A Guide for Practice

Against Sexual Harassment, Violence, and Stalking

UNI FREIBURG

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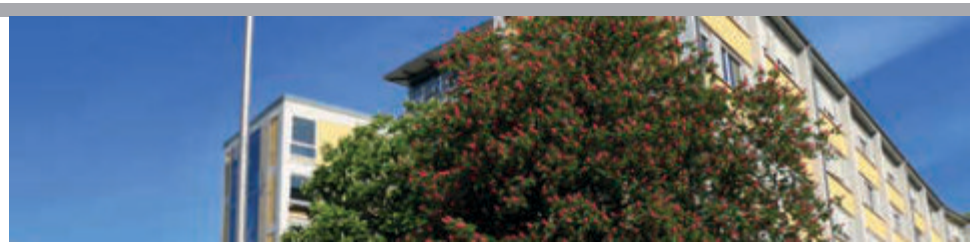
Preface

Sexual harassment and stalking are unfortunately a part of reality at the University of Freiburg, just like at any other large organization. However, we at the university are taking a clear and unequivocal stand against these injustices, exhausting all legal means at our disposal and imposing any possibilities for punishing them permitted by law to protect those affected. We would like to make it clear that sexual harassment and stalking are forbidden. They are not tolerated at the University of Freiburg.

Calling sexual harassment and stalking by name makes them visible, and making them visible already constitutes an initial step toward counteracting them. The guide “Against Sexual Harassment, Violence, and Stalking” was created with this idea in mind. It aims to show persons affected by these injustices possibilities for action and support and to provide supervisors with a plan for intervening when they become aware of a case of sexual harassment or stalking, thus enabling them to fulfill their duty to look after their employees. In addition, it shows offenders that their actions will not be tolerated at the university and will have serious consequences.

The guide explains concepts and describes suggestions for taking action as well as procedures for lodging complaints. It also delineates measures and possible consequences for perpetrators of sexual harassment or stalking. The university regularly conducts special training courses to raise awareness for these issues among supervisors and staff and also takes preventive measures above and beyond the publication of this guide.



Sexual harassment and stalking can only happen in secret, in an acquiescent or an indifferent environment. This guide for action therefore urges all employees and university members to be vigilant against all forms of sexual harassment and stalking and to take steps against them. Sexual harassment, violence, and stalking are matters of concern for all of us.

The University of Freiburg attaches great importance to ensuring that the personal integrity and dignity of all its members are duly respected. Every person who studies, works, or researches at the University of Freiburg has the right to do so without fear of intimidation, discrimination, and harassment.

Prof. Dr. Kerstin Krieglstein
Rector of the University of Freiburg

Dr. Matthias Schenek
Head of Administration of the University of Freiburg

Prof. Dr. Sylvia Paletschek
Vice President for University Culture

Dr. Regina Herzog
Faculty Equal Opportunity Representative

Sexual Harassment and Violence

Sexual harassment and violence are always an unreciprocated transgression of boundaries against the will of the person concerned and are fundamentally different from flirtations with respectful and appreciative compliments, which are also often reciprocal.

In Section 3(4) of the General Equal Treatment Law (AGG) of the Federal Republic of Germany, sexual harassment is described as discrimination involving “unwanted conduct of a sexual nature, including unwanted sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, comments of a sexual nature, as well as the unwanted showing or public exhibition of pornographic images” that “takes place with the purpose or effect of violating the dignity of the person concerned, in particular where it creates an intimidating, hostile, degrading, humiliating or offensive environment.”

Sexual harassment has been considered a criminal offense in Germany since November 2016 and can now be reported to the police. According to Section 184i of the German Criminal Code (StGB), “whoever touches another person in a sexual manner, and thereby harasses that person” is liable to prosecution. Fines or terms of imprisonment of up to two years may be imposed for acts such as a targeted fondling of the breasts or the buttocks (“fondling”), even above the clothing, “without the need of an act of coercion (use of force or threat).”

Examples of sexual harassment include the following:

- intrusive or intimidating stares or suggestive glances
- unwanted salacious and insulting remarks
- jokes and remarks with sexual references or content that have a humiliating effect
- unwanted hanging up or showing around of photos or drawings with lightly clothed or naked persons or sexual content
- unwanted sending or forwarding of pornographic images
- unwanted touching, fondling, or fingering
- unwanted sexual propositions or even requests for sexual favors or acts, such as “Sit down on my lap”

Even though the word sexuality is named in this connection, it is rather a matter of control, exercise of power, and a form of violence. In Germany, it is therefore becoming more common today to use the terms sexualized discrimination and violence (“sexualisierte Diskriminierung und Gewalt”) rather than sexual harassment.

Sexualized discrimination and violence are particularly reprehensible and severe in cases in which the perpetrator takes advantage of a position of power at the workplace, in studies, or in academic qualification by promising personal or professional advantages or threatening disadvantages, for example regarding examinations and grades, hiring, or promotions.

Stalking

Anyone can become a victim of stalking, regardless of their gender, age, vocation, income, religion, or nationality.

Stalking is described as a criminal offense in Section 238(1) of the German Criminal Code. The following forms of unlawful, persistent stalking may incur a penalty of imprisonment for a term of up to three years or a fine:

1. seeking a person's physical proximity,
2. trying to establish contact with the person by means of telecommunications or other means of communication or through third parties,
3. improperly using the person's personal data for the purposes of ordering goods or services for that person
4. threatening the other person with causing injury to life or physical integrity, health, or liberty,
5. committing other comparable acts.

Stalking is not a clearly definable single act but a series of consecutive, possibly also different, acts committed persistently over an extended period.

Examples of stalking are unwanted approaches or attempts to make contact, extending even to persecution, through the following means:

- unwanted surveillance or observation of a particular person
- unwanted demonstrative presense (waylaying) in a lecture hall, seminar room, at the workplace, or at other locations on university premises
- unwanted (possibly frequently repeated) telephone calls
- unwanted leaving of messages on the internet, by email, on a mobile phone, or on an answering machine
- unwanted taking of photographic or film material (photos, videos, mobile phone)
- unwanted gifts or ordering of goods for or in the name of the person concerned

Stalking means pursuaing a person obsessively to the point of harassment. Stalkers aim to attract attention and establish a relationship with a person. Any means will do: pestering the person at the workplace, sending emails or text messages, providing false information to the person's employer. In this way, stalkers repeatedly observe, follow, or intrusively and persistently harass their victim in an unacceptable manner.

The quality of life of those affected is severely constricted, and they often become sick. They are afraid, experience helplessness or despair, or become increasingly unsure of themselves.

Digital Violence

Actual stalking in the work or study environment often occurs side by side or simultaneously with digital harassment by means of emails, text messages, etc.

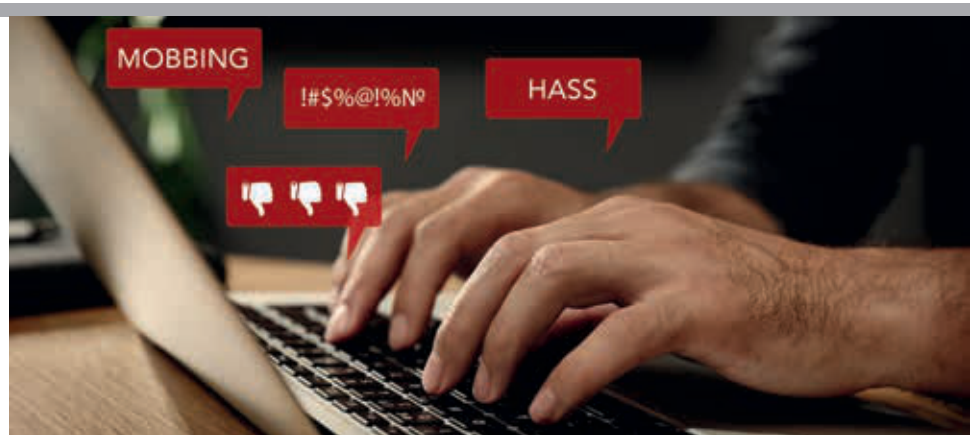


Image: hatespeechstudio v-zwoelf/AdobeStockID:393749135

A person may also be harassed, insulted, degraded, persecuted, or spied on exclusively via digital media such as the internet and messaging services or technical aids like (mobile) telephones and computers.

This is also referred to as digital violence. Examples include the following:

- unwanted persistent and intrusive contact by (mobile) telephone or computer
- the sending of suggestive and pornographic images and films
- the sending of confidential or defamatory messages to a person's place of work or family
- the forwarding of intimate images and photographs of a person to a third person without consent
- the posting of false claims about a person on social media platforms

As in the case of sexualized discrimination, digital violence is about exercising power over and intimidating a person.

The use of technical aids makes it possible for perpetrators to remain unknown (anonymous) and establish contact with persons whom they would never meet in daily life and who are therefore actually inaccessible to them.

The target of such attacks, on the other hand, is susceptible to them anytime and anywhere. There are often no witnesses to digital violence or other persons who are aware of it, and sometimes there is also a lack of evidence, e.g., in the case of constant telephone calls. That makes it much easier for the person(s) inflicting the violence and can make it considerably more difficult for the person affected to resist the attacks or seek help.

Digital attacks can cause prolonged feelings of fear, guilt, shame, and helplessness that are difficult to endure. As a consequence, those affected struggle with sleep problems, concentration difficulties, and often panic attacks and anxiety. This is often accompanied by a severe loss of confidence and a shattering of self-esteem. Since the person(s) inflicting violence often act anonymously, many of the persons affected experience strong feelings of powerlessness and think they can do nothing about it.

Support and Recommended Action for Affected Persons

The important thing for you to know is that you are not (partly) to blame for what has happened to you. Even if you were previously on collegial or even friendly terms with the person you feel harassed by or who is stalking you and allowed that person a certain closeness in daily relations, it is the perpetrator who has transgressed a boundary.

Sexual harassment, stalking, and digital violence can have far-reaching consequences for those affected. They can cause long-term disturbances to physical and mental well-being as well as confidence in one's own perception and seriously impair performance and engagement in studies, work, or private life. In any case, it is important for your to take your feelings, sensations, and perceptions seriously and try to set limits.

I. What You Yourself Can Do

■ Put up resistance

Only in the rarest of cases will perpetrators stop harassment or stalking of their own accord. It often helps already to make it clear to them that the behavior is unwelcome and should be stopped immediately. An initial active step is to draw a line using clear language.

Calling the act clearly by its name breaks the taboo of silence and shifts the responsibility for the transgression back to the perpetrator.

Examples of direct resistance:
„No, I don't want to!"
"Don't do that!"
"Don't touch me!"
"Stop!"

It can be very effective to make it perfectly clear to the stalker or harasser in the presence of witnesses, by email, or, if necessary, by registered mail that you do not desire any contact. It the harassment does not stop as a result, you should seek advice from a counselor.

■ Document the incidents

Even if you do not act immediately, for example because you are caught off guard or are initially unable to correctly interpret the incidents, it is helpful to document them. This can also be done afterwards or after repeated incidents.

The following questions should serve as a basis (a form for this purpose, also suitable for completion on the computer, is available as an appendix to this guide on the website of the Equal Opportunity Office):

- When and where did it happen? – Document the date, time, place.
- Who harassed you or who is stalking you? – Document the perpetrator's name (if known) or take a photograph with your phone.
- What happened? – Provide an account of the incident(s).
- Are there possible witnesses? If so, document their names.
- Save or print out text messages or emails and take screenshots, especially in the case of stalking and digital violence.*

**The app "NO STALK" from the victim support organization Weisser Ring is a recommendable tool for documenting stalking on your smartphone: https://nostalk.de/*

■ Report the offense

Victims of stalking, sexual violence, or digital violence are strongly advised to report the offense to the police. You can do this anonymously or after speaking with a counselor.

II. Assistance and Support

■ Speak with a person you trust

A violation of boundaries often begins gradually and is not always easy to grasp or describe. Even just for this reason, it is helpful to speak with a person you trust, such as your life partner, a friend, a fellow student, a colleague, or a family member. Speaking to someone can help you to identify and understand your own situation better, strengthen your self-confidence, and reflect on what steps to take next.

Moreover, it can be a good idea to speak with a counselor at your department/workplace, since it is not seldom the case that the perpetrator is also harassing or stalking other people or has done so in the past. Being aware of other similar cases will help make you aware of the gravity of the situation and reassure you of your own innocence in the matter.

■ Seek advice and support from official contacts

The work, study, and research environment at universities is marked by many and diverse dependencies and often involves a large power imbalance. Victims of sexual assault, stalking, or digital violence often feel ashamed, insecure, humiliated, and frightened. Not seldom are they afraid of suffering disadvantages in their professional, study, or research environment, in their professional and personal safety, their development, and their career. It is not always easy in this situation to speak up, to clearly and unequivocally reject advances and attacks.

Confidential counseling session in a protected setting

This makes it all the more important for employees and students to know who they can turn to. Contacts and counseling services both at and outside of the university are available to provide you help, reassurance, and support and to show you ways to deal with the situation (see pp. 17). This can also be done subsequently or at a later point in time.

■ Contacts at the university

The officially designated contacts at the University of Freiburg are faculty equal opportunity representative Annette Joggerst, Dr. Verena Kremling, Prof. Dr. Frieder Vogelmann and Harald Wohlfeil. They are available to all students, employees, and university members for a confidential meeting.
After you provide an account of the incident, these contacts can outline possible courses of action and confer with you about the next steps to take.

This may include the following:

- a letter to the perpetrator including an account of the incident and a clear and unequivocal request to stop the behavior and, if possible, to break off all contact with you
- a meeting between the perpetrator and the counselor
- a meeting between you and the perpetrator in the presence of the counselor
- a call for intervention from your supervisor

Informal informational counseling session

You may also initially wish to speak only about particular incidents in order to receive an assessment of the situation from an uninvolved third party without immediately taking further steps. Reassurance that the incident(s) described is/are sexual harassment, stalking, or digital violence can in itself be helpful and relieving, empowering you and restoring your confidence in your own perceptions and feelings. Sometimes the matter is resolved after this meeting, or you may decide to visit the counselor again only after a period of reflection or after further incidents.

Confidentiality and discretion

It is important to note that all statements made during this counseling session are treated confidentially and are only passed on to third parties, such as the accused, your supervisor, or your department, if and to the extent that you have agreed to this in advance. In any case, you are the one to decide whether, what, and possibly when further action is taken!

- **Lodging a complaint with a supervisor or the Staff Council**

Employees may also lodge complaints with their direct superior or in confidence with the Staff Council. As soon as the supervisor receives notification of a possible case of sexual harassment or stalking, he or she is obligated to investigate the allegations in an appropriate manner. Possible legal steps resulting from this investigation are described on pages 23–25.

III. Further Possibilities after the Initial Counseling Session

As already explained above, there is no clear, universally applicable recommendation for action or ideal procedure. Decisions should always be made on the basis of the particular case, the specific situation, and your wishes and needs as the affected person.

However, the further steps are clear and consistent if the unwanted behavior is continued by the accused after the allegations have been made and he or she has been asked to stop, or if other affected persons even come forward.

- **Mediation commission**

If the harassment, stalking, or digital violence is repeated and a letter or talk are unsuccessful, the responsible university counselor seeks your consent to convene a mediation commission. The mediation commission is composed by the Rectorate and consists of the vice president for university culture, the head of administration, a representative of the Department for Legal Affairs, and the contacts Annette Joggerst, Dr. Verena Kremling, Prof. Dr. Frieder Vogelmann or Harald Wohlfeil.

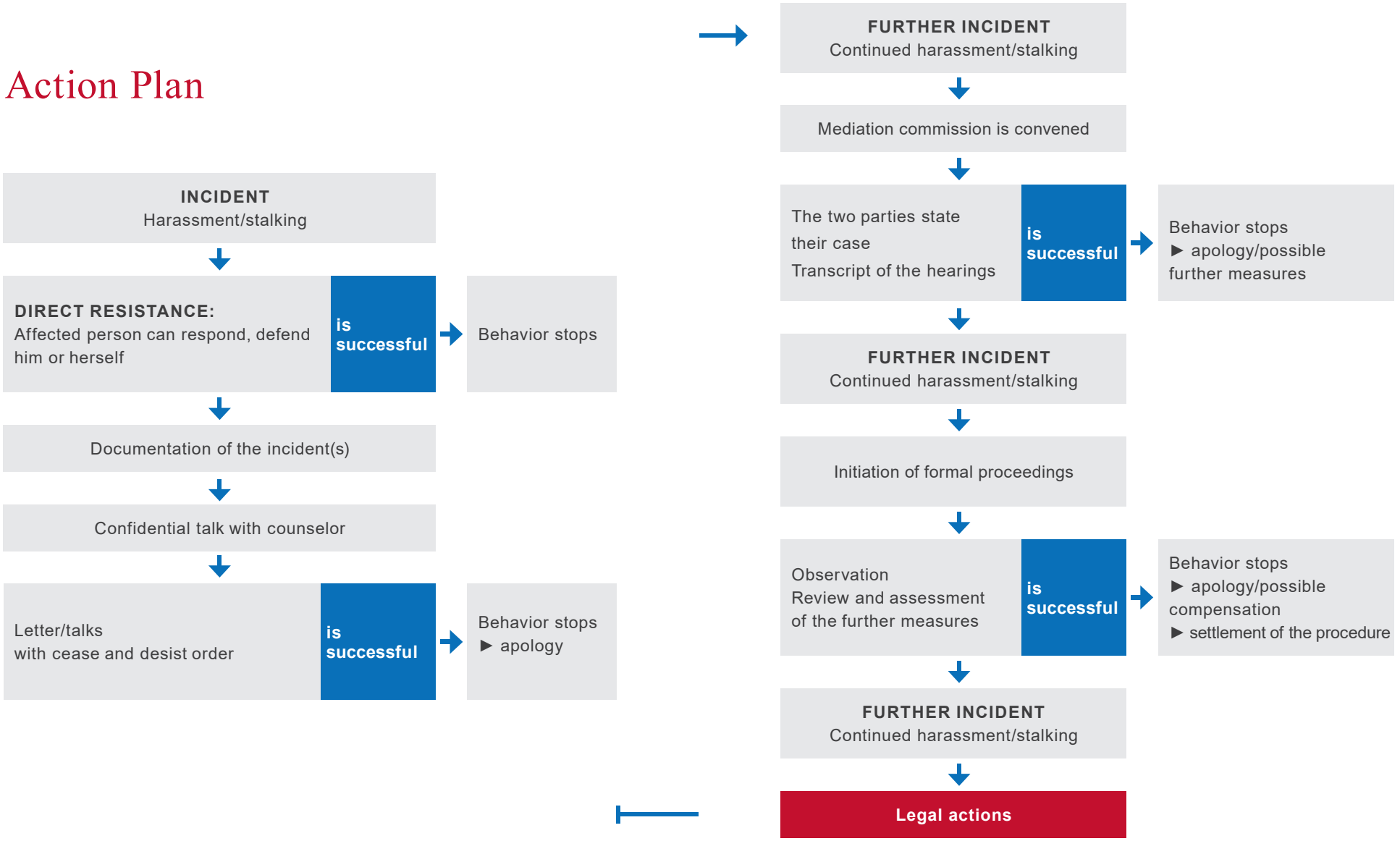
The commission begins its work immediately upon receiving notification of the incident:

The two parties are called in separately to state their case. Both the affected person and the accused are entitled to seek out a trusted individual to accompany them throughout the procedure and at the hearing. Afterwards, the commission determines what further steps should be taken and fixes a timetable for their completion. If the behavior stops as a result of the talks with the mediation commission and the accused apologizes to the affected person, no further action is necessary.

If the behavior does not stop, however, the commission notifies the rector of the incidents. The rector then initiates formal proceedings (for example, disciplinary proceedings), in which the mediation commission participates in an advisory capacity. If this measure leads to an end of the behavior, the procedings are settled. If the behavior does not stop, legal action is taken against the harasser or the stalker. Regardless of the outcome of the proceedings, the accused person should be made to apologize to the affected person for his or her behavior and the incidents.

On the following pages, the different stages and associated paths of action and complaint in cases of sexual harassment, stalking, and digital violence are summarized in a flow chart.

Action Plan


INCIDENT
Harassment/stalking
DIRECT RESISTANCE:
Affected person can respond, defend him or herself
is successful
Behavior stops
Documentation of the incident(s)
Confidential talk with counselor
Letter/talks
with cease and desist order
is successful
Behavior stops
► apology
FURTHER INCIDENT
Continued harassment/stalking
Mediation commission is convened
The two parties state their case
Transcript of the hearings
is successful
Behavior stops
► apology/possible further measures
FURTHER INCIDENT
Continued harassment/stalking
Initiation of formal proceedings
Observation
Review and assessment of the further measures
is successful
Behavior stops
► apology/possible compensation
► settlement of the procedure
FURTHER INCIDENT
Continued harassment/stalking
Legal actions

Measures and Consequences

Supervisors are required by labor and civil service law to take appropriate measures to protect employees and students from sexual harassment, stalking, and digital violence. Besides conducting preventive measures, such as distributing informational material and holding training courses, the most important thing is to take immediate action.

- The perpetrator is a **civil servant**

Sexual harassment and stalking are considered disciplinary offenses. If the offense is deemed to be sufficiently severe, the civil servant will be subjected to a disciplinary procedure.

Examples of other measures provided by civil servant law:

- reprimand, fine, or pay cut
- internal transfer, secondment, or
- transfer to a position in the same career path with a lower basic salary (“lowering in rank”)
- removal from service, possibly combined with a pension cut or a complete loss of entitlement to pension

■ The perpetrator is a **salaried employee**

Examples of measures provided by labor law (Section 12[3] AGG):

- warning, cautioning
- relocation, transfer, or dismissal (possibly even without notice)

■ The perpetrator is a **student**
Students may be exmatriculated by administrative decree if they deliberately violate a person's dignity through sexual harassment on university premises or stalk a person as described in Section 238 of the German Criminal Code (Section 62a LHG).

Measures in individual cases (Section 62a[2] LHG):

- exclusion from individual courses for up to a semester
- exclusion from the use of university facilities
- banishment from university premises
- exmatriculation or a threat thereof
  A student exmatriculated in this manner is not allowed to matriculate at another higher education institution for a period of two years (Section 62a[3] LHG).

Other university members

The categories listed above are the largest groups of university members in numerical terms. However, there are many other groups of persons who belong to a university and are included in Section 9 of the LHG.
This guide for practice and the measures and consequences described in it are equally valid for these persons.

■ **Exercising property rights**

According to the house rules of the University of Freiburg, while on university premises every person is required to behave in a manner so as not to threaten security and order. The rector is responsible for maintaining order at the university and for exercising property rights. She is entitled to ban disruptive persons from university premises to eliminate breaches of peace.
A ban on entering university premises of more than one day can only be pronounced by the rector.

Filing criminal charges

In serious cases, the university will file criminal charges against the accused person.

■ **Extreme cases**

An extreme case arises when a **supervisor fails to take action** despite having been notified of an incident of sexual harassment, stalking, or digital violence.

Persons affected by sexual harassment or stalking have the right to **stop going to work or attending classes** until further notice without consequences if this is necessary for their protection (Section 14 AGG).
The preconditions for this are, however, that the harassment has without a doubt taken place, that the supervisors have been notified of the matter and have taken no or only insufficient measures to protect the person concerned, and/or that the person may not be expected to continue working or studying at the same location due to the severity of the offense or the danger of its happening again.

Legal Foundations and Legal Provisions

■ **Basic Law for the Federal Republic of Germany (GG)**
- Article 1: Human dignity
- Article 2: Human rights, physical integrity
- Article 3: Equality before the law

■ **General Act on Equal Treatment (AGG)**
- Section 3(4): Definition of sexual harassment
- Section 12: Measures and obligations of employers
- Section 13: Right of appeal
- Section 14: Right to refuse performance
- Section 15: Compensation and damages

■ **German Criminal Code (StGB)**
- Section 177: Sexual assault; sexual coercion; rape
- Section 184: Dissemination of pornography
- Section 184i: Sexual harassment
- Section 185: Insult (in this case, sexual insults)
- Section 238: Stalking

■ **Protection from Violence Act (GewSchG)**
- Section 1: Judicial measures for protection from violence and stalking

■ **German Civil Code (BGB)**
- Section 823: Liability in damages

■ **Vocational Training Act (BBiG)**
- Section 14(5): Trainees should not be morally and physically threatened

■ **Baden-Württemberg State Higher Education Act (LHG)**
- Section 4a(1): Contact persons for questions regarding sexual harassment
- Section 12(4): Data privacy: maintaining silence about personal data
- Section 62a: Breaches of regulations, administrative proceedings

■ **State Employee Representation Act (LPVG)**
- Section 69(1): General principles for the treatment of employees: ban on discrimination

■ **State Civil Service Act (LBG)**

■ **State Disciplinary Code (LDO)**

■ **House Rules of the University of Freiburg (HO)**
- Section 2: Visits: Conduct on university premises
- Section 3: Property rights: banishment from premises, institution of legal proceedings; filing of charges for trespassing

§

More Information

Federal Anti-Discrimination Agency: *www.antidiskriminierungsstelle.de*

- **"What to do about sexual harassment at the workplace"**
  A guide for employees, employers, and employee representatives (April 2025) (in German)

- Study: **"Dealing with sexual harassment at the workplace – solution strategies and intervention measures"** (May 2020) (in German)

- **"Sexual harassment in the university context: Protection gaps and recommendations – an expert's report"** (August 2015) (in German)

- **"Equal rights – against discrimination on the basis of gender"** (2015) (in German)

Center of Excellence Women and Science (CEWS):
Gender-based and sexualized violence in higher education
https://www.gesis.org/cews/themen/geschlechtsbezogene-und-sexualisierte-gewalt

bukof Federal Conference of Women's and Equal Opportunity Representatives at Universities: Online paper **"Sexual discrimination and violence at universities"** (in German)
https://bukof.de/online-handreichung-sdg/

bff: Standing up for women and against violence
https://www.frauen-gegen-gewalt.de/de/aktuelles.html

The Empowering Internet Safety Guide for Women
https://de.vpnmentor.com/blog/der-umfassende-internet-sicherheitsleitfaden-fuer-frauen/

Website: Police crime prevention program of the German state and federal governments (in German)
www.polizei-beratung.deopferinformationen/sexualstraftaten/

Contacts at the University

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gleichstellungsbuero@uni-freiburg.de
https://uni-freiburg.de/gdape/protect/

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E-Mail: Verena.kremling@zv.uni-freiburg.de
https://uni-freiburg.de/chancengleichheit/

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https://uni-freiburg.de/ucf/college/ets/frieder-vogelmann/

Harald Wohlfeil
Tel. +49761 203-95771
harald.wohlfeil@zv.uni-freiburg.de

The Staff Council
Tel.: 0761/203-6900
Email: info@personalrat.uni-freiburg.de
www.personalrat.uni-freiburg.de

Student Government of the University of Freiburg
Student House, Belfortstraße 24, 79098 Freiburg Tel.: 0761/203-2032
Email: info@stura.de
www.stura.uni-freiburg.de/service/beratungen

List of the Student Government departmental committees:
www.stura.uni-freiburg.de/gremien/fachbereiche

Studierendenwerk Freiburg
Psychotherapeutic Counseling Service
Baslerstr. 2, 79100 Freiburg
Tel.: 0761/2101-269
Email: r.meyer@swfr.de
www.swfr.de/beratung-soziales/psychotherapeutische-beratung/psychotherapeutische-beratung

Examination Center for Victims of Violence (USG)
Institute of Forensic Medicine
Albertstraße 9, 79104 Freiburg
Tel.: 0761/203-6850
Email: rechtsmedizin@uniklinik-freiburg.de
Court-ready documentation of injuries from physical violence can be performed here – without prior reporting of the offense.

Contacts and Counseling Services Outside the University

Frauenhorizonte – Association against Sexual Violence
Basler Str. 8, 79100 Freiburg
24-hour hotline: 0761/285 85 85
Email: info@frauenhorizonte.de
www.frauenhorizonte.de

Freiburg Men's Office
Talstr. 29, 79102 Freiburg
Tel.: 0761/ 600 66 577
Email: info@maennerbuero-freiburg.de
https://männerbüro-freiburg.de/

Freiburg-North Police Station
Bertoldstr. 43a, 79098 Freiburg
Tel.: 0761/882 4221
Email: FREIBURG-NORD.PREV@polizei.bwl.de
https://ppfreiburg.polizei-bw.de/

For stalking: Freiburg Fachstelle Intervention gegen Häusliche Gewalt (FRIG)
Rimsinger Weg 15a, 79111 Freiburg
Tel: 0761/8973520
Email: info@frig-freiburg.de www.frig-freiburg.de

Legal Counsel of the Ministry of Science, Research, and the Arts in Baden-Württemberg (MWK):

Independent confidante and advisor for all contacts at universities as well as for all affected persons; available for free initial advising, including anonymous advice

Michaela Spandau (lawyer for criminal law)
Immenhofer Straße 5, 70180 Stuttgart
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www.rechtsanwaelte-js.de

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Masthead

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