



TECHNISCHE  
UNIVERSITÄT  
WIEN

# Guidelines to dealing with Sexism and Sexual Harassment

For all members of TU Wien

[www.tuwien.at](http://www.tuwien.at)

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# 1 Policy Statement against Sexism and Sexual Harassment

All members of TU Wien have a claim and a right to the protection of their personal integrity. Beyond the legal obligation to protect against sexual harassment, TU Wien clearly positions itself against any kind of harassing, cross-border behavior (such as sexual harassment or sexism) and takes a resolute stand against it!

Creating a work and study environment free of discrimination and harassment is primarily the responsibility of all management and supervisors. Ultimately, however, all TU members are called upon to ensure this.

At TU Wien, there is already a company agreement 'Betriebsvereinbarung über partnerschaftliches Verhalten und Antidiskriminierung am Arbeitsplatz'. This guideline at hand serves as a supplement to provide transparency about the procedure in the case of sexism and sexual harassment. It shows possible courses of action and support offers for various groups of people involved. In addition, it clearly shows persons harassing others that their behavior will not be tolerated and may have consequences.

Sexism refers to the systematic discrimination and degradation of people on the basis of their gender and can affect all genders. Sexism can go hand in hand with sexual harassment and in the vast majority of cases forms the basis for it.

According to § 8 of the Federal Equal Treatment Act, sexual harassment is any behavior that

- has a sexual reference,
- impairs the dignity of a person or has the purpose to do so,
- is inappropriate, unwanted, degrading, offensive or objectionable to the person affected; and
- creates an intimidating, hostile or humiliating work environment.

Sexist behavior and sexual harassment are never okay and not only burden the individual involved, but create a hostile and conflictual work and study environment. These behaviors can also have serious consequences for the psychological and physical well-being of the individuals involved and those around them, and subsequently affect academic excellence.

These guidelines are intended to support all TU members in dealing with this sensitive issue and to provide them with concrete recommendations for action. Do not hesitate to take action if sexism and/or sexual harassment occurs and to report what you have experienced or observed to the designated offices (see Chapter 5) or to seek advice and help.

You can be sure that TU Wien takes such incidents very seriously and will take remedial action.

Vienna, September 18th, 2023



## 2 Definitions

Subsequently, the terms sexism and sexual harassment are defined in order to be able to recognize and name incidents.

### 2.1 What is Sexism?

Sexism refers to the systematic discrimination and degradation of people on the basis of their gender and can affect all genders. Gender stereotypes form the basis of sexism.

Sexism often manifests itself through

- Sexist comments or jokes, e.g. "Typical woman!", "That's not a job for women." or "Well of course, only a man thinks like that."
- Insistent and insulting questions about marital status or family planning.
- Repeatedly, involuntarily outing others as intersex, trans, or non-binary or questioning gender identity
- Sexist content in communication or advertising, e.g., via use of stereotypical images or wording

Sexism can go hand in hand with sexual harassment and in the vast majority of cases forms the precondition for it.

### 2.2 What is Sexual Harassment?

Sexual harassment is unwanted behavior that can be attributed to the sexual sphere. The view of the person concerned is decisive for what is considered unwanted. If affected persons feel harassed, they must be protected in any case.

Characteristics of sexual harassment are:

- The behavior is undesirable for the person affected.
- The behavior is related to sexuality.
- The dignity of the affected person is violated, the behavior is degrading and disrespectful.
- The behavior creates an intimidating, hostile or humiliating work environment for the affected person.

Sexual harassment is prohibited and may have consequences under criminal law as well as employment and academic law.

Sexual harassment in the workplace can affect anyone. Sexual harassment can be caused by internal persons (such as superiors and (student) colleagues) as well as by external persons on the premises of the TU Wien (such as suppliers, construction workers, etc.)

## Forms and Examples of Sexual Harassment

### Non-verbal

- intrusive or intimidating stares or suggestive looks
- whistling after someone
- unsolicited emails, text messages, photos or videos of sexual nature
- inappropriate and intrusive advances on social networking sites
- posting or distributing pornographic material
- indecent exposure

### Verbal

- sexually suggestive remarks and jokes
- intrusive and insulting comments about clothing, appearance or personal life
- sexually suggestive comments
- trans- and inter-hostile remarks or jokes
- questions with sexual content, e.g. about private life or privacy
- requests for intimate or sexual acts, e.g., "Sit on my lap!"
- sexualized or inappropriate invitations to a date

### Physical

- any unwanted touching (patting, stroking, pinching, hugging, kissing), even if the touching is apparently accidental
- repeated physical advances, repeated jostling, repeated failure to maintain the usual physical distance (approx. one arm's length)
- physical violence and any form of sexual assault up to and including rape

## 3 Consequences for affected persons

Sexist behavior and sexual harassment not only burden the person involved, but create a hostile and conflictual work environment. This can have serious consequences for the psychological and physical well-being of the individuals involved and their environment, and can jeopardize academic excellence.

According to UniSAFE, consequences can include:

- Decline in work productivity, considerations to leave the academic sector
- stress, anxiety, depression, post-traumatic stress disorder, suicide attempts and suicides
- Headaches, stomach pain, sleep disorders, drug and alcohol abuse
- Intention to drop out/actual dropping out, forced mobility
- Reduces motivation, achievement, engagement, participation
- Impacts peer and work groups, research projects, home and work environment

- Negative effects on quality and excellence of research and teaching

(Lipinsky et al. 2022. UniSAFE Survey – Gender-based violence and institutional responses. GESIS - Leibniz Institut für Sozialwissenschaften. Datenfile Version 1.0.0.).

## 4 Prevention

The most important measure to prevent sexism and sexual harassment is to create an awareness of what it is specifically about and what negative consequences such behaviors have.

- Use the e-learning offer of the TU Wien to develop a basic understanding of the topic
- Set a good example and contribute to an appreciative climate at TU Wien in which everyone feels comfortable
- Take a clear stand against sexist behavior, as this often forms the basis for sexual harassment

## 5 Points of contact

### 5.1 Point of contact for students

#### Inside of TU Wien

- Psychosocial Counselling for students
- Ombudsperson's Office for Academic Affairs at TU Wien (**starting from 1.10.2023**)

#### Representation of Interests at TU Wien

- Department for equal treatment and women's support (HTU, Union of University Students)
- Committee on Equal Treatment at TU Wien (AKG)

#### Outside of TU Wien

- Office of the Austrian Student Ombudsman (Ministry)
- 24-hour women's emergency hotline
- Men's counseling Vienna
- 24/7 telephone counseling for men

### 5.2 Points of contacts for employees

#### Inside of TU Wien

- Office for Gender Competence (in cooperation with external psychological and legal counseling)

#### Representation of Interests at TU Wien

- Committee on Equal Treatment at TU Wien (AKG)
- Works Council of the General University Staff

- Works Council for the Academic and Artistic University Staff

### Outside of TU Wien

- Federal Equal Treatment Commission
- Chamber of Labor (AK)
- 24-hour women's emergency hotline
- Men's counseling Vienna
- 24/7 telephone counseling for men

This is the [link](#) to the contact points mentioned above.

## 6 Recommendations for Actions

### 6.1 What you can do as an affected person?

If you are affected by sexist behavior and/or sexual harassment, we encourage you to name and document the incident and to seek support from the contact points mentioned in this guide (chapter 5). You can be sure that TU Wien takes incidents seriously and will take remedial action.

### 6.2 What you can do as an observer?

We encourage you, if you observe sexist behavior and/or sexual harassment, to actively support the person involved with their consent. You can do this, for example, by:

- interrupting the situation (approaching one of the persons involved, for example asking for directions / for help with something or similar).
- Talking to the perpetrator afterwards in private about the situation and asking about the intention. Feedback to the perpetrator on how the situation appeared to outsiders.
- Directly address: "This is absolutely unacceptable" or "A line has clearly been crossed here" or "Stop this immediately".
- Offer support to the person concerned in private
- Document the incident in detail (see chapter 6.4. section "documentation")

Proceed with sensitivity and, if necessary, seek support from one of the contact points (see Chapter 5)!

### 6.3 What you can do as a course instructor?

#### Behaviour towards affected students

If you observe sexist behavior or sexual harassment among your students, take active action against it and support the person(s) concerned. You can read how to do this in chapter 6.2 "What can you do as an observer?".

If a case of sexist behavior and/or sexual harassment is brought to your attention, either verbally or in writing, take the affected student's account seriously. Ask the affected person how you can best support them. For assistance, you can use the checklist and the e-mail draft in the appendix. Inform the affected person about contact points within and outside the TU Wien (see chapter 5).

**In general: Do not do anything without the agreement and clear consent of the person concerned.**

Depending on the situation for the person concerned, a change of the exercise group, an alternative form of student assessment and similar measures may be possible remedies. It is important that you always take such measures in consultation with and with the explicit consent of the person concerned.

## Duties as a Course Instructor

If lecturers are made aware of incidents of sexism or sexual harassment, or if they themselves become aware of such incidents, the lecturer is obliged to temporarily exclude the harassing student from the course or to have the TU GUT Security Service order the student to leave the university premises (§ 6 House Rules of the Statutes of TU Wien). The responsible Dean of Studies must be informed immediately about the incident.

The Dean of Studies has the opportunity to make a norm clarification in the affected course, in which a clear position is taken against sexist behavior and sexual harassment and it is made clear that such behavior is not tolerated at TU Wien.

## 6.4 What you can do as a manager?

### Responsibility as a manager in the event of sexism and sexual harassment

An attentive and sensitive approach to the issue of sexual harassment is part of the management task.

#### Duty of Care („Fürsorgepflicht“)

As a manager, whether in research, teaching or administration, you have a duty of care to protect your employees from sexism and sexual harassment. The sexual self-determination, the sexual integrity and the privacy of the employees must not be endangered.

#### Remedial obligation („Abhilfepflichtung“)

Managers therefore have a responsibility to respond promptly but prudently to instances of sexism and/or sexual harassment and to provide appropriate remediation.

## Duties as a Supervisor

- Create the conditions for a trusting and appreciative working atmosphere.
- Promote respectful cooperation.
- You are responsible for ensuring that the personal integrity and dignity of all employees is respected in your area of responsibility and that sexism/sexual harassment does not occur in the workplace.
- Take advantage of training opportunities
- Recognize the signs of harassment
- Act promptly but prudently in the event of suspicion or specific incidents
- Stop harassment

## Raising awareness among employees

It is important that your employees know the definition of sexism and sexual harassment and are aware of the different forms.



Encourage your employees to complete the e-learning offered by TU Wien.

Take advantage of the opportunity to participate in offered trainings.

## Observing Sexism or Sexual Harassment

As soon as you as a manager learn of harassment, you must take this information seriously and take action.

### Become Aware

- First talk to the person concerned. Use the checklist to help you do this (see Chapter 8.2).
- Intervene immediately if you observe sexism or sexual harassment (see Chapter 6.2).
- Make it clear that the incident will be taken seriously.
- Make it clear at an early stage that you must exercise your duty of care. This means that you cannot treat every case confidentially.

### Get in touch with contact points

If you have questions or don't know what to do, contact one of the contact points (see Chapter 5) for advice.

### Exercise Duty of Care

- Offer your support and make the person concerned aware of existing support services (see Chapter 5). However, only make promises that you can keep!
- Leave the interpretation of the incident with the person affected.
- Take corrective measures (e.g., physical separation) to prevent any further sexual harassment from now on. At the same time, protect the person under suspicion from premature condemnation.

### Listening to the accused person

- Seek to speak with the accused person and confront him or her with the accusations.
- Make it clear that such behavior will not be tolerated.
- Give the person an opportunity to respond.
- The conversation should not be an interrogation.
- Also respect the personality of the accused person.

## Documentation

Please document all events and action steps that you have taken as a result. A template of how such documentation can be found in chapter 8.3.

Your documentation should include answers to the following questions:

- When was the incident reported and by whom?
- What were the next steps?
- What discussions were held, when and with whom?
- What measures were taken?
- When were which other agencies informed?

Please make sure that the documentation can only be accessed by you (tu.files offers an appropriate authorization concept and backup) and that the documentation is stored in a secure location (tu.files offers a secure option for this). If you store the document on your hard disk, access must be password-protected and the hard disk must be encrypted.

## Follow Up

If there has been an incident of sexual harassment in your area of responsibility, this not only affects the person concerned, but the entire team. It is therefore important that such incidents are dealt with by the team with the help of experts and that supervision takes place. Please contact the HR Development of the TU Wien for such offers.

# 7 Legal Consequences

## 7.1 Measures under employment law

Under employment law, sexual harassment is considered discrimination on the basis of gender in connection with an employment or training relationship (§ 8 B-GIBG).

Measures can be:

- admonishment
- warning
- transfer

In serious cases, termination of employment or even dismissal may be pronounced.

## 7.2 Judicial assertion

The affected person is entitled to appropriate damages in the minimum amount of 1,000 euros. The claim for damages must be asserted in court. The period for asserting the claim for damages in court is three years.

The person affected must substantiate the sexual harassment. The harasser, on the other hand, must prove that no sexual harassment took place.

Sexual harassment can also have **criminal consequences** for the harasser: Rape, sexual assault, **violation of sexual self-determination, sexual harassment**, abuse of authority

## 7.3 Consequences under study law

Sexual harassment represents a serious threat to other persons and can therefore lead to permanent exclusion from all studies at the TU Wien (§ 68 Para. 1 Z 8 University Act 2002). Exclusion from studies may be combined with a ban on entering all TU Wien premises.

If lecturers become aware of incidents of sexism or sexual harassment, or if they themselves become aware of such incidents, the head of the course is obliged to temporarily exclude the harassing student from the course or to have him/her leave the university premises through the TU GUT property protection service (§ 6 House Rules of the Statutes of the TU Wien). The responsible Dean of Studies is to be informed immediately about the incident.

## 8 Appendix

### 8.1 E-Mail Template

Salutation,

I/we received your mail and would like to thank you for your trust and courage to contact me/us. I/we assure you that we/I take the incident seriously and I/we will look into it.

Would you be willing to meet in person on the date/time/place to discuss the incident and possible next steps?

You are welcome to bring a trusted person of your choice to this (as well as any other) conversation.

I/we will not take any steps against your will and will explore options for action with you.

For the time being, it would be helpful if you would soon make a detailed memory log for documentation purposes and write down everything you remember about the incident. Memories often blur very quickly, so they should be written down as soon as possible after the incident.

Below you will also find a list of support services that you are very welcome to take advantage of.

I/we look forward to hearing from you!

Kind regards,  
xxxxx

**Please send along a list of contact points and support services (see Chapter 5).**

### 8.2 Checklist Initial Meeting

#### For Managers/Supervisors

- Ensure in advance that the person concerned can bring a trusted person of his or her choice to the initial interview (and all subsequent interviews).
- Make sure that the conversation takes place in a friendly and safe atmosphere (no interruptions from others, telephone, etc.).
- Take the person seriously and believe what he or she says.
- Thank the person for coming and for having the courage to talk about it.
- Let the person describe what exactly happened and do not interrupt him or her.
- Make sure that all information about the place, time and people involved in the incident is given
- Inform the person that they have a right to protection and reassure them that this will never happen again
- Inform the person that you have a duty of care and are obliged to act in accordance with this if the incident is described by the person concerned (!!!) as "sexual harassment".
- Explain to the person what further steps (remedial measures) can be taken now (see Guideline, Chapter 6.4) and what this means for the person concerned
- Ask the person what he or she wants and what steps he or she agrees with
- Get a letter of agreement for the specific further steps you have agreed with each other (preferably in writing)

- Ask the person to make a memory log of the incident, recording everything in as much detail as possible (don't wait to do this, memories blur quickly)
- Inform affected persons about possible contact points for legal and psychological counseling
- Document everything that was discussed

Please make sure that the documentation can only be accessed by you (tu.files offers an appropriate authorization concept and backup) and that the documentation is stored in a secure location (tu.files offers a secure option for this). If you store the document on your hard disk, access must be password-protected and the hard disk must be encrypted.

### For persons, to whom students concerned address themselves

- Ensure in advance that the person concerned can bring a trusted person of his or her choice to the initial interview (and all subsequent interviews).
- Make sure that the conversation takes place in a friendly and safe atmosphere (no interruptions from others, telephone, etc.).
- Take the person seriously and believe what he or she says.
- Thank the person for coming and for having the courage to talk about it.
- Let the person describe what exactly happened and do not interrupt him or her.
- Inform the person that they have a right to protection and reassure them that this will never happen again
- Make sure to include all information about the place, time, and people involved in the incident
- Explain to the person what further steps can be taken now (see Guide, Chapter 6.3) and what this means for the person concerned
- Ask the person what he or she wants and which steps he or she agrees with
- Get a letter of agreement for the specific further steps you have agreed with each other (preferably in writing)
- Ask the person to make a memory log of the incident, recording everything in as much detail as possible (don't wait to do this, memories blur quickly)
- Inform affected persons about possible contact points for legal and psychological counselling
- Document everything that was discussed

Please make sure that the documentation can only be accessed by you (tu.files offers an appropriate authorization concept and backup) and that the documentation is stored in a secure location (tu.files offers a secure option for this). If you store the document on your hard disk, access must be password-protected and the hard disk must be encrypted.

### 8.3 Documentation Template

Place of conversation:

Date:

Persons present:

By whom was the incident reported and when:

Who is affected:

(name, faculty)

Role of the person involved at TU:

(student, staff member, both, manager, LVA director, etc.).

How was the incident reported:

(In writing, by phone, or in a face-to-face conversation).

When did the incident take place:

Where:

Role of the accused person at TU:

(student, staff member, both, manager, LVA director, etc.).

What are the allegations:

Form of harassment (verbal, non-verbal, physical) and frequency:

Sequence of the conversation:

What is important to the person involved:

These further steps have been agreed upon:

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