

**Act on the Higher Education Institutions in the Land of Baden-Württemberg
(Landeshochschulgesetz – LHG)
of 1 January 2005¹⁾**

**Section 4
Equal opportunities for women and men; Gender equality officer**

(1) In carrying out all of their responsibilities, higher education institutions shall promote the effective realization of equal opportunities for women and men and work to eliminate existing disadvantages; they shall actively promote increasing the representation of women in all disciplines and at all levels where women are underrepresented and foster a better balance between family responsibilities and academic, artistic, and medical careers. In the performance of all responsibilities and in all decisions, gender-related impacts shall be taken into account.

(2) The senate (*Senat*) shall, as a rule, elect a female member of the higher education institution's academic or artistic staff as the gender equality officer, together with at least one deputy gender equality officer, for a term of two to four years; the constitution shall specify the number of deputy officers as well as the terms of office of the gender equality officer and her deputies. The gender equality officer shall determine which of her deputies will represent her generally and in individual cases; she shall determine the order of succession among her deputies and may assign specific areas of responsibility to them.

(3) The gender equality officer supports the president's office (*Rektorat*) in ensuring the implementation of equal opportunities for women and men as required under constitutional law and in eliminating existing disadvantages affecting women in academic and artistic positions as well as female students. The gender equality officer must be informed at an early stage and comprehensively to the extent necessary for the proper performance of her duties. She reports directly to the president's office and has the right to address it directly. In performing her duties, she is not bound by instructions. The gender equality officer must not be disadvantaged as a result of performing her duties, either generally or in her professional development. If the gender equality officer considers a measure to be incompatible with section 4 or with other provisions concerning the equal treatment of women and men, she has the right to submit a written objection to the president's office within one week of being informed of the measure; in the case of urgent measures that cannot be postponed, the president's office may shorten this period to two working days. The president's office shall decide on the objection within one month of receipt. If the president's office considers the objection to be justified, the measures and their consequences must be rectified; if it considers the objection to be unjustified, the president's office shall provide the gender equality officer with a written explanation of its decision. The gender equality officer shall submit an annual report on her activities to the senate; she also has the right to report annually on her activities to the university council (*Hochschulrat*).

(4) By virtue of her office, the gender equality officer is a member of the senate pursuant to section 19, the appointment committees (*Berufungskommissionen*) pursuant to section 48 subsection 3 and the selection committees (*Auswahlkommissionen*) pursuant to section 51 subsection 6; notwithstanding section 10 subsection 6 sentence 1, she may also be represented on the appointment and

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selection committees by a member or affiliated person of the higher education institution appointed by her. The gender equality officer participates in an advisory capacity in meetings of the faculty and section councils, the university council, and the local university councils; she may be represented by a member or affiliated person of the higher education institution appointed by her and must be invited to meetings and provided with information in the same manner as a member. In the constitution, the higher education institutions may specify other governing bodies, commissions, and committees in which the gender equality officer may participate either as a voting member or in an advisory capacity. The senate shall establish an advisory gender equality committee pursuant to section 19 subsection 1 sentence 5. This committee advises and supports the higher education institution and the gender equality officer in fulfilling their gender equality mandate. Further details shall be specified in the constitution.

(5) When academic and artistic staff positions are being filled, the gender equality officer has the right to be involved in job advertisements at an early stage, to review application documents, and to participate in job interviews and selection interviews. Sections 48 and 51 apply to appointment procedures.

(6) The higher education institution shall provide the gender equality officer with the staff and resources necessary for the effective performance of her duties. The gender equality officer shall be granted an appropriate reduction in her other official duties to enable her to perform the duties of her office; her deputies may be granted a corresponding reduction in their duties. The Ministry of Science, Research and the Arts (*Wissenschaftsministerium*) shall, by statutory instrument, issue provisions governing such reductions based on the size of the higher education institution. The higher education institution shall compensate for any resulting reduction in the teaching capacity of the relevant teaching unit.

(7) For the period covered by their structural and development planning, higher education institutions shall draw up gender equality plans for their staff whose primary employment is at the institution, setting out how they will promote the effective realization of equal opportunities for women and men in accordance with section 2 subsection 4. The gender equality plans shall contain specific targets and provisions for personnel, organisational, and professional development measures to increase the representation of women at all levels and in all leadership and decision-making positions until gender parity has been achieved. The targets for increasing the representation of women among academic and artistic staff shall be based, at a minimum, on the proportion of women and men at the preceding qualification level in academic and artistic careers (cascade model). The gender equality plan shall indicate the extent to which the targets set out in the preceding plan have been achieved and shall assess progress toward achieving equal opportunities for women and men. The Ministry of Science, Research and the Arts may issue guidelines for gender equality plans. Following approval of the structural and development plan by the Ministry of Science, Research and the Arts pursuant to section 7, the gender equality plan shall be published online; personal data shall be excluded from publication. After three years, the president's office shall submit an interim report to the senate and the university council on progress toward achieving the targets set out in the gender equality plan.

(8) The constitution may provide for local gender equality officers at the study academies (*Studienakademien*). The constitution shall specify further details, in particular regarding their election, their powers, taking into account the responsibilities of the gender equality officer of the Baden-Württemberg Cooperative State University (*Duale Hochschule*, DHBW), and their organisational assignment.

(9) Notwithstanding subsection 2 sentence 1, the constitution may provide for a joint gender equality officer and at least one deputy gender equality officer for female academic and artistic staff and female non-academic staff; the senate may not decide to combine these offices without the approval of the majority of the members referred to in section 10 subsection 1 sentence 2, first half-sentence, no. 5. The constitution shall specify the details concerning the structure of the office, the procedure for the election or appointment of the gender equality officer and her deputies, as well as the length of their terms of office. In all other respects, the gender equality provisions of this act and of the equal opportunities act of the Land of Baden-Württemberg (*Chancengleichheitsgesetz*, ChancenG), as amended from time to time, shall apply, unless the constitution provides for additional provisions that further promote gender equality.

Section 4a

Contact persons for matters relating to sexual harassment and anti-discrimination

(1) The higher education institutions shall appoint one female and one male contact person for their members and affiliated persons for matters relating to sexual harassment; in this capacity, the contact persons shall not be bound by instructions. The higher education institutions shall work to ensure that their members and affiliated persons are protected from sexual harassment. The higher education institutions shall establish rules governing the procedure to be followed.

(2) The higher education institutions shall appoint a contact person for anti-discrimination matters for their members and affiliated persons; in this capacity, the contact person shall not be bound by instructions. The higher education institutions shall work to ensure that their members and affiliated persons are protected from discrimination on racist or antisemitic grounds or on the grounds of ethnic origin, religious identity, or ideological identity. The higher education institutions shall establish rules governing the procedure to be followed.

(3) The functions of the contact persons referred to in subsections 1 and 2 may be combined. These functions may also be combined with those of other officers, such as the gender equality officer or the equal opportunity officer, or a joint office serving multiple higher education institutions may be established. These functions may not, however, be combined with the function of the data protection officer.

(4) Section 7 subsection 1, section 12 subsections 1 to 4 and section 13 subsection 1 of the General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz*, AGG) shall apply accordingly to members and affiliated persons of the higher education institutions who are not employees. Other anti-discrimination provisions shall remain unaffected.