf, even without a prior informal procedure. During the complaint procedure, it is possible to be accompanied by one of the advisory bodies.

#### 6. Counseling and complaint centers for cases of anti-Semitism at the UR (depending on the group of persons)

<b>For academic and artistic staff (research and teaching)</b>	<b>For students (as appropriate)</b>	<b>For academic support staff (administration, technology)</b>
the supervisor or the department responsible for personnel	a representative of the Central Student Advisory Service	the supervisor or the department responsible for personnel
		a representation of the staff council (e.g. the mobbing and conflict officer)
		Beschwerdestelle nach Allgemeinem Gleichbehandlungsgesetz (AGG)
Anti-Discrimination Office of the University of Regensburg		
Consultant against anti-Semitism at UT		
the Vice President for Internationalization and Diversity		
Company medical service		

All contact persons are required to participate in training and continuing education in the relevant subject area.

#### 7. Procedural principles for intervention in cases of suspicion.

The contact persons will investigate any concrete suspicion of anti-Semitism in a procedure governed by the rule of law without regard to the person.

All agencies investigating allegations of anti-Semitism will make appropriate efforts to protect both the person making the allegation and the person affected by the allegation.

- The investigation of allegations of anti-Semitism shall be conducted at all stages of the process with explicit regard to the presumption of innocence.

- Even in the case of unproven misconduct, the person making the allegation must not suffer any disadvantages for his/her own studies or academic or professional advancement, unless it can be proven that the complaint was made against his/her better knowledge.
- The person affected by the allegations as well as the person providing the information will be given the opportunity to comment at every stage of the procedure.

All contact persons are subject to confidentiality and must reach agreement with the person affected for all steps taken to clarify the matter or, depending on the problem, take measures to protect the victim.

However, if the suspicion of anti-Semitism becomes concrete and/or allegations against a person increase without the affected person wishing to file a complaint, the advisory offices take action while preserving the anonymity of the affected person by consulting the contact person anti-Semitism, speaking with the accused, and/or reporting to the university board (Vicepresident for Internationalization & Diversity, President).

Anonymously given tips can only be reviewed in a procedure if the person giving the tip presents the contact person with resilient and sufficiently concrete facts. Deliberately incorrect or wanton allegations may themselves constitute misconduct.

The person making the complaint has the option of requesting the suspension or withdrawal of the complaint procedure at any time; however, the procedure may also be continued against the changed will of the person concerned if the university is obliged to act (e.g. by employment or service law requirements).

#### 8. The complaint procedure

Concrete steps after receiving a complaint are:

- the care and counseling of the person concerned,
- the holding of an interview with the person affected by the allegations,
- the examination of the incident by
  - o establishing the facts of the case by the person concerned and documenting them in a protocol (type, place and time of the incident, identification of the\*/the accused),
  - o the accused is also heard and his/her point of view is documented accordingly,
  - o any witnesses and further evidence are included and also documented,
  - o if necessary, an offer of discussion is made to the parties to the conflict.
- the information of the university board.

If the accusation is not confirmed, care will be taken to ensure that the person unjustly accused does not suffer any disadvantages as a result of the matter.

#### 9. Possible sanctioning measures

In the event of proven violations against sexual self-determination, the UR will take appropriate, necessary and reasonable measures to protect the person concerned in the individual case. These depend on the employment, service, civil service or university law status of the respondent and the existence of the respective requirements. The following regulations do not restrict the university's powers under employment, service, civil service and higher education law.

<b>For employees of the UR</b>	<b>For students, doctoral students and other persons without employment at the UR</b>
• regulating conversation	• regulating conversation
• instruction	• instruction
• admonition	• admonition
• exclusion from using university facilities	• exclusion from using university facilities
	• exclusion from participation in courses
• warning	• disenrollment
• transfer or relocation to another workplace at the university	

• withdrawal of a teaching assignment	
• termination of a doctoral or post-doctoral procedure	• termination of a doctoral procedure
• ban from the house	• ban from the house
• dismissal	
• disciplinary measures provided for by law (in the case of civil servants)	

Criminal offenses will be reported immediately.

#### 10. Data collection, evaluation

Counseling and complaint cases are documented by the respective counseling and complaint offices. All counseling and complaint offices institutionalized at the UR collect case numbers as well as discrimination categories in anonymized form and in compliance with all data protection regulations. The data is queried anonymously by the anti-discrimination office at the end of each semester. This serves to ensure the quality of the counseling and support services and to develop targeted prevention services.

Regensburg, 12/02/2024

University of Regensburg  
- The President –

Prof. Dr. Udo Hebel