



HOCHSCHULE
FÜR MUSIK
HANNS EISLER
BERLIN

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INFORMATION
ABOUT SEXUAL
HARASSMENT,
DISCRIMINATION
AND VIOLENCE

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DON'T LOOK AWAY!

02

In February 2015, a teacher with whom I spent some of the most defining music lessons of my life as a young student 35 years ago was sentenced to eleven years in prison. He had sexually harassed, assaulted and raped female students at the Guildhall School of Music and Drama in London for decades. At the time, we all more or less knew what was going on, but for the most part the victims did not dare to complain. We all knew that such a complaint would have no consequences for the perpetrator, and we feared the possible damage to our own careers, so we only talked about sexual violence and the abuse of power quietly amongst ourselves.

This does not happen only in London, it can happen anywhere. Time and again, people abuse a position of power to sexually humiliate others, make sexual advances toward them, and/or emotionally and physically abuse them. Sometimes the harassers fail to understand that they have done

something wrong, even after they are sentenced by a court. When my former teacher's trial was over and the judge asked him if he had anything to say, he not only showed no remorse (nor had he the entire proceedings); he arrogantly asked if he could put off serving his sentence so he could go on a concert tour first.

Although perpetrators may not believe it, sexual abuse destroys souls and ruins lives. This was also the case at the Royal Northern College of Music and the renowned Chetham's School of Music, both in Manchester. Although the former director of music at Chetham's was eventually sentenced for rape in February 2013, his victim had become so exhausted by the school administration's denial and defence mechanisms that had lasted for so many years that she committed suicide during the trial after giving evidence. After the sentence was pronounced, the police reported that more than 30 people who had been former pupils or

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students of the two institutions had filed complaints against different teachers.

Lewd remarks and unwanted touching can cause a severe crisis. This is an especially sensitive issue at an international college, which is a melting pot of people from very different cultural and religious backgrounds. We must remember that in many cultures, even consensual sexual intercourse between people of the same age who are not married to each other is taboo. With this in mind, all of our staff and students have the right to pursue their work free from psychological or physical harassment.

In the name of the entire school administration, I urge you to please not look away. Be mindful! What happened in London and Manchester can happen in Berlin. If you see or hear about or have experienced sexual discrimination or violence, you can always talk to any of the people

and organisations listed in this brochure. You can also talk to representatives of the AstA (General Students Committee) and or your department. In all cases, all conversations will be treated with confidentiality. My colleagues and I in the Rector's Office also take this issue very seriously, and we are also open to any concerns you may have.

Prof. Robert Ehrlich
Rector

THIS CONCERNS EVERYBODY AT THE UNIVERSITY

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While it has become socially accepted to talk about the occurrence of improper behaviour as well as sexual discrimination and violence, whenever a claim of such behaviour is made, one often hears: "Of course it can happen, but not here at our institution." The unique characteristics of music education and individual lessons can create conditions in which potential violations of personal boundaries and sexual discrimination can occur. Yet, those affected often find it difficult to talk about it. In this brochure, we urge you – our staff and students – to help prevent unacceptable behaviour. Talk about it right away when it happens and make your need for personal space clear. We urge you to take an active stand against sexual discrimination. We ask all academic and administrative staff and students to support the women and men who are affected. Our goal is to create a climate of equality and solidarity at the Hanns Eisler School of Music Berlin (HfM) in which everyone can work and reach their full potential

without fear or obstructions. Our staff members must ensure that our students can devote their time and energy to learning, and not to protecting themselves from unwanted advances.

YOU ARE ALLOWED TO SAY NO,
AND NO MEANS NO.

NO

WHAT IS SEXUAL DISCRIMINATION?

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Sexual harassment is a type of sexual discrimination. Sexual harassment begins with behaviour that crosses a line and becomes unacceptable. It is gender-related behaviour that is (in general or in a particular case) disrespectful, harmful, humiliating and unwanted to the receiver. It is behaviour that is always one-sided. This is the fundamental difference between sexual harassment and flirting, which is when people exchange and share looks and compliments, for example, and is mutual.

Sexual harassment has little to do with sexuality. Instead, it is an expression of the harasser's need to feel powerful and in control. For example, a teacher's deliberate abuse of power can feel like psychological violence to a student. In the teacher-student relationship, the abuse of power begins when something that would otherwise be good, fun and enjoyable becomes something harmful, distressing, exploitative and therefore improper.

BECAUSE WE ARE REFERRING NOT ONLY TO HARASSMENT, BUT ALSO TO ALL FORMS OF GENDER-BASED BEHAVIOUR THAT ARE AN AFFRONT TO THE DIGNITY OF ANOTHER PERSON, WE MAINLY REFER TO SEXUAL DISCRIMINATION AND VIOLENCE IN THIS BROCHURE.

WHAT FORMS OF SEXUAL DISCRIMINATION AND VIOLENCE EXIST?

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There is no universal definition of what is considered sexual discrimination and violence and what is not. Rather, it is solely up to the person who feels harassed and discriminated against to define it. Sexual discrimination and violence can include many types of behaviour and actions that can be very subtle. These can include:

- making degrading sexual remarks about people or their bodies
- making sexually offensive gestures or displaying sexually offensive modes of behaviour
- making lewd jokes
- showing pictures of a pornographic nature
- using pornographic websites or sexist computer programs
- unwanted touching and physical contact
- making sexual advances, especially if accompanied by promises of an advantage or threatens of a disadvantage

- unwanted propositions, emails, texts, phone calls or letters with an obvious sexual intention
- stalking
- sexual and physical harassment, including rape

IN ACTS OF SEXUAL DISCRIMINATION AND /OR VIOLENCE, IT IS THE PERPETRATOR WHO IS RESPONSIBLE, NOT THE VICTIM!

WHO IS AFFECTED BY SEXUAL DISCRIMINATION AND VIOLENCE?

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You can be affected by sexual discrimination in virtually any social situation, including as a student or staff member of a university. According to a study by Ruhr-University Bochum in 2012 over 50 % of all female students feel they are being harassed. Sexual discrimination and violence is directed primarily at women, regardless of age, nationality, physical appearance, social background, religion and sexual orientation.

Homosexual women and men are also often the victims of sexual and homophobic discrimination and violence, despite the fact that laws and attitudes toward homosexuality have changed significantly in Germany in the last decades. In the Federal Republic of Germany, same-sex sexual acts were punishable under paragraph 175 up to 1994, when it was abolished (to comply with the law of the former German Democratic Republic). In this respect, it is important to remember that students at the HfM are from all over the world.

Some are from countries where homosexuality is still criminalised today. It is also not socially accepted in many countries for young people to have different sexual experiences without having to define themselves as lesbian, gay, queer, bi or straight. That is why all staff and students of the HfM should remember that people from different cultures have different needs regarding closeness and distance and that there are also different ways of expressing these needs – like customs for greeting and saying goodbye to people, which can range from nodding the head, to shaking hands, all the way up to embracing and cheek kissing.

CLOSENESS AND DISTANCE

HOW CAN TEACHERS DEAL WITH CLOSENESS AND DISTANCE IN MUSIC LESSONS?

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At a music college, the teacher-student relationship is extraordinarily intimate because of the unique educational situation of individual lessons in which teacher and student meet regularly and interact closely within a comparatively small space. In this situation, the body necessarily plays a key role. Students must perform relaxation exercises, practise breathing techniques, work on body and finger posture, perfect their stage presence for performances and so forth. In this situation, teachers touch their students frequently, usually in a natural way. After all, the goal is to create an experience for all the senses in which emotions like sadness, anger and joy are evoked. The Women's Music Forum of Switzerland (FrauenMusikForum Schweiz) describes this process as follows: "The body is both the instrument and the mirror of the soul that needs to be touched by music. Physicality, sexuality and eroticism are actually positive and expressive aspects

that are immanent in music education" (FrauenMusikForum Schweiz 2000, 5).

The line between natural physical contact and unwanted physical contact can sometimes be blurred. It is therefore the teacher's responsibility to regularly reflect on how they deal with closeness and distance within the teacher-student relationship.

When physical contact in music lessons is necessary – for example, to correct a student's posture – the teacher should explain what they are doing and limit contact to a minimum. As a teacher, you should always ask your student if you are allowed to touch them before doing so. You should not treat this like a rhetorical question, and you should always wait for their permission. You should also always pay close attention to their non-verbal physical reactions.

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Inappropriate behaviour and advances can also happen in group lessons. In such cases, it is possible to discuss what happened with the other participants.

ONES OWN BODY AND THE BODIES OF OTHER PEOPLE, EMOTIONS, SEXUALITY AND SEXUAL ATTRACTIONS ARE INSTRUMENTS OF ARTISTIC EXPRESSIONS. WHEN PARTICIPATING IN A COMMON CREATIVE PROCESS, CLOSENESS ARISES. PRIVATE BOUNDARIES WILL NEED TO BE DEFINED AND ENFORCED.

WHAT ARE SOME OF THE EFFECTS OF SEXUAL DISCRIMINATION?

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When someone's personal boundaries are continuously violated, they often become insecure. They can suffer from fear and self-doubt, and as a result, they can develop psychosomatic symptoms and insomnia. They can also develop problems practising, playing and singing. Other possible effects are a decrease in their ability to play or failure to perform on stage. Sexual discrimination can lead to learning and motivation difficulties and depression, and those affected may delay their careers or drop them altogether. Students often try to fix the problem by changing classes, teachers or colleges or by taking a break from studies. In many cases, those affected are afraid that they will face negative consequences like hostility, harassment or a disadvantage to their careers if they fight back. The music world is small, and accusations that person A sexually harassed person B, or person B claims to have been sexually harassed, can spread quickly and can ruin the image of the person affected. In other words,

the victims of sexual discrimination are doubly victimised. We must work to prevent this. It is thus for a good reason that the General Act on Equal Treatment (§ 12 Abs. 4 Allgemeine Gleichbehandlungsgesetz, AGG) and the Guidelines to Promote Women (Frauenförderrichtlinien) of the HfM (§ 27 Abs. 4) state that "the complaint of a person affected must not lead to a disadvantage".

THE MUSIC WORLD IS SMALL

WHAT ACTIONS CAN BE TAKEN AGAINST PERPETRATORS?

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If you feel that you are being sexually discriminated against or harassed, it is important that you talk to someone you trust right away, even if it is the first time this has happened. This way you can evaluate the situation better. Perhaps, there was a misunderstanding and the situation can be resolved at an early stage. Many of those affected later feel guilty for not having set limits earlier. They feel under pressure to justify themselves if they wait to react. The earlier you talk about unwanted behaviour, the sooner you will know what can be done about it. To improve your situation, you should clearly tell the harassing person that their behaviour is disrespectful and inappropriate. You can have someone come with you, such as the Women's Affairs Officer (Frauenbeauftragte), to talk to the person or you can have the Women's Affairs Officer approach the person about the situation without disclosing your name to him or her. Although this is not an easy

situation for either person, it is nevertheless unavoidable and can even help make things clearer. You can also file a complaint with the college administration. After talking to a counsellor and/or filing a complaint, you can discuss the different actions that can be taken against the perpetrator, including:

- They can be admonished verbally or in writing
- Their job supervisor can officially talk to them
- Disciplinary charges can be brought against them
- They can be issued a written warning
- They can be transferred to another position within the university
- They can be fired with or without notice
- They can be banned from a class
- They can be banned from the building
- They can be expelled
- Criminal charges can be brought against them

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ALL PERSONNEL WITH AN ADMINISTRATIVE AND /OR SUPERVISORY FUNCTION ARE REQUIRED TO PREVENT ALL FORMS OF SEXUAL DISCRIMINATION AND VIOLENCE. THEY MUST INVESTIGATE ANY SIGNS OF SUCH BEHAVIOUR WITHOUT EXCEPTION. IF THEY SUSPECT SUCH BEHAVIOUR, THEY MUST TAKE APPROPRIATE ACTION AND INFORM THOSE RESPONSIBLE. IN URGENT CASES, THEY MUST ALERT THE POLICE.

WHAT CAN YOU DO IF YOU SUSPECT A TEACHER IN YOUR DEPARTMENT OF SEXUAL HARASSMENT?

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All teachers at the HfM have a special relationship with students based on trust and authority. They are models for students, sometimes even idols. A student's career can depend on how much their teacher supports them. This combined with reverence and idealising can create a strong dependency on a teacher. This position must not be abused. This means that teachers should always treat closeness and distance with respect, care and responsibility while paying attention to, and taking seriously, the personal boundaries of young musicians. Students must be able to rely on their teachers' trust and protection.

Unacceptable behaviour and sexual discrimination is not to be tolerated, trivialised or ignored by department heads and supervisors. If you are a witness of sexual discrimination or are approached for help by a staff member, you should immediately talk to the person(s) being discriminated against and, if they approve, take action.

All staff and students of the HfM are required to treat others fairly and to contribute to a harmonious work environment in which there is no unacceptable behaviour or sexual discrimination. If you are unsure about how to act in such a situation, please contact the counselling services listed in this brochure.

**ALWAYS REMEMBER:
NO ONE SHOULD BE FORCED
TO DO SOMETHING THAT THEY
DO NOT WANT TO DO!**

WHAT CAN YOU AS A STUDENT OR A STAFF MEMBER DO?

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What should you do if you witness a situation in which someone from the HfM is behaving unacceptably, or if you yourself feel you are being sexually harassed by someone from the HfM? Such situations are always sensitive because we cannot be sure how the person being harassed perceives, assesses and interprets what happened. It is important to always remember that each person has a different sense of closeness and distance, and that human encounters are complex. One should always use careful consideration when becoming involved in other people's affairs. Start your sentences with "I" and not "you" (for example, "I think that..." instead of "You look like...") and describe your observations as objectively as you can without judgment or accusation, while also explaining what you felt when you observed the action in question. By describing your own perceptions, you are able to give someone whose personal boundaries are not respected support and acknowledgement. It is often dif-

icult to address the different feelings people have toward closeness and distance, or to discuss deliberately inappropriate behaviour, especially with fellow teachers or in a class. It requires courage and bravery. It is extremely important to not just quietly tolerate sexual discrimination and violence, but to find ways to treat each other with consideration and respect. For example, you could offer to accompany someone who is being harassed to a counselling service.

**WHEN HELPING SOMEONE,
IT IS IMPORTANT THAT YOU
TREAT WHAT THEY TELL YOU
CONFIDENTIALLY AND TO
KEEP THE CONFLICT FROM
ESCALATING AND SPINNING
OUT OF CONTROL.**

WHAT CAN YOU DO IF YOU ARE AFFECTED?

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Often people who are affected deny or play down acts of sexual discrimination, so they will not seem prudish, overly sensitive or humourless. However, ignoring an assault is not an effective way of dealing with sexual harassment and can be interpreted by the harasser as consent. It is also not effective to make seemingly clever or funny comments, because these can be interpreted as flirtatious. Many people who are affected often ask themselves: Is it partially my own fault? Was I wearing the wrong shirt? Was my skirt too short? Did I look into his or her eyes too long? This is a typical way of thinking. Remember it is not your fault and that you are not the only person to ever feel this way. You should trust your feeling of sexually harassment or discrimination. Take your own point of view seriously! You should make it clear how you feel by using clear words and clear body language.

It is helpful to react verbally by following three steps:

1. Describe the situation, for example: "I'm here in this lesson and you're telling me that I have beautiful hands."

If this does not help, then

2. Say how this makes you feel: "This makes me feel uncomfortable."

If this does not get the person to stop, then

3. Tell the person how you want them to behave: "I don't want you to talk about my hands or give me compliments."

Don't let yourself get drawn into a discussion if the harasser tries to justify him- or herself or explain his or her behaviour. Instead, just repeat steps 2 and 3.

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- Don't wait for the person behaving improperly to stop on their own!
- Make it verbally and physically clear that you do not accept that behaviour, and do it clearly!
- Do not keep this occurrence to yourself! It helps to talk to other students who have classes or lessons with the same teacher to find out if certain types of behaviour are typical or frequent.
- Talk to people you trust and contact counselling services!
- Keep a record of the sexual harassment by writing down the details as soon as possible. Describe the situation, the place and time, and who you talked to about it.
- Collect evidence, like letters, emails, pictures, gifts, text messages and so forth.

**DON'T BE AFRAID OF
NEGATIVE CONSEQUENCES!
BEING AFRAID IS WHAT GIVES
PERPETRATORS POWER!**

WHO CAN YOU TURN TO FOR HELP?

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If you feel uncomfortable in a situation, or if you feel afraid but are not sure why, you should take this seriously. Talk to someone you trust, like the Women's Affairs Officer, so you can put the situation into perspective. You can talk to them about what you can do and how to get practical support. When you talk to a member of the college staff, you can be sure that what you say will be treated confidentially and no actions will be taken without your consent. It's up to you to decide what to do!

You can also contact a teacher you trust or the HfM administration, or you can contact one of the many counselling services in Berlin in confidence.

Hilfetelefon Gewalt gegen Frauen

(Violence against Women Support Hotline)

Fon 08000 – 116 016

available around the clock

www.hilfetelefon.de, online counselling available

Berliner Krisendienst (Berlin Crisis Service)

Fon 030 – 390 63 00

available around the clock

Frauenkrisentelefon (Women's Crisis Hotline)

Fon 030 – 615 42 43

(counselling for migrants: Tel. 030 – 615 75 96)

Wildwasser

Association against the Abuse of Girls

Fon 030 – 282 44 27

www.wildwasser-berlin.de

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LARA e. V.

Crisis and Counselling Centre for Women Who Have Been Sexually Harassed or Abused

Fon 030 – 216 88 88

9 a.m. to 6 p.m.

www.lara-berlin.de

Weißer Ring

Counselling and Support for Men and Women in Cases of Sexual Harassment and Assault

Fon 116 006 toll-free hotline

9 a.m. to 10 p.m.

Opferhilfe Berlin (Victim Support Berlin)

Fon 030 – 395 28 67

www.opferhilfe-berlin.de

Stalking Opferhilfe

(Support for Stalking Victims)

Fon 030 – 44 32 37 17

Mann-O-Meter

Counselling in Cases of Same-Sex (Gay) Sexual Harassment

Fon 030 – 216 80 08

www.mann-o-meter.de

Tauwetter

Help for Men Who Were Sexually Abused as Boys

Fon 030 – 693 80 07

www.tauwetter.de

Police, for emergencies

Fon 110

LEGAL FRAMEWORK

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According to the General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz, AGG) in Germany: "Sexual harassment shall be deemed to be discrimination [...] when an unwanted conduct of sexual nature, including unwanted sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, comments of a sexual nature, as well as the unwanted showing or public exhibition of pornographic images takes place with the purpose or effect of violating the dignity of the person concerned, in particular where it creates an intimidating, hostile, degrading, humiliating or offensive environment" (§ 3, paragraph 4, AGG).

The purpose of the General Act on Equal Treatment is „to prevent or stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age of sexual orientation" (§ 1 AGG). Employers are required to take necessary actions to protect employees from discrimina-

tion based on the grounds mentioned in § 1. This includes taking preventative measures, especially within the context of training and further training. Employees have a right to lodge a complaint (§ 12 and § 13 AGG).

The Berlin Higher Education Act (Berliner Hochschulgesetz) also provides a legal framework for gender equality and requires all universities to protect their staff and students from sexual harassment (§ 5 a BerlHG).

THE DIGNITY

DEFINITION OF SEXUAL HARASSMENT IN THE GUIDELINES TO PROMOTE WOMEN OF THE HfM

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The Guidelines for the Promotion of Women passed by the HfM in 1994 states the following about sexual harassment in § 27:

- (1) Sexual harassment is a violation of duty and a disciplinary offense in accordance with the disciplinary regulations of the State of Berlin.
- (2) Sexual harassment includes unnecessary and unwanted physical contact, unwanted comments of a sexual nature, unwanted comments or jokes about an employee's physical appearance, showing pornographic images at the workplace, as well as sexual propositions.
- (3) It is the official duty of higher-ranking officials to prevent the sexual harassment of employees and to thoroughly investigate cases of sexual harassment that have come to their attention.
- (4) A person filing a complaint must not be disadvantaged in any way (§ 12, paragraph 4, LGG).
- (5) People who feel sexually harassed can file a complaint with the college administration (Hochschulleitung), the Women's Affairs Officer (Frauenbeauftragte) or the Academic Advising Office (Studienberatung). In all cases, the college administration is required to investigate the complaint.
- (6) In regards to sexual harassment and violence, potential sources of danger and fear-inducing places in the buildings and facilities of the HfM are to be identified. It is forbidden for any of the classrooms or practice rooms in the college to be locked from the inside. There are no exceptions.
- (7) In cases of sexual harassment, the college is required to ensure that the person harassed receives legal counsel free of charge.

PLEASE ASK US FOR FURTHER
READING ON THIS TOPIC IN
GERMAN:
FRAUENBEAUFTRAGTE@
HFM-BERLIN.DE

THE WOMEN'S AFFAIRS OFFICER
(FRAUENBEAUFTRAGTE) AND THE
RECTOR'S OFFICE (REKTORAT)
OF THE HANNS EISLER SCHOOL
OF MUSIC BERLIN ARE RESPON-
SIBLE FOR THE CONTENT OF
THIS BROCHURE.

ANTJE KIRSCHNING
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PLEASE MAKE AN APPOINTMENT
BY EMAIL



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