



**Revised version of the Guideline  
Against Sexual Discrimination and Violence  
at the Academy of Fine Arts Munich**

issued on July 29, 2021

Based on Art. 13 para. 1 p. 2 in conjunction with Art. 25 para. 3 No. 1 of the Bavarian Higher Education Act (BayHSchG) of May 23, 2006 (GVBl. p. 245), last amended by Article 1 of the Act of April 9, 2021 (GVBl. p. 182), the Senate of the Academy of Fine Arts, by resolution of July 28, 2021, issues the following revised version of the Guideline Against Sexual Discrimination and Violence at the Academy of Fine Arts Munich of May 29, 2012:

**Preamble**

In the performance of its duties, the Academy of Fine Arts Munich promotes the factual implementation of equal opportunities for women, men and persons who identify themselves as diverse, and works towards the elimination of existing disadvantages. The Academy is thus committed to the equality mandate of the Bavarian Higher Education Act and the value decisions of the Bavarian Equality Act (BayGIG).

The Academy is committed to effective protection against sexual discrimination and violence and maintains an active implementation of the requirements of the General Equal Treatment Act (AGG).

It works towards equal and trusting cooperation between all employees and other members of the Academy and towards a good working atmosphere.

**1. Principles**

1.1 This guideline is intended to help protect employees and students from sexual harassment at the Academy of Fine Arts Munich. It also aims to prevent and stop sexual harassment through the measures provided.

1.2 The Academy of Fine Arts Munich assumes responsibility for ensuring that people's personal rights to sexual self-determination are respected and safeguarded and that individual boundaries are recognized. Sexualized discrimination and violence are a massive impairment of such personal rights. Sexual harassment creates a stressful, degrading, intimidating working and learning environment. It significantly disrupts interpersonal relationships in the workplace and during studies.



Sexualized discrimination and violence constitute a violation of employment contracts, official duties, and a significant disruption of academy operations and will be prosecuted as such. The principles, measures and sanctions set forth herein are intended to prevent sexualized discrimination and violence.

1.3 The Academy shall raise the awareness of its members and affiliates for the problems of sexualized discrimination, harassment, and violence. Affected persons are encouraged and called upon not to accept sexualized discrimination, harassment, and violence, but to make their rejection unmistakably clear and to actively defend themselves against it.

1.4 Studies at the Academy are characterized by work in classes as well as individual lessons and direct personal contact during meetings; artistic teaching takes place to a very large extent in a class structure, which can result in pronounced dependencies. In this kind of teaching, trust and the adequate handling of closeness and distance play a very important role. The often personal contact requires teachers to be particularly aware of their considerable responsibility towards the students. In view of the often subtle interpersonal communications, such responsibility requires professionalism and a clear distinction between the respective roles and functions.

## **2. Scope of Application**

2.1 Sexual harassment and sexualized violence are prohibited within the Academy and in official dealings outside the Academy. On the basis of their duty of care, all members of the Academy pursuant to Article 17 of the Bavarian Higher Education Act, in particular those with educational, qualification and management responsibilities in teaching, research, training, administration and self-administration, are responsible in their area of work for ensuring that sexually discriminatory behavior and the use of violence do not occur or are stopped.

2.2 Sexualized discrimination and violence are more often directed against women and people who identify themselves as diverse. Should men be affected, they shall be afforded equal protection in accordance with this guideline.

## **3. Definition and Forms**

3.1 Sexualized discrimination and violence are perpetrated in a variety of ways. They take place verbally, non-verbally and through physical assaults. Under this guideline, behaviors and actions that are generally perceived as sexually degrading, offensive or coercive are considered sexualized discrimination and violence. The overall scope of sexualized discrimination and violence is characterized by, but not limited to, gender-





based and gender-hierarchical communication differences to the disadvantage of individuals. Examples can be:

- sexually derogatory language and gestures
- remarks related to individuals about sexual activities and intimate life, or physical assets and weaknesses
- the verbal and visual presentation of sexually derogatory statements. The freedom of research and teaching as well as of study remain unaffected.
- invitation and solicitation to engage in sexual conduct
- persecution and coercion with sexual intent
- unwanted sexual advances and physical contact
- physical assault and rape

3.2 Sexualized discrimination and violence under the exploitation of relationships of subordination at the place of work or training and during studies, under the threat of personal or professional detriment or the promise of benefits, are considered particularly serious.

#### **4. Counseling and Grievance Channels**

4.1 All members and affiliates of the Academy of Fine Arts have the right to report and complain about sexualized harassment. Affected individuals may also complain to a third person they trust to preserve their anonymity. Those affected who contact the women's representative, the equal opportunities representative, the deans of studies or the academy management are guaranteed absolute confidentiality. All measures to be initiated must therefore take place in agreement with the person concerned or their confidant unless the seriousness of an allegation raised requires the academy management to act beyond these limits.

Complaints about sexualized harassment must not lead to discrimination against the person harassed. Likewise, it must be ensured that other reporting or complaining persons do not suffer any personal or professional disadvantages.

The presumption of innocence in favor of accused persons must be observed.

4.2 All members of the Academy of Fine Arts, in particular those with training, teaching and management responsibilities, should work within their area of work to ensure that sexually harassing behavior does not occur or is stopped. They are obligated to follow up on every lead within the scope of their responsibilities.



## **5. Measures**

5.1 In the event of incidents of sexualized discrimination or the use of violence, the following steps should be considered, depending on the individual case:

- personal talks between the affected persons and/or persons of trust and the accused persons
- personal talks between superiors, if necessary with the involvement of the women's representative and/or the equal opportunities representative, and the accused, with reference to the prohibition of sexual harassment and violence at the Academy.

5.2 If the procedures outlined in 5.1 above prove unsuccessful or are deemed insufficient due to the seriousness of the incident, then the following measures are warranted with the involvement of the President:

- formal official calls
- oral or written admonition
- written warning
- exclusion from a course/from the use of the facilities of the Academy
- de-registration
- dismissal with or without notice or initiation of disciplinary proceedings
- ban from the premises
- criminal complaint by the President of the Academy

## **6. General Measures**

6.1 Spatial and other environmental conditions that facilitate sexualized discrimination and violence against women and men as well as persons who identify as diverse will be removed immediately.

6.2 The Academy will exhaust its factual and legal options to prevent sexualized harassment and violence by third parties who are not members of the Academy.

## **7 Announcement/Effectivity**

7.1 Members of the Academy of Fine Arts will be informed of this guideline through in-house mail and notices. Newly hired academic and nonacademic personnel will be handed the guideline.



7.2 The guideline will be published on the Academy's website.

7.3 The revised version of the guideline enters into force from the day after its announcement. Concurrently, the Guideline against Sexual Discrimination and Violence at the Academy of Fine Arts Munich of May 29, 2012, shall expire.

Issued pursuant to the resolution of the Senate of the Academy of Fine Arts Munich of July 28, 2021, and the approval by the President of the Academy of Fine Arts Munich of July 29, 2021.

Munich, July 29, 2021

Prof. Dieter Rehm  
President

This statute was laid down at the university on July 30, 2021. The laying down was announced on July 30, 2021, by notice in the Academy. The date of the announcement is therefore July 30, 2021.