

## **Guidelines for dealing with discrimination, harassment and violence<sup>1</sup>**

### **Preamble**

**The Künstlerhaus is a venue for producing, appreciating and reflecting on art. In our workshops, studios and exhibitions, a wide variety of artists and art enthusiasts negotiate contemporary practices and discourses. Here, people of all ages encounter current artistic production. The purpose of the Künstlerhaus is to promote education, learning, art and culture. This is the main priority of our institution and forms the framework for our conduct and the decisions we make as part of this.**

The Künstlerhaus respects each and every individual and rejects all forms of discrimination. At the Künstlerhaus, nobody should be discriminated against on the basis of gender, race, ethnic or social origin, age, disability, sexual orientation or identity, religion, ideology or political views.

At the Künstlerhaus, we believe in a culture of awareness in which people treat each other with respect and appreciation. Fairness, communication and cooperation play an important role in the workplace, in our workshops, studios, exhibition spaces and catering facilities.

The goal of these guidelines is to prevent discrimination, harassment and violence, and to signpost the points of contact, procedures and possible consequences in the event of conflict.

### **I Basic principles**

1. All stakeholders and committees within the Künstlerhaus work within their sphere of influence to ensure that the personal rights of all Künstlerhaus members are respected

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<sup>1</sup> The board of directors and the advisory board of the Künstlerhaus Stuttgart have drawn on generally accepted definitions when compiling this report; references are not exhaustive but are provided for information purposes only.

and protected, regardless of gender, race, ethnic or social origin, age, disability, sexual orientation or identity, religion, ideology or political views.

2. Künstlerhaus members all play a role in ensuring that the Künstlerhaus is a space characterized by tolerance, openness and mutual respect.
3. Those affected by discrimination, harassment, stalking, bullying or violence are encouraged to file a report, seek counselling and make a formal complaint.

## **II Scope of application**

These guidelines apply to members of the Künstlerhaus. This also includes people who are obliged to follow directives and are integrated into the work organization of the Künstlerhaus without an official employment relationship. The guidelines also apply to people who enter the building and thus come into contact with members of the Künstlerhaus; this includes visitors to the exhibitions and the restaurant.

Every person working at the Künstlerhaus will receive a copy of these guidelines before commencing their duties and must agree to comply with them.

## **III Definitions**

### **1. Discrimination**

Discrimination is the unequal treatment of a person on the grounds of a characteristic set out in the preamble without objective justification for the unequal treatment.

### **2. Direct Discrimination<sup>2</sup>**

Direct discrimination occurs when a person is treated less favourably than another person is, has been, or would be treated in a comparable situation on any of the grounds set out in the preamble, without objective justification for the unequal treatment.

### **3. Indirect Discrimination<sup>3</sup>**

Indirect discrimination occurs where a seemingly neutral provision, criterion or practice may put a person at a particular disadvantage compared with other people due to any of the grounds set out in the preamble, unless the provision, criterion or practice is objectively

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<sup>2</sup> Federal Anti-Discrimination Agency: <https://www.antidiskriminierungsstelle.de/DE/ueber-diskriminierung/was-ist-diskriminierung/diskriminierungsformen/diskriminierungsformen-node.html> (accessed 10/11/2023).

<sup>3</sup> Federal Anti-Discrimination Agency: <https://www.antidiskriminierungsstelle.de/DE/ueber-diskriminierung/was-ist-diskriminierung/diskriminierungsformen/diskriminierungsformen-node.html> (accessed 10/11/2023).

justified by a legitimate aim and the means of achieving this aim are appropriate and necessary.

4. Psychological violence<sup>4</sup> (including stalking and bullying)

Psychological violence—also known as mental or emotional violence—is a form of violence that is predominantly verbal. It describes a variety of behaviours, strategies and actions such as threats, stalking, humiliation and abusive language and is always associated with exercising power, control and privileges. Psychological violence specifically aims to cause emotional harm to a person and to upset, hurt or even isolate them at the same time.

Harassment occurs when unwanted behaviour related to the grounds set out in the preamble has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, humiliating, degrading or abusive environment.

This includes stalking and bullying in particular. Stalking refers to the intentional and repeated following, pursuit and harassment of a person so that their way of life is seriously affected or their safety is threatened.

Bullying is the systematic and repeated hostile treatment, harassment and exclusion of a person with the aim or consequence of making the bullied person feel upset, demeaned and ostracized from the working environment.

5. Physical violence<sup>5</sup>

Physical violence is coercion through the use of force or another physical act that, due to its intensity, is capable of impairing another person's freedom to make a decision or act upon it.

6. Sexualized discrimination, harassment and violence<sup>6</sup>

In accordance with these guidelines, behaviour and actions are considered sexualized discrimination, harassment and violence if the purpose or effect is to engage in unwanted conduct of a sexual nature that violates the dignity of the person concerned, particularly if it creates an intimidating, hostile, humiliating, degrading or abusive environment. This can take verbal, non-verbal and physical forms, particularly lewd comments of a sexual nature, such as sexually degrading language and gestures; the unwanted and visible display of obscene, sexually degrading or pornographic images, e.g. in the form of graffiti; and unwanted sexual acts or requests for these, especially in the form of sexually explicit physical touch. There is no conclusive definition of the terms sexualized discrimination,

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<sup>4</sup> Coordination centre for Lower Saxony's counselling centres for women and girls affected by violence: <https://lks-niedersachsen.de/themen/psychische-gewalt> (accessed 10/11/2023).

<sup>5</sup> BGH NJW 1995, 2643.

<sup>6</sup> Federal Anti-Discrimination Agency: <https://www.antidiskriminierungsstelle.de/DE/ueber-diskriminierung/was-ist-diskriminierung/diskriminierungsformen/diskriminierungsformen-node.html> (accessed 10/11/2023).

harassment and violence. It is up to the personal judgement of those affected to decide where their individual boundaries lie.

#### 7. Racism<sup>7</sup>

Definition of racism: Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Per these guidelines, a statement will always be considered racist if the person concerned feels discriminated against or offended by it and a link can be established between the statement and the above definition. Racism can also take the form of discriminatory behaviour.

#### 8. Antisemitism

The following principles serve as non-exhaustive core ideas for dealing with possible cases of Antisemitism: We understand Antisemitism to mean discrimination, prejudice, stereotyping, hostility or violence against Jews as Jews. Criticism of the policies of the State of Israel is not necessarily to be equated with Antisemitism. For us, the right of the State of Israel to exist is non-negotiable.

#### 9. Discrimination in works of art

Works of art can also reproduce discriminatory positions. They can therefore also cause injury to people.

For this reason, the Künstlerhaus has adopted a procedure (see Section VI) for dealing with allegations of discrimination in connection with works of art.

### **IV Duties and responsibilities of Künstlerhaus Stuttgart**

1. The members' association of the Künstlerhaus disapproves of any form of discrimination, harassment and violence. Künstlerhaus members are obliged to use all means at their disposal to prevent such conduct by other members.

2. The elected committees of the Künstlerhaus will rigorously investigate, clarify and, if necessary, penalize violations of these guidelines.

3. The aim of the counselling and complaints procedures outlined in Section V is to provide those affected with an effective way of seeking counselling and lodging a complaint. For this reason, their anonymity and confidentiality will be protected as best as possible during the counselling process.

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<sup>7</sup> International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966; Article 1(1).

4. Künstlerhaus members with responsibility for staff or in management and/or leadership positions (including employees, workshop managers, studio grant recipients) have a duty, through their conduct and suitable preventive measures, to ensure that respectful and non-discriminatory interaction with one another is maintained and that the integrity of all members is respected. They must offer counselling and support to those affected by discrimination, harassment, bullying, stalking and violence.

## **V (Initial) counselling and complaints procedure**

### **1. Points of contact**

At least three people will be appointed by the advisory board as points of contact for people who feel they have been discriminated against or harassed or have experienced violence. Those affected may also consult external points of contact.

Internal and external points of contact will be announced in an appropriate manner.

### **2. (Initial) counselling**

The points of contact at the Künstlerhaus will offer confidential support and advise those affected on their options for protection and action (e.g. mediation with the accused, complaints, approaching external points of contact, but also the option of not taking any further action). The right to anonymity will be maintained during the counselling session. All information, personal data and the content of the counselling session will be treated confidentially.

After the initial counselling session with the point of contact at the Künstlerhaus, the person concerned will decide whether and which option they would like to make use of.

### **3. Complaints procedure**

The advisory board will form a complaints committee to conduct the complaints procedure that will consist of three members: one representative from the advisory board, one from the staff body, and one from the members. The term of office for committee members is three years.

If the person concerned decides to proceed with their complaint, they shall submit a written complaint to the complaints committee. The complaint should contain at least the following information: the nature, date and location of the incident, any persons involved, any witnesses and any evidence.

### **4. The complaints committee will formally examine whether the alleged behaviour falls under these guidelines.**

The complaints committee will then give the accused the opportunity to respond to the complaint in writing or orally within a reasonable period of time.

5. After receiving their statement or the expiry of the deadline, a meeting will be held with the accused. The invitation to the hearing and the documentation of the meeting will be made in writing by the Künstlerhaus complaints committee.

6. The complaints committee may also question witnesses and examine evidence, provided that these have been disclosed and are accessible to the complaints committee.

#### 7. Rights of the parties involved

Both the complainants and the accused have the right to bring other advocates into discussions. Accused parties and witnesses are not obliged to make a statement to the complaints committee.

Until an accusation has been substantiated, care will be taken to ensure that the accused is not disadvantaged as a result of the investigation.

#### 8. Conclusion

If there are no concrete grounds for suspecting discriminatory behaviour, harassment or violence on the part of the accused, the complaints committee will inform the complainant and the accused of the outcome. If the complaints committee considers the incident to be substantiated, the complaints committee will report in writing to the advisory board on the established facts and make a recommendation on how to proceed.

The advisory board will decide on the next steps and inform the complainant and the accused of the conclusion of the proceedings and the decisions taken.

#### 9. Possible measures and consequences:

- o Conducting a formal appraisal meeting
- o Informal warning
- o Formal warning
- o Mediation or other counselling services
- o Dismissal
- o Ban from using Künstlerhaus facilities
- o Membership ban (see statutes)
- o Exercising the right to deny access (issuing a temporary or permanent ban from the premises)

## **VI Dealing with discrimination complaints in relation to works of art**

1. Anyone who perceives there to be a work of art and/or artistic positions with discriminatory content in the Künstlerhaus has the opportunity to lodge a complaint. The complaint can be made to any representative of the institution.

2. A committee consisting of one member of the advisory board and two other people, one of whom may be external to the association, will examine the facts of the matter.

3. Both the artist and the artistic director will be given the opportunity to comment.
4. After joint consultation, the artist and/or the artistic director will be asked for a proposal on how to proceed.
5. If the committee does not consider this proposal to be appropriate, it may submit its own proposal to the artistic director.
6. The artistic director will then decide on how to proceed. If the complaint has been made by a named complainant, they will be informed of the decision, with an outline of the grounds for the decision where possible.
7. Possible measures include:
  1. (Partial) removal
  2. Adding contextualization
  3. Adding content information/a trigger warning
8. These measures can also be provisionally adopted by mutual agreement while the committee is still deliberating its decision. In any event, the fact that there is a complaint against a work of art will be indicated in an appropriate form during the ongoing proceedings.

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