

GUIDELINES AGAINST ABUSE OF POWER

An artistic education, with its unusual emphasis on individual and small group instruction as well as the personal connection between instructors and students, requires special sensitivity to the problems of abuse of power and sexual impropriety. This is particularly true in light of the fact that emotionality is used as a mechanism for artistic development, and that physicality is required for achieving educational goals in acting, directing, and in some cases in dramaturgy.

Discrimination, sexualized behavior, and violence are a violation of personal freedom and a serious disruption of the work of the Academy. They create an intimidating, stressful, and dehumanizing work and study environment. They can also lead to serious health problems. They are a dereliction of duty as laid out in employment contracts, labor laws, and higher education regulations. As such they are neither acceptable nor accepted at the Academy.

All Academy staff, students, and associates – particularly those tasked with teaching, qualification, and leadership, whether in performance, instruction, or any other domain – are responsible for ensuring, within their domain of work, that personal freedoms are not violated and personal boundaries are respected, as well as that discrimination and/or violence do not occur or are immediately stopped. Abuse of power, for example through relationships of dependency in work situations or by threatening or implementing personal/academic/professional advantages or disadvantages, is judged especially heinous.

1. Area of applicability

This guide is made available to all and is binding for all associates of the ADK (including employees, instructors, and students at the ADK as well as any associated members or cooperation partners).

2. Terms used

2.1. Direct and indirect disadvantages

Direct disadvantage has occurred if, as a result of their views, disability, age, or sexual identity, a person has received worse treatment than a different person has received or would receive. Indirect disadvantage has occurred if, through apparently neutral criteria, regulations, or procedures, a person or group of persons has been or could be disadvantaged in comparison with other persons or groups of persons.

2.2. Discrimination

Discrimination describes any and all forms of disadvantage, neglect, derogation, devaluation, exclusion, or unequal treatment of individual persons or groups on the basis of actual or ascribed group-specific characteristics.

2.3. Sexual harassment and/or violence

Sexual harassment has occurred if a person's dignity has been harmed by unwanted sexual behavior, including but not limited to: unwanted sexual acts or demands for same, sexually intended physical contact, remarks of a sexual nature, unwanted display or public exhibition of pornographic material. Particularly if these actions create an environment marked by intimidation, hostility, humiliation, debasement, or insult, sexual harassment is considered to have occurred.

Remarks or actions of a sexual nature that cross personal boundaries include:

- Sexualized choice of words, gestures, behavior
- Sexualized remarks about one or more persons and/or their bodies and/or their clothing and/or their appearance
- Comments on another person's intimate private life
- Verbal, pictorial, or electronic presentation of pornographic or sexually degrading material, including pornographic or sexually degrading graffiti in public spaces
- Copying, uploading, downloading, or using pornographic or sexually degrading computer programs and web pages with IT services provided by the ADK or on the property of the ADK
- Sexually intended physical contact
- Inappropriate touching
- Demands, requests, or calls for sexualized or sexual behavior generally
- Stalking or coercion of a sexual nature, whether direct or indirect
- Physical violence and/or rape

3. Duties and procedures

All staff, instructors, and students of the Academy are prohibited from causing or engaging in any discrimination, disadvantage, sexual harassment and/or violence towards other staff, instructors, students or other third parties. The Academy is required to investigate any breach of these guidelines, confirming the facts to a

suitable degree of certainty, and implementing corrective and/or punitive measures accordingly. The ADK is likewise required to ensure that neither those reporting a violation of the guidelines nor those victimized by the violation suffer negative consequences from reporting the violation. The identity of reporting or victimized persons is kept strictly confidential unless absolutely necessary, due for example to legal regulations or significant danger to the community. The presumption of innocence of accused persons must be observed.

4. Representatives and confidential contact persons

All victimized students, staff, and instructors of the ADK can confidentially consult various persons:

For students:

- The student union/representatives (AStA)
- The Equal Opportunities Officer (starting 2018/2019)
- The counselling staff of the Ludwigsburg Studierendenwerk

For all other staff/instructors

- The Equal Opportunities Officer

The victimized person may also tell a trusted person, who can then make contact with one of the persons/offices listed above. Such contact does not require revealing the identity of the victimized person.

5. Complaints duties and rights

Any victimized persons have the right to initiate either a simple or a formal complaints procedure. The ADK is required to ensure that no personal or professional disadvantages result from making use of this right. The confidentiality of the victimized person must be preserved. Identities of a victimized person may only be revealed with the consent of that person. All victimized persons must be encouraged that disadvantage, discrimination, sexual harassment, and/or sexual violence are not tolerated, but instead denounced and actively counteracted. Especially persons in leadership or supervisory roles are required to follow up on reports or suggestions of disadvantage, discrimination, or sexual harassment/violence; in cases of suspicion, said persons must take suitable steps to investigate, prosecute, and prevent such

behavior. The Equal Opportunities Officer will participate in the complaints procedure unless the victimized person does not wish it.

6. Complaints procedures

Simple complaint: A simple complaint can be made to the representatives/contact persons listed in part 4, or to the supervisor of the victimized person, or to the supervisor of the accused person. After receiving the complaint, the contacted party (representative, contact person, or supervisor) will hold an initial counselling meeting with the victimized person. This meeting will discuss rights, possible paths of action, and the official complaints procedure as given in these guidelines. The contacted party can also initiate measures pursuant part 7, below. Where legally possible, the contacted party also initiates a formal complaint if (in consideration with the rightful interests of the victimized person) this seems necessary.

Formal complaint: A formal complaint is handled by the executive management of the Academy. It should therefore be addressed to the Artistic Director/CEO and to the Head of Administration. A formal complaint must be made in writing and contain the following information:

- Description, place, date, and time of the incident
- Person(s) involved
- Witnesses and evidence (where available)
- Information on measures already instituted

Together with the Head of Administration, the Director's office will decide – on the basis of the results of the investigation – about further measures and potential sanctions. In addition to measures listed below in part 7, the administration/director will take/initiate such measures as are deemed necessary in the interest of all concerned to safeguard/protect the victimized or the community at large. These measures may be taken before the investigation is completed if general or personal safety and security appear to warrant such action.

7. Measures and sanctions

Measures and sanctions cannot be based on anonymous complaints.

7.1. Informal measures

Informal measures or sanctions for violation of these guidelines depend upon the position of the accused person within the academic, professional, and legal framework of the Academy. Depending on the seriousness and circumstances of the individual case, the following informal measures may be considered, with due regard to the rightful wish for anonymity and safety of any affected persons:

- Personal conversation between the victimized person and the accuser, if desired in the presence of a trusted person/one of the named contact persons
- Personal conversation between the accused and a superior and/or one of the above-named confidential contact persons, with specific reference to the policy against discrimination, disadvantage, sexual harassment, and/or violence.
- Consultation with/hiring of external conflict mediators

7.2. Official Measures

The Director/Head of Administration may consider the following official measures and sanctions, in consultation with relevant authorities, depending on the position of the accused person within the academic, professional, and legal framework of the Academy and depending on the severity of the accusation. The Academy reserves the right to implement other measures and sanctions.

For accused employees/staff:

- Formal professional meeting, with recorded notes in the personnel file
- Verbal or written caution
- Written cease and desist order
- Termination with or without notice
- Ban from premises
- Criminal complaint (in case of sexual harassment/violence, only with the consent of the victimized party)

For accused professors/instructors and independent contractors:

- Formal professional meeting, with recorded notes in the personnel file
- Ban from premises of sexual harassment/violence, only with the consent of the victimized party)
- Criminal complaint (in case of sexual harassment/violence, only with the consent of the victimized party)

For accused students:

- Written or verbal caution
- Ban from premises
- Expulsion
- Criminal complaint (in case of sexual harassment/violence, only with the consent of the victimized party)

8. Preventive Measures

The ADK commits to adopting preventive measures contributing to raised awareness for and decreased taboo status of the topic. These measures include, for example:

- Comprehensive written information on laws and regulations, discrimination problems, and sanctions
- Trainings and seminars, at all institutional levels, on the topic of discrimination and abuse of power
- Making information and instructions available, so that individuals know what they can do when they witness or are informed of discrimination/abuse of power (flyers and website)
- Uncovering and eliminating, within the available means, any spatial or other environmental conditions that encourage or abet sexualized discrimination and/or violence

9. Evaluation

The Academy's executive management will regularly examine whether any procedures may be organized in a more effective way, as well as regularly invite external consultants and lecturers to address the topic.

Ludwigsburg, June 1, 2018