BSBI
School of Business and Innovation

Anti-Harassment, Sexual Violence and Bullying Policy

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BSBI Policy

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1. About this Policy

1.1 This policy applies to all forms of harassment and misconduct, whether sexual or non-sexual in nature, and establishes clear and fair procedures for prevention, reporting, and response.

1.2 In conjunction with the Berlin State Anti- Discrimination (LADG), the BSBI School of Business and Innovation (BSBI) is committed to providing a learning environment free from harassment, sexual violence and bullying and ensuring all students are treated, and treat others, with dignity and respect.

1.3 This policy covers harassment, sexual violence or bullying which occurs in curricular and extra-curricular activities, such as on German classes, class trips, online and social events. It covers bullying and harassment by academic and non-academic staff and by students towards students.

1.4 This policy covers all students who are enrolled in BSBI.

2. Who is responsible for this Policy?

2.1 The Co-CEO (Operations) and HR have overall responsibility for the effective operation of this policy.

2.2 All the staff community in BSBI have a specific responsibility to operate within the boundaries of this policy, ensure that all students understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements. Awareness of this policy and expectations will be set by the HR team for all staff and the Student Welfare team for all students.

2.3 Questions about this policy and requests for training or information on dealing with bullying, sexual violence or harassment should be directed to the Student Welfare Manager endorsed by the Co-CEO (Operations) and HR.

2.4 This policy is reviewed annually. Recommendations for any amendments are reported to the Co-CEO (Operations) and HR.

3. Responsibility of BSBI Staff and Students

3.1 All BSBI staff and students of any ethnic origin and belief (Weltanschauung) have a responsibility to report immediately of hearing or witnessing any harassment, sexual violence or bullying against taking place and are supportive towards any individual who complains. Reports should be addressed to Student Welfare or Student Life team who will further raise it with the CoCEO (Operations) or HR if necessary.

3.2 Students have a responsibility to always understand and comply with this policy, and to report any harassment, sexual violence or bullying they are aware of within BSBI immediately to Student Welfare or Student Life team (see 6.5) who will further raise it with the Co-CEO (Operations) and/or HR (if there is an involvement of a staff member). Harassment and bullying might occur between students or staff and students outside working hours, for example at student-related social functions, and this should also be reported.

4. What is Harassment?

4.1 Harassment is any unwelcomed verbal, non-verbal, or physical conduct that occurs in public or semi-public spaces and has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment. A single incident can amount to harassment.

Harassment of a sexual or gender-based nature is further defined and addressed in **Section 4A** of this Policy.

4.2 It also includes treating someone less favorably because they have submitted or refused to submit to such behavior in the past.

4.3 Harassment can take many forms, occur on a variety of grounds and may be directed at an individual or a group of individuals. It is the act itself and the impact on the individual, not the intentions of the perpetrator, which determines what constitutes Harassment. Everyone reacts differently, and what may not be offensive to one person may be offensive to another. Harassment may be unintentional on the part of the perpetrator. For example, a person may be harassed by jokes about a religious group that they do not belong to, if these jokes create an offensive environment for them.

4.4 Unlawful harassment may involve conduct of a sexual nature (sexual harassment) or it may be related to race, nationality, ethnic origin, religion or belief, gender, marital status, sexual orientation, disability or age. Harassment is an unacceptable event if it falls within any of these categories, and BSBI does not tolerate such behaviour. BSBI may take disciplinary action against staff or students should they harass or bully a student in breach of this policy. BSBI will take whatever steps that are reasonably practicable to protect students from the harassment and/or bullying during their studies.

4.5 Harassment may include, for example:

A. unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;

B. continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;

C. sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);

D. unwelcome sexual advances or suggestive behavior (which the harasser may perceive as harmless);

E. racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;

F. outing or threatening to out someone as LGTBIQ+;

G. offensive emails, text messages or social media content; or

H. mocking, mimicking or belittling a person's disability.

4.A What is Sexual Violence, Gender-Based Violence and Gender Discrimination?

4A.1 Sexual Violence

Sexual violence is considered to be any conduct, comment, insinuation, or gesture of a sexual nature that is not consented (Definition of consent: voluntary, informed, and retractable at any time) to by the person who experiences it, and which objectively results in an impairment of their dignity, integrity, or rights.

Sexual violence includes, but is not limited to, actions such as sexual harassment, sexual abuse, sexual coercion, or any other act of a sexual nature. It also includes the capturing, recording, or dissemination of images, sounds, or any other audiovisual material of a sexual interaction involving another person, or that includes intimate or nude parts of another person, without their consent, regardless of the medium used.

4A.2 Gender-Based Violence

Gender-based violence is considered to be any act, whether physical or psychological in nature, committed against a member of the BSBI community on the basis of their sex, gender, gender identity, gender expression, or sexual orientation, resulting in an impairment of their dignity, integrity, or rights.

4A.3 Gender Discrimination

Gender discrimination is understood as any act that results in differential treatment lacking reasonable justification toward a member of the BSBI community on the basis of their sex, gender, gender identity, gender expression, or sexual orientation, resulting in an impairment of their dignity, integrity, or rights.

4A.4 Scope of Conduct

The actions described in this policy may be carried out in person or through any other means, including but not limited to email, social media, messaging platforms, or other digital or electronic media. Physical contact is not required for conduct to constitute harassment, sexual violence, gender-based violence, or discrimination.

Such actions may occur as a single incident or as repeated behavior.

4A.5 Means Used in Sexual Violence

Sexual violence may be committed through various means, including but not limited to:

A. the use of physical force;

B. intimidation or threats;

C. psychological manipulation;

D. situations in which the victim is unconscious, incapacitated, or unable to give consent;

E. situations in which the victim is unable to resist or oppose;

F. abuse of a position of power, authority, or dependency;

G. use of surprise, deception, or any other manoeuvre that does not imply consent

5. What is Bullying?

5.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

5.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

A. physical or psychological threats;

B. overbearing and intimidating levels of supervision;

C. inappropriate derogatory remarks about someone's performance;

5.3 Legitimate, reasonable and constructive criticism of a student's performance or behaviour, or reasonable instructions given to them in the course of their studies, will not amount to bullying on their own.

6. Reporting Harassment and Bullying

Informal Procedure

6.1 If a student is being harassed or bullied, and addressing the issue directly with the alleged perpetrator is not possible or appropriate, they should contact the Student Welfare team. The Student Welfare team can provide confidential advice and assist in resolving the matter, ensuring the student's safety and well-being are prioritized throughout the process.

6.2 If the student is not certain whether an incident or series of incidents amounts to bullying or harassment, they should initially contact the Student Welfare team informally for confidential advice.

6.3 If informal steps are not appropriate, or have been unsuccessful, the student should follow the formal procedure set out below and/or refer to our Grievance Procedure.

Formal Procedure

6.4 As a general principle, the decision whether to progress a complaint is up to the victim. However, BSBI has a duty to protect all students and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

6.5 If a student wishes to make a formal complaint about bullying or harassment, this should be made in writing or through signed minutes of an appointment with the Student Welfare department.

Email: studentwelfare@berlinsbi.com
Appointment booking: Safe-Space

*If the matter concerns one member of the Student Welfare team, they should contact the Head of Student Life by visiting the Student Hub.

Student can also wish to make a formal complaint by sending an email to **confidential@berlinsbi.com**.

6.6 The written complaint (or a spoken complaint recorded through signed minutes) should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

6.7 In order to prevent re-victimisation, the student will be required to report the events only once. Following this initial report, the student will not be asked to repeat their account, and only new or clarifying information may be requested if necessary. From this point, the Student Welfare Officer will act as the student's representative throughout the procedure.

6.8 As soon as a complaint is received, the Co-CEO (Operations) will convene a Committee to coordinate actions and conduct further investigations. The Committee will include themselves, the Student Welfare Officer who submitted the complaint, the Head of Student Life, and the Disciplinary officer (for students) or HR department (for staff).

Students have the right to choose a contact person of a specific gender for the initial disclosure.

6.9 The investigation will be conducted by a nominated Disciplinary Officer under the oversight of the Committee. It will be thorough, impartial, and objective, and carried out with sensitivity and due respect for the rights of all parties.

6.10 BSBI will, within five working days or as soon as reasonably practicable thereafter, provide the student with an update on the progress of the matter, including a provisional timetable for the investigation. Any further communication with the student will be managed through the Student Welfare Officer, unless otherwise agreed.

6.11 Where the complaint is about a staff, BSBI may suspend them on full pay and benefits; or temporarily alter working arrangements pending the outcome of the investigation, should this be necessary. Suspension or temporary redeployment during investigation is a precautionary measure only and is not considered a disciplinary action. This action may not be appropriate in all situations, and the team will assess the overall situation, including BSBI's duty to protect all employees and treat them equally, the severity of the allegations and the perceived risk of harm before deciding on a suspension.

6.12 The Disciplinary Officer (investigator) or HR will meet with the alleged harasser or bully who may also be accompanied by a colleague to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

6.13 BSBI, through the Student Life Department, must take reasonable steps to ensure that the student does not have to encounter the alleged abuser and will make all reasonable efforts to avoid such contact. This may include the temporary suspension of the student who has been accused or moving them to a different class on a temporary basis.

Such measures may not be appropriate in all cases, and the Committee will assess the overall circumstances, including BSBI's duty to protect all students and staff, to treat all parties fairly, the seriousness of the allegations, and the perceived risk of harm, before deciding whether suspension or alternative arrangements are necessary.

6.14 It may be necessary to interview witnesses in relation to the incidents described in the complaint, and this must be agreed at the point where the complaint is submitted. Where agreement is not provided, BSBI may be unable to ensure that the investigation can be conducted effectively and without compromise. The interviewed witnesses must comply with confidentiality requirements and are prohibited from disclosing any information relating to the investigation to third parties.

6.15 Under German law, sexual assault or abuse is considered a criminal offense. If BSBI becomes aware of an incident that may involve sexual assault or abuse, BSBI has an obligation to take appropriate action. In cases where a confirmed assault has occurred or where there is a risk of harm to others, BSBI may be required to report the incident to the Police, even if the victim does not wish to proceed with legal action.

6.16 If the student wishes to report the incident to the Police while the investigation at BSBI is taking place, BSBI can offer support in assisting the student with reporting the matter to the authorities. However, BSBI is not authorized to provide legal advice and will refer the student to legal professionals or relevant authorities for further guidance.

Action following the Investigation

6.17 Following completion of the investigation, if the complaint is substantiated, disciplinary action will be taken against the harasser or bully.

6.19 Where the alleged harasser or bully is a member of BSBI staff, the matter will be dealt with as a case of potential misconduct or gross misconduct in accordance with the HR Disciplinary Procedure. Where the alleged harasser or bully is a student, the matter will be addressed in accordance with the Student Code of Conduct and managed by the Student Life Team.

6.20 BSBI will confirm the conclusion of the investigation in writing, or provide an update, within 14 working days. The final outcome of the investigation is subject to an appeal.

6.21 Following the conclusion of the investigation:

A. If the complaint is upheld: Students found to have engaged in harassment, sexual violence or bullying may receive a formal warning, a compliance agreement, or withdrawal from the institution, according to the BSBI Student Code of Conduct.

B. Where a formal warning or compliance agreement is issued, the student will be removed from the class of the reporting student. If the alleged harasser or bully is a member of staff, the investigations and consequences will be determined under the HR Disciplinary Procedure.

C. If the complaint is not upheld: The reporting student may be offered support, including counselling or mediation, provided by the Student Welfare team, to manage any ongoing concerns or interactions.

6.22 Any student who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

7. Appeals

7.1 If the student is not satisfied with the outcome, they may appeal in writing stating the full grounds of appeal, within one week of the date on which the decision was sent via the same email.

7.2 BSBI will hold an appeal meeting with the Committee, normally within 5 working days of receiving the written appeal or when reasonably possible. Where possible, this will be dealt impartially by an employee who had not been involved previously in the case.

7.3 BSBI will confirm the final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure, and there is no further appeal.

8. Protection and support for those involved

8.1 **Prohibition of Retaliation (Maßregelungsverbot)**- Students who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimization as a result of reporting in good faith or acting as a witness. Anyone found to have retaliated against or victimized someone in this way will be subject to either a written warning (Abmahnung), exclusion from campus facilities (Hausverbot), or expulsion (Exmatrikulation) if they are a student or under the HR Disciplinary Procedure if they are a staff member.

8.2 If a student believes they have been subjected to retaliation or victimisation, they should report the matter to the Committee through the Student Welfare team. (see 6.5)

8.3 The Student Welfare team provides support and referral information to any student affected by bullying, sexual violence or harassment, whether they are the reporting student or the student against whom the complaint is made. If a student is the subject of a complaint, an impartial member of the Student Welfare team, separate from the one supporting the reporting student, will be assigned to provide support.

8.4 For students in Berlin: external services

LARA e.V. – Fachstelle gegen sexualisierte Gewalt an Frauen*

The LARA e.V provides free, confidential counselling (by phone, email, video, or in person) for women, girls (14+), trans*, inter*, and non-binary people who have experienced sexual violence, harassment, or coercion. Services include psychological support, trauma counselling, legal advice with female lawyers (including courtroom accompaniment), crisis intervention, group support, and support for refugees/migrants provides

Website: https://lara-berlin.de/en/home
Email: beratung@lara-berlin.de.
Telephone (24 hour hotline): 030 216 88 88

Wildwasser Berlin e.V

Specialised counselling centre for girls and women who experienced sexual abuse in childhood or youth. It provides psychosocial support, trauma-focused work, and prevention education. Confidential and recognised under German social services law. Offers counselling in English, German, Spanish, Italian, Portuguese, Czech, and via translation services for other languages.

Website: https://wildwasser-berlin.de/
Helpline: +49 30 282 442 7 (telephone counselling hours on Mondays, Thursdays, Fridays 10:00–14:00; Tuesdays 14:00–17:00; Wednesdays 14:00–16:00)
Email: maedchenberatung@wildwasser-berlin.de

Tauwetter e.V.

The Tauwetter e.V. is a peer-supported self-help and counselling project for men* who experienced sexual violence in childhood. It offers support in English and German.

Website: https://www.tauwetter.de
Phone: +49 30 693 800 7 (Telephone counselling hours: Tuesdays 16:00-18:00, Wednesdays 10:00-13:00, Thursdays 17:00-19:00)

Gewaltschutzambulanz der Charité (Violence Protection Clinic, Charité Hospital)

Offers forensic medical examinations—including injury documentation and forensic reports—for survivors of rape or sexual assault, along with optional psychosocial support. Services are available in German and English

BIG Hotline – Berliner Initiative gegen Gewalt an Frauen (BIG e.V.)

Crisis counseling, safety planning, help accessing shelters or temporary housing, referrals to legal, psychological, and social support, interpreter services available in many languages. Also organizes mobile outreach and shelter coordination. Find BIG Hotline violence support at +49 30 611 03 00 (available 24/7, all days)

9. Confidentiality and record-keeping

9.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint, and the person accused must only be disclosed on a "need to know" basis. However, the institution has a "Duty of Care" (Fürsorgepflicht) that may require them to take action if there is an immediate danger to the community, even if the victim is hesitant.

Breach of confidentiality may give rise to disciplinary action under the HR Disciplinary Procedure.

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