Hochschule für Technik und Wirtschaft Berlin
University of Applied Sciences

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HOCHSCHULE FÜR TECHNIK UND WIRTSCHAFT BERLIN
UNIVERSITY OF APPLIED SCIENCES

Statutes on the Promotion of Gender Equality

of 28 May 2018

On the basis of § 12, para. 1, sentence 1, no. 2 of the revised version of the Statutes of the Hochschule für Technik und Wirtschaft Berlin (HTW Berlin) regarding deviations from the regulations set out in the Berlin Higher Education Act (Berliner Hochschulgesetz, henceforth abbreviated to 'BerlHG') (HTW Berlin Official Information Circular no. 29/09) in connection with § 5a of the BerlHG in the version of 26 July 2011 (Law and Ordinance Gazette p. 378)), last amended by the Act of 2 February 2018 (Law and Ordinance Gazette p. 160), the Academic Senate of HTW Berlin adopted the following Statutes for the Promotion of Gender Equality on 28 May 2018[1]:

Contents

Preamble 4
Section 1: Fundamental Principles 5
§ 1 Scope of Application 5
§ 2 Commitment to Gender Equality 5
Section 2: Prevention of Structural Discrimination in Personnel Decisions 5
§ 3 Job Advertisements 5
§ 4 Personnel Selection 6
§ 5 Appointments and Promotions, Appointments Procedure 6
§ 6 Appointment to Committees 7
Section 3: Promotion of Gender Equality in Studies, Teaching, Research and Gender Research 8
§ 7 Studies and Teaching 8
§ 8 Research 8
§ 9 Further Training of Academic and Non-Academic Personnel 9

[1] Confirmed by the University Board of the Hochschule für Technik und Wirtschaft Berlin on 6 June 2018.

Section 4: Non-Discriminatory (Visual) Language 9
§ 10 Gender-Sensitive Communication (Internal and External) 9
§ 11 Freedom of Gender Preference in Statistical Surveys 10
§ 12 Freedom of Preferred Form of Address for Trans* and Inter* Persons 10
Section 5: Compatibility of Work or Studies and Family 10
§ 13 Family Support Centre 10
§ 14 Individual Measures 11
Section 6: Protection of University Members against Sexualised Discrimination and Violence 11
§ 15 Responsibilities 11
§ 16 Definition 11
§ 17 Dealing with Complaints 12
Section 7: Equal Opportunities Officer for Women 12
§ 18 Election 12
§ 19 Tasks 12
§ 20 Participation Rights and Complaints 13
§ 21 Structural Safeguarding of the Work of the Equal Opportunities Officer for Women 14
Section 8: Equality Controlling 14
§ 22 Qualitative Equality Concept and Equal Opportunities Fund 14
§ 23 Reporting Obligations 15
Section 9: Final Provision 16
§ 24 Entry into Force/Publication 16

Preamble

HTW Berlin promotes gender equality in the context of studies, teaching, research, administration and self-administration conducted at and engaged in at the university. To this end, it counteracts structural obstacles in a preventive manner, ensures equal opportunities for development and promotes a reflective approach to gender issues in studies, teaching and research. HTW Berlin deems decisive intervention against any form of misogyny, (sexualised) discrimination, sexual harassment and violence, the promotion of the compatibility of work or studies and family, non-discriminatory (visual) language, the structural safeguarding of the work of the Equal Opportunities Officer for Women as well as effective equality controlling to be fundamental prerequisites for the creation and promotion of equality at the university.

The present Statutes, adopted by HTW Berlin on the basis of § 5a, BerlHG, serve to realise these goals. They are supplemented by the "Guidelines for the Promotion of Women in Research, Teaching and Studies and for the Promotion of Non-Academic Female Personnel at HTW Berlin (Promotion Policies)".

Section 1: Fundamental Principles

§ 1 Scope of Application

These Statutes shall apply to all member groups of the university.

§ 2 Commitment to Gender Equality

(1) HTW Berlin promotes gender equality and equal opportunities in all areas of the university. It identifies instances of discrimination and works to dismantle these. All members of the university are obliged to act in a similar manner and speak out in the event of possible discrimination.

(2) Gender equality is consistently and visibly pursued at all levels of the university and enshrined as a strategic management task. All structural and controlling measures within the organisation are systematically designed with gender equality in mind. The goal of gender equality must be considered explicitly in all decisions of the university regarding people and resources and must be integrated within its quality assurance procedures.

Section 2: Prevention of Structural Discrimination in Personnel Decisions

§ 3 Job Advertisements

Job advertisements must be written in gender-sensitive language. They must contain a passage on gender equality, non-discrimination and the compatibility of work and family life. Such advertisements must also refer to HTW Berlin's efforts to increase the proportion of women in areas in which they are under-represented and must indicate that candidates with severe disabilities will be given preference in the event of equal suitability. Women are explicitly encouraged to apply.

§ 4 Personnel Selection

(1) In order to ensure the best selection of candidates as required by law, procedures must be implemented in such a way that they sensitise others to distorting effects, detecting and correcting these.

(2) According to § 6, para. 1 of the State Equality Act of Berlin (henceforth abbreviated to *LGG*),## in areas where women are under-represented, either all female applicants or at least as many female as male candidates must be invited for interview, provided they have the qualifications for the post or function required in the advertisement and applications from women are received in sufficient numbers. Areas within the meaning of this provision are as follows:

a) for professors: the faculty,
b) for academic staff: the faculty
c) for administrative positions of responsibility: the proportion of women in management positions across all administrative areas,
d) for personnel without management responsibility: the salary group.

(3) When selecting student employees, women should also be considered proportionate to the total number of such individuals among the students in the respective organisational units[2].

(4) If no women have applied in response to a call for applications in areas in which they are under-represented, the possibility of a repeat advertisement shall be discussed at the beginning of the selection procedure.

§ 5 Appointments and Promotions, Appointments Procedure

(1) Pursuant to § 8, para. 1 LGG, female applicants with qualifications (aptitude, ability and professional performance) equivalent to those of male applicants to fill the position or function shall be given preference over said male applicants, with due regard to the requirement to decide each case on its individual merits, until the proportion of women in the relevant career path, professional field, supervisory or managerial level and functional position at HTW Berlin reaches 50 per cent. When appointing professorships, deputy professorships, visiting professorships and guest lectureships, the proportion of women in the respective faculties shall prove authoritative. This rule must also be applied when awarding teaching assignments, honorary professorships and when hiring student assistants, doctoral candidates and academic personnel.

[2] The sub-bodies of the University Administration and Board are merged into a single organisational unit.

(2) When determining whether professional experience prescribed as a prerequisite for employment has been attained and when previous professional activity or experience is taken into account, part-time employment amounting to at least half of the regular working hours shall be treated as equivalent to full-time employment for both women and men.

(3) Further regulations on the consideration of equality in appointments procedures are laid down in the Appointments Statutes of HTW Berlin.

(4) Pursuant to § 8, para. 2 LGG, women whose qualifications are equivalent to those of male applicants shall be given preferential treatment over the aforementioned applicants, with due regard to the requirement to decide each case on its individual merits, until the proportion of women in the higher salary, remuneration or pay group of the relevant occupational group, occupational specialisation, supervisory or managerial level and functional position of the institution reaches 50 per cent.

(5) The personnel development concept of HTW Berlin contains the provision that female employees who have successfully completed official further training measures must be given special consideration when filling a correspondingly designated position within the framework of the legal and actual possibilities.

§ 6 Appointment to Committees

(1) Committees that are not formed through elections, e.g. staffing and appointments committees, must have gender parity. At least two women should have voting rights
on appointments committees. These may also be university lecturers or academic staff who are not members of HTW Berlin.

(2) In committee elections, awareness must be raised to ensure that as many women as men are included on the lists of candidates proportionate to their overall number within the membership group.

Section 3: Promotion of Gender Equality in Studies, Teaching, Research and Gender Research

§ 7 Studies and Teaching

(1) HTW Berlin views itself as an “open university”. This means that the creation of equal opportunities applies to access to higher education, to the implementation of studies and teaching, to the transition to working life as well as to subsequent (further) education and qualification levels. In this context, special attention is paid to gender equality. The services offered by HTW Berlin’s various institutions are also aligned with this principle.

(2) Lecturers at the university must consider gender aspects within the framework of their respective academic specialisms, addressing findings from gender research and incorporating these into teaching and research. The faculties must examine the inclusion of appropriate content in the curricula of the degree programmes – including supplementary modules – and implement gender-sensitive teaching methods.

(3) Further training on gender-sensitive teaching methods and the integration of gender aspects within research projects as well as other measures to strengthen gender and diversity competence for both teachers and students are offered on a regular basis.

(4) The University Library shall provide literature relevant to gender studies as the budgetary resources available permit.

§ 8 Research

(1) HTW Berlin promotes gender research within the framework of the academic disciplines represented at the university. It deploys the resources of its internal research funding for this purpose and supports academic exchange in this area, e.g. through publications of research results and via events.

(2) The establishment of professorships for gender research and their application-related mediation must be examined in the context of the structural planning and defining of the purpose of positions in the academic field. When defining the purpose of professorships, the definition of a partial purpose may be appropriate, with the addition of a reference to the topics of ‘gender’ and ‘diversity’.

(3) Third-party funding programmes to increase equal opportunities must be checked for their suitability for use at HTW Berlin on a regular basis and used as appropriate.

(4) HTW Berlin supports networking activities in the field of gender research in the subjects it represents by providing personnel and financial resources according to the means at its disposal.

§ 9 Further Training of Academic and Non-Academic Personnel

(1) Gender perspectives are taken into account in the context of internal training courses, including the "new appointments programme", this depending on the topics and objectives. Further training courses exclusively for women can be carried out, including those relating to the personnel development concept for academic staff in qualification positions. When selecting external services, it is important to check whether the speakers, trainers or coaches have gender expertise. Where objectively required, gender expertise is considered a performance criterion in the selection process.

(2) Pursuant to § 9, para. 4 LGG, the topics 'Gender-typical stereotyping and discrimination in work and society' and 'Potential solutions and strategies for action' constitute an integral part of further training measures, particularly for personnel with supervisory and managerial functions. The same applies to those involved in personnel selection and appointments procedures, in order to ensure the unprejudiced assessment of persons or services.

(3) Further training measures leading to professional qualifications must be facilitated on a regular basis, particularly for employees in fields of activity where few opportunities for career advancement exist.

(4) Participation in further education and qualification measures shall be facilitated in accordance with the regulations in force at HTW Berlin. Participation in measures that are predominantly in the interest of the university shall be credited to working hours. Further training should be offered in such a way that part-time employees and those with family responsibilities can also take part.

(5) Part-time and fixed-term employees shall receive the same training opportunities as permanent full-time employees. Part-time employees and those with family responsibilities shall receive the same career advancement opportunities as full-time employees without family responsibilities.

Section 4: Non-Discriminatory (Visual) Language

§ 10 Gender-Sensitive Communication (Internal and External)

Gender-sensitive language must be used in internal communication (general correspondence, legal and administrative documents including study and examination regulations, evaluations, etc.) as well as in external communication (promotional materials, reports on the university's website and in social media, press releases, etc.). This may be implemented in different ways. As a general rule, texts must

be formulated and images (photos, pictograms, etc.) selected in such a way that all genders are addressed equally and mentioned or depicted equally.

§ 11 Freedom of Gender Preference in Statistical Surveys

In evaluations, data collections and other statistical surveys, it is necessary to do justice both to the right to sexual self-determination enshrined in the Basic Law for the Federal Republic of Germany, and to information requirements or epistemological interest with regard to the advancement of women and gender equality. When asking for gender affiliation, simply offering the binary categories 'female' and 'male' is insufficient. The freedom of research remains unaffected.

§ 12 Freedom of Preferred Form of Address for Trans* and Inter* Persons

The specific needs and preferences of the individuals concerned must be considered when addressing members of the university who identify as trans* or inter* persons. As long as the legal situation regarding changes in personal status fails to fulfil this principle, HTW Berlin shall adopt the following internal regulation: in matters lacking any external or legal effect, such as forms of address in emails or other internal university registers or when keeping lists and records, trans* persons must be addressed with their preferred form of address verbally as well as in writing, this at their own request – irrespective of an official change of first name established by a court of law.

Section 5: Compatibility of Work or Studies and Family

§ 13 Family Support Centre

(1) HTW Berlin pursues the goal of achieving the optimum compatibility of work or studies and family. The university is oriented in line with a modern concept of family, which does not link the assumption of responsibility for children and those in need of care solely to biological parenthood or kinship. The university continues to make every effort to ensure that its organisational culture is and remains family-friendly.

(2) HTW Berlin is in the process of establishing a Family Support Centre. This supports the university in its quest to make both study and examination conditions and working conditions family-friendly.

(3) The Family Support Centre is particularly committed to giving studying parents priority in the choice of registration dates.

(4) The Family Support Centre also endeavours to make it easier for members of the university with obligations to care for dependent relatives to reconcile work and study. It develops and implements appropriate support measures.

(5) Under the direction of the Family Support Centre, HTW Berlin offers flexible childcare during the semester as well as emergency childcare at both university locations.

§ 14 Individual Measures

(1) Among other things, HTW Berlin is committed to providing sufficient childcare places and is setting up breastfeeding, baby-care and rest rooms on both its campuses.

(2) Meetings are scheduled to facilitate the participation of university members with family responsibilities, starting no earlier than 9 a.m. and ending no later than 4 p.m., if possible.

(3) HTW Berlin cooperates with the Dual Career Network Berlin.

(4) HTW Berlin promotes contact with the university during parental leave and facilitates a gradual re-entry into professional life. Employees on leave shall be provided with information and notified of calls for proposals in their previous organisational units upon request. They may attend further training and education events during their leave of absence.

Section 6: Protection of University Members against Sexualised Discrimination and Violence

§ 15 Responsibilities

The University Board, the management of the central institutions and faculties, the staff with managerial duties and the Equal Opportunities Officers for Women shall do everything within their power to discourage misogyny, sexualised discrimination, harassment and violence in the strongest possible terms. Corresponding incidents must be followed up with the consent of the individuals concerned.

§ 16 Definition

Sexualised discrimination, violence and sexual harassment refer to behaviour that seeks to undermine the physical and mental integrity of another individual, and bears a connection to the gender of both the perpetrator and the victim.

Sexualised discrimination and violence may manifest themselves in different ways. In particular, steps are taken to protect individuals from:

- degrading and sexualised remarks about individuals or their bodies
- sexually degrading gestures and behaviour,
- exhibitionism,

- verbal and visual presentation of pornographic or sexist images,
- inappropriate and unwanted physical contact,
- physical assaults,
- stalking and
- an environment characterised by intimidation, hostility, humiliation, degradation or insults, this on the basis of § 3, para. 4 of the General Equal Treatment Act (*AGG*).

§ 17 Dealing with Complaints

(1) A complaint related to sexualised discrimination and violence must not result in disadvantages for the complainant.

(2) The procedure for dealing with complaints regarding sexualised discrimination and violence as well as sexual harassment is regulated in a separate directive published by HTW Berlin. This directive also specifies preventive measures and regulates the ways in which functionaries who pursue incidents of sexualised discrimination and violence on the part of the university are guaranteed legal assistance.

Section 7: Equal Opportunities Officer for Women

§ 18 Election

(1) A full-time Equal Opportunities Officer for Women and up to two deputies are elected by the appropriate electoral committee of HTW Berlin, responsible according to §§ 25 f of the University Statutes, subsequently submitting their names to the President of the university for appointment.

(2) A part-time Equal Opportunities Officer for Women and a deputy shall be elected by the committee pursuant to paragraph 1 in each of the electoral divisions in accordance with § 26, para. 3 of the Statutes of HTW Berlin.

(3) In the event that a new organisational unit corresponding in size to the previous electoral divisions is established, the University Board shall ensure that a part-time Equal Opportunities Officer for Women and its deputy are elected within one year.

§ 19 Tasks

The tasks of the Equal Opportunities Officers for Women are as follows, without prejudice to the regulations pursuant to § 59 BerlHG:

(1) Within their respective remits, the full-time and part-time Equal Opportunities Officers for Women strive to ensure and create equality for women of all member groups at HTW Berlin, and work to prevent female university members and applicants from experiencing discrimination.

(2) The full-time Equal Opportunities Officer for Women advises and supports the University Board in all matters concerning women. This individual receives suggestions and complaints.

(3) The full-time and part-time Equal Opportunities Officers for Women work together. The Equal Opportunities Officers for Women may call upon their respective electoral committee to support them in the function of an advisory board.

(4) The Equal Opportunities Officers for Women are tasked with reviewing the implementation of the Guidelines for the Promotion of Women in Research, Teaching and Studies and for the Promotion of Non-Academic Female Personnel at HTW Berlin and the Qualitative Equality Concepts.

(5) Meetings of the female members of the university shall take place annually after being convened by the full-time Equal Opportunities Officer for Women, as well as annually in the organisational units after being convened by the respective part-time Equal Opportunities Officer for Women. In addition, the Equal Opportunities Officers for Women may, if there is a justified need for or on the basis of a request by at least one fifth of those at the university identifying as female, organise further meetings after consultation with the University Board. Attendance at meetings is deemed to be working time. Participation must not lead to disadvantages for female students.

(6) Similarly, the elective office must not lead to disadvantages for the incumbents. Part-time Equal Opportunities Officers for Women from the female student body must be treated as mandate holders on student committees with regard to the standard study period.

§ 20 Participation Rights and Complaints

(1) Pursuant to § 17, para. 1 LGG, the Equal Opportunities Officer for Women must be involved in all social, organisational and personnel measures as well as in all submissions, reports and statements on issues relating to the advancement of women. The procedure for participation in individual staff-related matters, including the deadlines to be observed, shall be regulated in agreement between the human resources department, the Staff Council and the full-time Equal Opportunities Officer for Women. The Equal Opportunities Officers for Women must be informed of matters relating to their duties in accordance with § 59, para. 7 BerlHG, this comprehensively and in a timely manner.

(2) § 59, paras. 7 to 9 BerlHG shall apply to objections by the Equal Opportunities Officer for Women against a decision by a committee affiliated to the academic self-administration. § 18, paras. 1 to 3 LGG apply to complaints regarding personnel or other measures.

§ 21 Structural Safeguarding of the Work of the Equal Opportunities Officer for Women

(3) In the event that she has an employment relationship with the university, the full-time Equal Opportunities Officer for Women shall be released from the duties of this employment relationship in accordance with § 59, para. 1, sentence 9 BerlHG.

(4) The effective fulfilment of her tasks shall be ensured by the provision of personnel and material resources in the budget of the university to the required extent.

The human resources available for this position currently amount to a 50% (part-time) administrative position and a 50% assistant's position, with the material resources amounting to an annual budget of at least 10,000 EUR.

(3) The following provisions shall apply to the leaves of absence or expense allowances of the deputies of the full-time Equal Opportunities Officer for Women and the part-time Equal Opportunities Officers for Women and their deputies:

the deputies of the full-time and part-time Equal Opportunities Officers for Women shall, upon application, receive a reduction of 4 Weekly Study Hours (SWS) for female professors or remuneration of 40 hrs/month for female students in the context of the budget of the respective department or central institution; their deputies shall each receive half of this amount. Other employees shall be released from their official duties by up to 50% upon request.

(4) In the case of deputy and part-time Equal Opportunities Officers for Women who are employed by the university for a limited period, the time they spend in office as an Equal Opportunities Officer for Woman must not be counted towards their length of service with a factor of 1/2 in accordance with § 44, para. 5 BerlHG, this upon request.

(5) Elections for the office of the full-time Equal Opportunities Officer for Women shall be held at least five months before the incumbent's term of office expires.

(6) After a single successful re-election as full-time Equal Opportunities Officer for Women, HTW Berlin offers the incumbent, who did not hold a permanent position at the university prior to their office, a professionally adequate position (permanent) or a transitional solution (three years) at the university in the event that they stand for election and are not re-elected.

Section 8: Equality Controlling

§ 22 Qualitative Equality Concept and Equal Opportunities Fund

(1) In its Qualitative Equality Concept, HTW Berlin commits itself to future-oriented qualitative and quantitative gender equality goals, distinguished according to fields of action. In order to be able to

take account of the specific circumstances and requirements in the faculties and in the central units, each individual organisational unit[3] shall create its own set of Qualitative Equality Concepts. The part-time Equal Opportunities Officers for Women shall be involved in the drafting process. All Qualitative Equality Concepts shall run synchronously for a period of five years.

(2) The full-time Equal Opportunities Officers for Women shall submit an annual report to the University Board detailing the implementation status of the goals formulated in the central Qualitative Equality Concept. Pursuant to § 21, para. 2, she has an annual funding amount (equal opportunities fund) at her disposal for this purpose.

(3) The organisational units with Qualitative Equality Concepts shall report annually to the university management on the implementation status of their gender equality policy goals. They have an annual funding amount (equal opportunities fund) at their disposal for this purpose. These funds are calculated in such a way that they have an incentive effect and facilitate the implementation of effective measures. They are dedicated specifically to the implementation of gender equality-related measures. Their use is also applied for or reported on as part of the planning for said measures.

(4) The planning for these measures should also take account of gender equality objectives, this in accordance with the principle of gender mainstreaming. The part-time Equal Opportunities Officers for Women must be involved in the application process.

§ 23 Reporting Obligations

(1) The Chancellor of the HTW Berlin must provide the full-time Equal Opportunities Officer for Women with the following information by a date to be agreed, this separated according to faculties or organisational units and gender:

- enrolments,
- graduations,
- academic staff in qualification positions,
- successfully completed doctorates,
- academic staff in permanent positions,
- professorships,
- professorships singled out in terms of function and/or appointment,
- middle and top level managerial positions
- salaried employees according to pay groups
- temporary and permanent performance-related pay for special contributions by professors: eligible applicants, applications submitted, amount of performance bonuses awarded

[3] The footnote to § 4 para. 3 shall apply accordingly.

- temporary and permanent appointment allowance: amount of allowances for new appointments.

Data protection concerns must be taken into account and shall take priority if necessary.

(2) The data referred to in paragraph 1 shall form the basis for the Qualitative Equality Concept and reports, including the annual report submitted by the full-time Equal Opportunities Officer for Women.

(3) In the event that the ratio of men and women at one career level deviates significantly from the ratio prevailing at the level below, HTW Berlin shall determine and publish the percentage by which this gap is to be reduced within five years.

(4) As far as trainees and academic support staff are concerned, the number of employees is recorded by pay group, differentiated by gender, organisational unit, part-time/full-time and fixed-term/permanent contract. The same shall apply to new appointments, unlimited extensions of employment contracts, promotions and salary grade promotions.

Section 9: Final Provision

§ 24 Entry into Force/Publication

These Statutes come into force on the day after their publication in HTW Berlin's Official Information Circular.