

**EQUAL OPPORTUNITIES PLAN
AT TU WIEN**

(Senate decision of March 13, 2017)

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PREAMBLE

TU Wien is committed to creating a positive climate, preventing social discrimination, and promoting equal opportunities, since a diverse workforce is a driving force for the flexibility, innovation and creativity necessary for technological, academic, social and societal progress. The anchoring of the Equal Opportunities Plan in the statute of TU Wien is not only a legal requirement, but is also intended to raise awareness of issues pertaining to equal opportunities, which again promotes equal opportunities for employees and students and broadens their diversity skills with specific measures. The goal is to support university members in the different stages in their lives and careers. Accordingly, the compatibility of work/studies and family care at TU Wien is also a core objective. TU Wien views the achievement of this vision as the shared task of all university members in order to create a resource-oriented respectful culture that values diversity in the long run.

The document at hand consists of two parts: In Part I, goals, measures and relevant monitoring instruments for the development of a culture that values diversity are presented, while Part II comprises the regulatory framework.

Part I

1. Strategy

1.1. Objectives within the Organisation

1.1.1 Individual Level

Employees and students shall consider themselves as members of a diverse university and shall be aware that they are seen as added value for TU Wien. The objective of TU Wien is to foster a communication culture that allows its members uncertainties, anxiety and reflections and gives them the opportunity to address them as well as to experience diversity. Reflecting on one's self-image as well as the image others have makes people more aware of diversity aspects and reduces stereotypes.

1.1.2 Interactional Level

TU Wien seeks to motivate its members to make active use of diversity in teams (e.g. collaborative learning between generations and cultures) and to recognise the characteristics and needs of one's own environment and to reflect on its formation (e.g. needs of different generations; persons with disabilities). The benefits of heterogeneous teams (innovative and creative problem solving, flexible and faster responses to changing market or working conditions) shall be capitalised on and shall make for a respectful, productive collaboration.

1.1.3 Organisational Level

The vision of TU Wien is to foster a respectful communication culture (professional handling of differences, enhancing individuals' potential), in which transdisciplinary learning, transparent information sharing, and cooperation between different areas are possible. In the long

term, a diverse, heterogeneous workforce fosters creativity and innovativeness, and opens up different avenues for research. Similarly, a diverse work and study environment makes TU Wien more attractive to potential employees and students.

1.2. Objectives for Society

Societal and Global Level

TU Wien as a higher-education institution is composed of a stable layer represented by its employees and a dynamic layer, which is shaped by the continuous development through its research activities as well as by its students, who transport the knowledge and values of TU Wien to society. By developing students' diversity competences and raising their awareness of diversity matters and through the support of research projects focusing on diversity (e.g. the GESTU project) the values and the vision of TU Wien, as stated in the preamble, can be promoted at a societal and global level. TU Wien considers sharing and promoting these values at a societal and global level to be a lasting contribution to its societal responsibility regarding education and equal opportunities.

2. Measures

2.1 Overarching Measures

2.1.1 Equal Opportunities Plan

The Equal Opportunities Plan – together with other regulations (e.g. Career Advancement Plan for Women¹, the Works Council Agreement on Cooperative Behaviour and Anti-Discrimination in the Workplace², directive of the rectorate regarding equal opportunities for persons with disabilities and/or chronic illnesses³, TU Wien International – Global Strategy 2013+⁴) – serves the purpose of facilitating the implementation of the legal provisions on actual equality and equal opportunities of all university members and on the compatibility of work/studies with family care at TU Wien as well as the purpose of raising awareness of, realising and recognising the dimensions of diversity, including age, disability, interculturalism, gender, religion and belief, and sexual orientation.

2.1.2 Project "TU Diversity Management"

The project "TU Diversity Management" was commissioned by the rectorate in order to be able to develop the diversity skills at TU Wien further and to create an environment for employees and students that is respectful and free of discrimination. In the past, members of TU Wien as experts have already successfully addressed various aspects of diversity, and have developed and implemented concrete measures. A concrete goal of this project is to connect experts, to gather existing experience and documents, and to make these visible to employees

¹ Career Advancement Plan for Women at TU Wien (2014)

² Works Council Agreement on Cooperative Behaviour and Anti-Discrimination in the Workplace (2013)

³ Directive of the Rectorate regarding Equal Opportunities for People with Disabilities and/or Chronic Illnesses

⁴ TU Wien International – Global Strategy 2013+

and students and to develop them further. The project "TU Diversity Management" is based on a joint, intersectional and interlinked collaboration in order to secure lasting benefits for TU Wien. For TU Wien, the term "intersectional" means that individual dimensions are not to be viewed in isolation, but the interaction among the dimensions and their mutual influence (e.g. age and gender) should be considered. In addition, seminars pertaining to individual dimensions are offered in order to comprehend the individual needs of a concrete target group, which should be followed up with concrete, realistic and appropriate measures. Not only issues relevant for the individual but also societal issues are to be taken into account and addressed (e.g. initiatives for refugees, including "MORE").

2.1.3 Compatibility of Family Care and Work / Research / Studies at TU Wien

"Technology for People" – this guiding principle pertains not solely to the core responsibilities of TU Wien in research and teaching, but also to the needs-based support for employees (work-life-balance) and students with family-care duties. TU Wien commits itself to supporting all its members in their careers as much as possible. The compatibility of work and family care is one component of the support offered. TU Wien has established the function of a Representative for Compatibility Issues and the Office for Compatibility Issues "TU Kids & Care"⁵ in order to make it easier for employees and students at TU Wien to plan and take a leave of absence (e.g.: parental leave or care leave).

2.1.4 Measures in Research and Teaching

The goal is to integrate training in diversity skills into the various curricula and research projects. The dimensions of age, disability, interculturalism, gender, religion and belief, and sexual orientation should not only be a cross-sectional issue, but should be core ingredients (e.g. intergenerational building and living; ambient assisted living technologies, human computer interaction, GESTU project etc.).

2.1.5 Anchoring in Strategic Documents and Procedures at TU Wien

To realise the vision and strategy of TU Wien, aspects of the dimensions of diversity have been and will be anchored in documents and procedures (e.g. guide for employee appraisal talks, recruiting handbooks, tenure-track positions, model curricula, budgeting procedures according to the provision of §4 Career Advancement Plan for Women and § 41 Federal Budget Law (BHG)⁶, selection of coaches and trainers), which are used with regard to the stipulated diversity dimensions. The main goal of the project "TU Diversity Management" is the overall anchoring of diversity aspects in the procedures at TU Wien.

⁵ See commentary

⁶ Federal Budget Law (BHG 2013)

In addition, a glossary will be prepared as part of the project "TU Diversity Management", which contains definitions and information applicable to TU Wien (e.g.: forms of discrimination (indirect/direct etc.); sensitive language: "Persons with disabilities" instead of "Persons with special needs", "disabled persons" etc.).

2.1.6 Developing Diversity Skills Further

Diversity skills are present at various levels and include e.g. the realisation and knowledge that the various dimensions (age, disability, interculturalism, gender, religion and belief, and sexual orientation) (can) interact. In this context, it is not only vital to understand and know this, but also to be capable of and competent in addressing diversity in a professional and strategic manner, aligned with the existing aims of TU Wien. More precisely, the plan is to develop diversity skills further by integrating them into executive training, further education, recruitment, appointment procedures, university didactics and curricula (e.g. the elective lecture "Between career and barrier" and the seminar "What does gender have to do with studies in science and engineering?").

2.2 Measures Pertaining to the Dimensions

For each dimension, the goal shall be to make the dimension visible, raise awareness, and ensure that the dimensions are looked at intersectionally. TU Wien commits itself to considering the interactions among the different dimensions and their mutual influence rather than addressing each dimension in isolation. The goal shall be to approach complexity and diversity in a professional manner. Care shall be taken to avoid institutional overstretching by setting different foci on the individual dimensions.

2.2.1 Dimension: Gender

TU Wien commits itself to the career advancement of women and to creating positive and career-advancing conditions for women. Accordingly, TU Wien views it as a joint task of all members of the university to achieve the objective that all women and men at TU Wien have opportunities for development commensurate with their qualifications and that any existing hurdles for women shall be removed or counterbalanced. The Office for Gender Competence⁷ is a service unit established with a view to reaching these goals. Its tasks include the areas of gender research and research on equal opportunities of genders, human resource development specifically for female employees, support measures for female high-school students, female university students, and young female scientists, as well as counseling work.

2.2.2. Dimension: Age/Generations

At universities, it is common for different age groups to work together (e.g. student assistants, pre-docs, post-docs, and professors). Therefore, it is vital to accommodate the needs specific

⁷ See commentary

to each age group and generation and to foster their collaboration as well as their potential. Intergenerational learning shall be seen as a resource, since this helps us to capitalize on the potential and experiences of all generations in the long term, while at the same time making them aware of the different needs at different stages in life. TU Wien is therefore committed to addressing the issues of generation management and working in mixed-age teams that meet age-related needs and to seeking external funding for this.

2.2.1 Dimension: Disabilities

TU Wien continues to strive towards reaching the proportion of employees with disabilities stipulated in the Disability Employment Act (BEinstG) and to support persons with disabilities. Not only shall these individuals be supported, but also other people in their working environment (colleagues, supervisors, professors, assistants) shall receive support in the collaboration with a view to dismantling stereotypes, reducing insecurities, and making use of opportunities and resources in order to ensure that they benefit from each other. The Disabilities Representative and the Ombudsperson for Persons with Disabilities at TU Wien are a service point for students and employees, providing support to students or employees with disabilities or with chronic or mental illnesses as well as to people in their working environment⁸.

2.2.2 Dimension: Interculturalism (Social and National Origin / Language and Dialect)

TU Wien seeks to foster interdisciplinary, interlinked collaborations, multi-cultural teams, and language diversity, thereby benefitting from the value created by diversity. The aim is to promote an organisational culture and a feedback culture that is based on a mutual understanding of and knowledge about different cultural backgrounds in order to eliminate stereotypes, conflicts, and misunderstandings among all parties involved. Also, new employees and students can be looked at as a stable and a dynamic layer (research topics that evolve constantly as well as students and employees who join and leave TU Wien). For both layers, it is vital that support measures, bridging courses, orientation workshops, and awareness-raising activities are offered in order for them to settle in at TU Wien and experience TU Wien in the best possible way. In the long run, this will help to reach new target groups (e.g. employees and students) and networks and ensure TU Wien's ability to innovate and be creative.

2.2.4 Dimension: Religion and Belief

Diversity in religious beliefs is a natural component of the existing cultural diversity at TU Wien. TU Wien shall offer people of all religions and beliefs the same study and working conditions. A prerequisite for this is mutual respect for each other.

⁸ Barrier-free TU

2.2.5 Dimension: Sexual Orientation

The aim of this dimension is to shed light on why sexual orientation plays a role at work. Analogous to the dimension of religion, this dimension shapes an individual's identity and the social environment. TU Wien is committed to an open communication culture in which any sexual orientation is respected, knowledge and sensitivity are fostered, and open communication about one's private life and one's leisure activities is possible.

3. Monitoring

Monitoring of the measures listed shall be evaluated and extended both at the organisational level as well as at the individual level.

3.1 Comprehensive monitoring:

- a. As part of the project "TU Diversity Management", the employee survey will be extended to a stakeholder survey in order to include students – as is also done in the project – with a view to addressing all aspects of diversity at all levels and in all areas (research, studying, teaching, and administration).
- b. Diversity skills of trainers and coaches shall be taken into account when recruiting them and need to be verified in a face-to-face meeting.

3.2 At the level of specific target groups:

- a. A needs analysis for each target group is intended to provide data on misunderstandings and stereotypes and to document the needs of employees and students.
- b. All training and counselling services that focus on diversity as such or as a cross-sectional issue need to be evaluated using the standard evaluation scheme as well as a more specific evaluation.

PART II

General Provisions

§ 1 Introduction

Equal opportunities for university members shall be part of the objectives of TU Wien pursuant to §1 of the Universities Act (hereinafter UG) as a guiding principle of the university under §2 (9-11), and the compatibility of work/studies with care for children or family members requiring care shall be a guiding principle of a university pursuant to §2 (13). These two areas are to be specified in the Equal Opportunities Plan according to §20b of the UG.

The Equal Opportunities Plan – together with the Career Advancement Plan for Women – serves the purpose of implementing the constitutional provisions for the de-facto equality and equal opportunities of all university members as well as the purposes of raising awareness of the dimensions of diversity, including age, disability, ethnicity, gender, religion, and sexual orientation, and implementing them in practice. These core dimensions are laid down by Austrian law in various forms (e.g. Federal Constitutional Law, European Convention on Human Rights, UN Convention on the Rights of Persons with Disabilities, Universities Act, Equal Treatment Act, Federal Disability Equality Act, Disability Employment Act) and will be specified for TU Wien below.

TU Wien commits itself to a holistic approach to diversity management. TU Wien assesses the need for action and takes measures appropriate for the various biographical, cultural and social disposition of its employees and students and with a view to providing a good working and study environment in which all members have equal opportunities.

§ 2 Legal Basis

The legal basis for the Equal Opportunities Plan at TU Wien are paras. 7 and 8 of the B-VG⁹, the Equal Treatment Act (hereinafter B-GIBG)¹⁰, § 20b and §§ 41 to 44 of the Universities Act (hereinafter UG)¹¹, the Federal Disability Equality Act (hereinafter BGStG)¹², and the Disability Employment Act (hereinafter BEinstG)¹³.

§ 3 Area of Application

The Equal Opportunities Plan shall apply to all members under § 94 of the UG and university bodies under § 20 of the UG as well as to applicants for admission as university member.

⁹ Federal Constitutional Law (B-VG), Federal Law Gazette No. 1/1930 (WV), as amended by Federal Law Gazette I No. 194/1999

¹⁰ Equal Treatment Act – B-GIBG, Federal Law Gazette No. 100/1993

¹¹ Universities Act 2002 (UG), Federal Law Gazette I No. 120/2002

¹² Federal Disability Equality Act – BGStG, Federal Law Gazette I No. 82/2005

¹³ Disability Employment Act (BEinstG), Federal Law Gazette No. 22/1970

§ 4 Objectives of the Equal Opportunities Plan

By implementing the Equal Opportunities Plan, TU Wien pursues the following strategic and operational objectives, in particular:

1. Guaranteeing equal opportunities for all university members and all applicants for admission to the university,
2. Ensuring a liveable working and study environment,
3. Fostering information on and communication about equal opportunities, diversity, and compatibility,
4. Ensuring the adequate infrastructure to provide equal opportunities in all areas.

These objectives shall be achieved by support measures as well as protective and defensive measures.

Chapter 1 ANTI-DISCRIMINATION

§ 5 Anti-discrimination refers to the implementation of measures intended to safeguard and protect equal opportunities irrespective of gender, ethnicity, religion and belief, age, sexual orientation, and disability. The Committee on Equal Treatment (hereinafter AKG) is competent in cases of discrimination based on gender, ethnicity, religion and belief, age, or sexual orientation, while the Ombudsperson for Persons with Disabilities is competent in cases of discrimination based on disability involving employees, and the Disabilities Representative is competent in cases of discrimination based on disability involving students.

A. Equal Opportunities Irrespective of Gender, Ethnicity, Religion or belief, Age, or Sexual Orientation (Anti-Discrimination) according to B-GIBG

Gender

§ 6 (1) Anti-discrimination based on gender is also addressed in the Career Advancement Plan for Women¹⁴ at TU Wien.

(2) Women shall not be discriminated against directly or indirectly when they apply for a contract of employment at TU Wien, during selection processes for (management) functions, when members of collegial bodies are delegated, when their remunerations in individual contracts of employment are determined and in human resources decisions. The same shall apply to any wage supplements, contributions, and other contributions in kind.

(3) Women shall not be discriminated against directly or indirectly in the admission procedure for a study programme or as students.

¹⁴ Career Advancement Plan for Women at TU Wien (2014)

Ethnicity

§ 7 (1) TU Wien considers itself to be a part of the globalised knowledge society, in which different origins and different cultural backgrounds of its members are a matter of fact.

(2) Discrimination based on affiliation with an (imaginary) community of people who are perceived as "foreign" because of their descent, colour, religion, language, culture or customs shall not be permissible. This applies in particular to personnel decisions, the admission as student, the granting of financial support, office allocation, working conditions or study conditions, etc.

(3) The specific initiatives of human resource development (e.g. regarding intercultural competence), of the Language Centre (e.g. regarding multilingualism) or elements of the organisational health promotion program, and in particular a healthy and motivating working environment for all members at the university under paras. 1 and 2, are intended to contribute to an open-minded, international higher-education sector.

Religion and Belief

§ 8 (1) TU Wien respects the decision of its members to belong to a religious denomination or to remain without such denomination as well as their non-religious beliefs, provided they are in accordance with all applicable laws. Discrimination based on religious beliefs or belief shall not be permissible.

(2) In addition to the public holidays, TU members who belong to an officially recognised religious community shall be granted the free time absolutely necessary to observe holidays according to the rules of their religion and shall receive their full remuneration during this time for a maximum of two working days per calendar year (§16 KV¹⁵).

Age

§ 9 (1) TU Wien commits itself to recognising and making use of the chances and opportunities provided by people in different stages of their lives. The university sees itself as a respectful and motivating working environment for all age groups.

(2) The university expects employees to be committed to life-long learning and to their own personal development, but also supports them in this endeavour. This includes in particular measures for the career advancement of junior staff members (for scientific as well as non-scientific staff members), such as mentoring programmes, through which senior and junior staff can share their knowledge and experience with each other. Generation management also includes relevant initiatives – some of which are age-specific – as part of the organisational health promotion program.

(3) Regardless of specific obligations of TU Wien (in particular the career advancement of junior faculty), age must never be a criterion in recruitment or reorganisations and for other decisions in the area of human resource.

¹⁵ Collective Bargaining Agreement for University Staff (2016)

Sexual Orientation

§ 10 TU Wien commits itself to being open-minded about the sexual orientation of its members. Overt or covert discrimination against or hostility towards people who are heterosexual, homosexual, or bisexual or people who are transsexual, inter-sexual or queer must not take place. No one should be forced to conceal or reveal their sexual orientation.

Harassment and Sexual Harassment

§ 11 (1) Sexual harassment within the meaning of § 8 B-GlBG and harassment within the meaning of § 8a or § 16 B-GlBG are distinct forms of discrimination and therefore a violation of the personal rights of university members and applicants. TU Wien does not tolerate (sexual) harassment or sexist behaviour.

(2) Sexual harassment shall be deemed to have occurred, if a university member or applicant is exposed to conduct related to the sexual sphere by a university member or a third party that violates the dignity of a person or is intended to do so, is undesired, inappropriate, degrading, or offensive for the person affected and creates an intimidating, hostile, humiliating, or harmful working environment for the person affected or is intended to do so. In this context, sexual harassment in the workplace is: sexual proposals, unwanted physical contact, insinuations and comments, sexist judgements or jokes about one's physical appearance, showing and presenting pornographic material and content as well as soliciting sexual acts.

(3) Harassment shall be deemed to have occurred, if a university member or applicant is exposed to conduct by a university member or a third party that is gender-related, or falls under the reasons stipulated under §§ 6 to 9 and is demeaning or intended to be so, undesired, inappropriate, humiliating, or offensive for the person affected and creates an intimidating, hostile, humiliating, or harmful working environment for the person affected or is intended to do so.

(4) All Members of TU Wien have to omit harassment and sexual harassment and sexist behaviour. This also includes the behaviour of teachers vis-à-vis students regarding content, format, and interaction in class, during exams, on study trips, and at other university-related events. Because of their duty of care to employees, all supervisors and managers at the university are obliged to take appropriate measures, offer support and, if applicable, proceed according to the works council agreement on "Cooperative Behaviour and Anti-Discrimination in the Workplace".

(5) Sexual harassment and harassment shall be penalised by civil-service or disciplinary regulations. All persons involved in or witness to such behaviour are obliged to report it, but shall be obliged to maintain confidentiality. Legal consequences under civil or criminal law shall not be affected by the above provisions.

Bullying

§ 12 (1) Bullying is a complex crisis-like/conflict-ridden process in the workplace, in which a person is subject to behaviours displayed by one or more persons systematically and periodically over a longer period of time that she/he experiences as offensive and discriminatory and that are intended to put her/him in an inferior position. If such a process continues without intervention, it will lead to severe damage to the working climate and negative consequences for the persons affected.

(2) All Members of TU Wien have to omit bullying. This also includes the behaviour of teachers vis-à-vis students regarding content, format, and interaction in class, during exams, on study trips, and at other university-related events. Because of their duty of care to employees, all supervisors and managers at the university are obliged to take appropriate measures, offer support and, if applicable, also proceed according to the works council agreement on "Cooperative Behaviour and Anti-Discrimination in the Workplace".

(3) Bullying shall be penalised by civil-service or disciplinary regulations. All persons involved in or witness to such behaviour are obliged to report it, but shall be obliged to maintain confidentiality. Legal consequences under civil or criminal law shall not be affected by the above provisions.

(4) If bullying has occurred, the AKG, the works council for scientific staff members, the works council for administrative and technical staff members, the Office for Gender Competence, or the student union (HTU) should be contacted.

Implementation

§ 13 Ensuring a Liveable Working Environment

(1) All members of TU Wien as well as applicants for positions and applicants for admission as students shall have the right to be treated in a manner that respects their dignity, and they shall in particular be protected from sexual harassment, harassment, discrimination, and bullying.

(2) Therefore, TU Wien shall take appropriate preventative measures and ensures that persons who are affected by sexual harassment, harassment, discrimination, or bullying are entitled to legal advice free of charge. The AKG, the two works councils, the Office for Gender Competence, the student union at TU Wien, and the organisational unit responsible for personnel development shall provide information on relevant counselling possibilities, when called upon.

§ 14 Measures against Discrimination, Sexual Harassment, Harassment, and Bullying

(1) Sexual harassment in the meaning of § 8 (for students and applicants for studies in connection with § 42 para. 2 B-GlBG), harassment in the meaning of §§ 8a and 16 B-GlBG,

and bullying shall constitute a violation of personal rights. TU Wien does not permit sexual harassment, sexist behaviour, harassment, or bullying.

(2) Any form of discriminatory conduct and discrimination based on gender, ethnicity, religion or belief, age, or sexual orientation shall constitute a violation of general service duties and shall be sanctioned according to provisions under (public service or employment) legislation (§§ 9 and 16a B-GlBG).

(3) All members of TU Wien, in particular those with supervisory duties in research, teaching, and administration, shall be responsible for not tolerating (sexually) harassing conduct and bullying in their units. The "Works Council Agreement on Cooperative Behaviour and Anti-Discrimination in the Workplace" shall be paid attention to.

(4) In addition, the rectorate shall – in accordance with the available financial means and to a reasonable extent – provide the financial and organisational resources required for suitable counselling possibilities or external counselling services.

(5) The AKG shall provide advice and support to persons, councils and committees to help them handle cases of sexist behaviour and/or sexual harassment as well as any other harassment or bullying in a professional and appropriate manner. All persons and bodies party to such incidents shall be obliged to maintain confidentiality. Relevant counselling and support services shall be included in the programme for personnel development. The Office for Personnel Development shall be responsible for designing and implementing these measures.

(6) Leadership training shall also include information on the career advancement of women, equal opportunities and anti-discrimination.

§ 15 Contact Points and Complaints Bodies

(1) Members of the university who have been subject to discrimination, sexual harassment or bullying are encouraged to seek counselling and support from the competent contact points at the university.

(2) These include

- a. in cases of discrimination (including harassment and sexual harassment) according to B-GlBG: the AKG as well as the works council for scientific staff members or the works council for administrative and technical staff members
- b. in cases of bullying: the works council for scientific staff members or the works council for administrative and technical staff members as well as the AKG and the Office for Gender Competence
- c. in cases of discrimination against an employee on grounds of a disability: the Ombudsperson for Persons with Disabilities, if the person discriminated against is a student: the Disabilities Representative at TU Wien.
- d. in cases of discrimination (including harassment and sexual harassment) and bullying of students: also the student union at TU Wien.

Procedural Regulations Involving the AKG

§ 16 Advertisement for Positions and Functions

(1) Job advertisements shall refer to both genders or shall be written in a gender-neutral form and shall include no additional text suggestive of a particular gender or a discriminatory wording according to the B-GIBG, and shall not preclude applications by persons with disabilities. Excluded from this requirement are jobs advertised as part of special initiatives aimed at eliminating a significant underrepresentation of one gender ("positive discrimination").

(2) The relevant qualifications for the vacancy (job profile) shall be incorporated into the job advertisement in their entirety. When defining admission requirements in job advertisements, the unit advertising the job shall adhere to the criteria included in the relevant job profile. Language skills required for the position or function shall be stated in the job advertisement.

(3) Advertisements for vacant jobs as well as management positions shall contain the following boilerplate: "TU Wien is committed to increasing the proportion of women in particular in leadership positions. Female applicants are explicitly encouraged to apply." In case of an existing under-representation (§ 11 para. 2 B-GIBG), the following sentence shall be added: "Preference will be given to women when equally qualified, unless reasons specific to a male applicant tilt the balance in his favour." (Opening clause § 11b B-GIBG.)

(4) Employees at TU Wien shall be informed of advertisements for jobs and management positions in a timely manner, also during a legally protected form of leave from their job or workplace. This shall also apply to internal job advertisements.

(5) The AKG shall be informed of the job advertisements, including a description of the position and the duties of the relevant organisational unit, in a verifiable manner no later than 14 days before the publication of the advertisement pursuant to § 42 para 6 (1) of the UG.

(6) Job advertisements shall be subject to the right of the AKG to raise objections. Within a period of two weeks, the AKG shall have the right to give its opinion on the draft text of the job advertisement and raise a reasoned objection in writing. If the governing body advertising the job intends to maintain the draft advertisement and does not accommodate the objections raised by the AKG in their entirety, the AKG shall have the right to lodge a complaint with the arbitration board on grounds of suspected discrimination within three weeks after the publication of the job advertisement.

(7) Job advertisements that are contrary to paras. 1 and 2 and job advertisements that are of such a general nature that they present no objective basis for a selection procedure shall not be permissible. The same applies to overly specific job advertisements where there are reasonable grounds for suspecting that the aim is to unobjectively restrict the potential pool of applications in favour of a certain person or a certain gender or when another form of discrimination under the B-GIBG has occurred.

(8) If a job advertisement is not mandatory pursuant to § 107 para. 2 UG, the AKG shall be notified in a verifiable manner of the appointment proposal resulting from a qualified

selection procedure with a transparent justification of the selection before the employment contract is signed.

(9) A change to an IT-driven system for recruitment shall also incorporate the stipulations above.

§ 17 Involvement of the AKG in Selection Procedures

(1) After the application period has ended, a list of all applications received shall be submitted to the AKG without delay (§ 42 para 6 (2) of the UG).

(2) If interviews with applicants are carried out as part of the selection procedure for a vacant job or management position, the list of those applicants invited shall be submitted to the AKG without delay (§ 42 para. 6 (3) of the UG). All application documents shall be made available to the AKG with due regard for provisions on data privacy. All female applicants who meet the requirements of the job advertisement shall be invited. The AKG shall be invited to these assessment interviews in writing and in a verifiable and timely manner (no later than 6 working days in advance). In exceptional cases (e.g. an unusually large number of applicants), the number of female applicants to be invited can be reduced as an exception and with the written agreement of the AKG.

(3) If third parties are involved in the assessment of applicants (e.g. external management consultancies, human-resource consulting, etc.) to make a pre-selection, the selection procedures shall include gender mainstreaming and gender budgeting as a compulsory quality criterion, pursuant to EU directives. These external parties shall be made aware of the Career Advancement Plan for Women and the Equal Opportunities Plan at TU Wien. The AKG shall be included in this selection process and shall be invited to all job interviews, admission interviews, assessment interviews, etc. in a timely manner – no later than 6 working days in advance – and in writing.

(4) In appointment procedures for professors, §§ 19 and 20 hereunder shall also apply.

§ 18 Job Interviews with Female Applicants Following a Job Advertisement

(1) Discriminatory questions (e.g. on family planning) shall not be asked in job interviews. When assessing female applicants' qualifications, no selection or assessment criteria shall be used that are based on a discriminatory, stereotyped understanding of gender roles.

(2) Applications submitted by women during a legally protected form of leave from work shall be included in the selection procedure and shall be given equal consideration with other applications.

(3) As a principle, selection criteria not mentioned in the job advertisement shall not be considered. If, as an exception, the definition of ancillary criteria for decision-making is indispensable in a recruitment procedure, these must be objective. In addition, the qualifications stipulated in the job advertisement shall not be disregarded as a result of using these ancillary criteria. The ancillary criteria shall be a suitable means for making a decision. Aspects that are of no significance with regard to fulfilling future tasks shall not be included.

Further, no ancillary criteria shall be applied that are based on a discriminatory or stereotyped understanding of gender roles. If, as an exception, ancillary criteria are applied in the selection decision, the hiring decision shall be justified in a transparent manner in writing to the AKG.

(4) If women are under-represented pursuant to § 11 para. 2 B-GIBG and if no woman has been nominated to fill a vacancy, the person entitled to make a nomination shall present the reasons for the non-consideration of each female applicant in writing.

§ 19 Involvement of the AKG in Appointment Procedures for Professorships

(1) A maximum of two members of the AKG shall have the right to participate in meetings of the appointment committee in an advisory capacity, to make official proposals for procedural issues, to have dissenting opinions included in the minutes, and to have contributions to discussions made by members of the appointment committee recorded in the minutes. The members of the AKG shall be invited in due time to every meeting of the appointment committee. If they are not invited, the appointment committee shall carry out the discussion again and shall retake its decision for the matter in a new meeting to which the AKG shall be invited in due form.

(2) If candidates are included in appointment procedures pursuant to § 98 para. 2 of the UG who did not apply, the AKG shall be notified immediately and in writing.

(3) The AKG shall have the right, in accordance with § 42 para. 4 of the UG and relevant data-privacy regulations, to view all documents, in particular application documents and assessment reports, and to make copies of these.

§ 20 Invitations to Appointment Lectures for Professorships

If applicants are invited to give a lecture or a personal presentation as part of an appointment procedure for professorships, all female applicants who fulfil the legal prerequisites for recruitment and meet the demands stated in the job advertisement shall be invited. In exceptional cases (e.g. an unusually large number of applicants), the number of female applicants to be invited may be reduced as an exception and with the written approval of the AKG.

§ 21 Selection Decisions

(1) Female applicants who are equally qualified for the advertised position compared to the most qualified male applicants shall be given priority in the appointment proposal until a proportion of women of at least 50% has been achieved in the relevant employment category.

(2) Female candidates in the appointment proposals who are equally qualified compared to the most qualified male applicants shall be given priority in contract negotiations for appointments as professors.

(3) If no female applicant is included in the appointment proposal, the appointment committee shall specify the reasons for the non-consideration in the written assessment of each female applicant.

(4) The rector shall notify the AKG in writing of her or his selection decision based on the appointment proposal prior to the start of any contract negotiations for the appointment of professors. The AKG shall have the right to lodge a complaint against this selection decision with the arbitration board on grounds of discrimination within two weeks after receiving the notification (§ 98 para. 9 UG).

B. Non-Discrimination Rule Concerning Disability

§ 22 (1) TU Wien is committed to providing equal opportunities for persons with disabilities and chronic or mental illnesses (hereinafter referred to as "persons with disabilities") and creates an environment in which their equal participation in all areas of teaching, research, and administration is possible¹⁶. "Disability" denotes a dynamic process that is socially constructed, contingent on individuals' working and study situations. Objectives pertaining to equal opportunities include in particular:

- a. Providing equal access to all teaching and services,
- b. Removing barriers regarding study conditions, granting compensation for disadvantages, and alternative exam formats,
- c. Freedom of barriers regarding construction, organisation, technology, and information (in particular compliance with ÖNORM B 1600 et seq.¹⁷, the E-Government Act¹⁸, the BEinstG¹⁹ and the BGStG²⁰),
- d. Improving career opportunities and support for persons with disabilities in academic, technical, and administrative positions,
- e. Supporting disability studies and integrating them into research and teaching.

(2) TU Wien shall design its job advertisements and individual job interviews in a non-discriminating manner and shall highlight its objective of providing equal opportunities in all recruitment matters and job advertisements. Advertisements for vacant jobs as well as leading positions shall contain the following boilerplate: "Persons with disabilities and relevant qualifications are explicitly encouraged to apply."

(3) All applicants with disabilities who meet the requirements stated in the job description shall be invited to an interview. In exceptional circumstances (e.g. an unusually high number of applicants with disabilities) the number of applicants with disabilities to be invited may be reduced as an exception and after having obtained approval from the Ombudsperson for Persons with Disabilities in writing.

(4) All training courses for employees shall be designed in a manner that persons with disabilities can participate without restrictions.

(5) Students with disabilities shall have the opportunity to discuss the support necessary for their participation with the Disabilities Representative. The support offered shall depend on the impact of the disability on the study programme / the course contents and shall be deemed to be a compensation for disadvantages as well as the implementation of requirements of the UG and the objectives set by TU Wien.

(6) When designing their courses, all teachers shall be committed to anti-discrimination and shall take into account the dimension of disability as far as possible regarding the

¹⁶ Guideline of the Vice Rectorate for Human Resources and Gender "Employing Persons with Disabilities" (2014)

¹⁷ÖNORM B 1600: 2013 10 01, Building for Accessibility – Planning Principles

¹⁸ E-Government Act (E-GovG), Federal Law Gazette I No. 10/2004

¹⁹ Disability Employment Act (BEinstG), Federal Law Gazette. No. 22/1970

²⁰ Federal Disability Equality Act (BGStG), Federal Law Gazette. I No. 82/2005

"learning outcomes" of the course. Course contents and materials for students with disabilities shall be made available in an accessible format, as needed. This shall in particular apply to contents and materials made available on e-learning platforms.

(7) TU Wien and its teaching staff shall be committed to considering alternative examination methods (§ 59 para. 1 (12) UG) and to applying this provision to the benefit of students with disabilities. The Vice Rector for Academic Affairs shall support this principle.

(8) The contact person regarding cases of such discrimination is the Disabilities Representative at TU Wien for students and the Ombudsperson for Persons with Disabilities for employees.

§ 23 TU Wien creates incentive systems for increasing the number of employees with disabilities both among the technical administrative staff and among the academic staff.

(1) In agreement with the Ombudsperson for Persons with Disabilities, an appropriate number of positions explicitly reserved for persons with disabilities shall be advertised, contingent upon available financial resources, at least until the target quota under the Disability Employment Act has been reached. These job advertisements for positions for persons with disabilities shall contain the boilerplate: "This job advertisement is addressed to applicants with disabilities."

(2) The Ombudsperson for Persons with Disabilities shall also have the right to be the contact person for job applicants with disabilities during the recruitment process.

§ 24 The Ombudsperson for Persons with Disabilities and the Disabilities Representative shall have the right to participate in meetings of the senate to provide information.

§ 25 Monitoring of the Situation of Persons with Disabilities at TU Wien

(1) Every four years, the rector shall commission a study on the situation of persons with disabilities at TU Wien, in particular their working and study conditions, as part of the stakeholder survey. The study can be commissioned to an organisational unit of TU Wien. The results of this study shall be published by the rector in an appropriate format.

(2) Every four years, an evaluation of the support measures for persons with disabilities shall be conducted. If an external party is to conduct the evaluation, the Ombudsperson for Persons with Disabilities and the Disabilities Representative shall have the right to propose the external party.

(3) Based on the results of the evaluation of the support measures for persons with disabilities, measures aimed at providing equal opportunities for persons with disabilities at TU Wien shall be designed and implemented in collaboration with the Ombudsperson for Persons with Disabilities and the Disabilities Representative.

§ 26 Ombudsperson for Persons with Disabilities

(1) Registered persons with disabilities shall have the right to elect their own representative body. If TU Wien employs a minimum of 5 registered persons with disabilities, they elect an Ombudsperson for Persons with Disabilities among themselves (§ 22a BEinstG). The legal basis for the work of the Ombudsperson for Persons with Disabilities is the Disability Employment Act (§§ 8 and 22a BEinstG) and the Labour Constitution Act (§ 67 ArbVG²¹).

(2) The Ombudsperson for Persons with Disabilities shall represent the economic, social, health-related, and cultural interests of the registered employees with disabilities and shall be available as a contact person.

The duties of the Ombudsperson for Persons with Disabilities include in particular

- a. monitoring compliance with the provisions of the Disability Employment Act,
- b. communicating perceived deficiencies to the works council and the employer,
- c. making proposals regarding employment, training, and further education,
- d. pointing out special needs of employees with disabilities,
- e. participating in the meetings of the works council in an advisory capacity (§ 67 ArbVG).

(3) TU Wien shall provide the Ombudsperson for Persons with Disabilities with rooms as well as other equipment for the fulfilment of her or his duties to an appropriate extent (§ 22a para. 15 BEinstG).

(4) The Ombudsperson for Persons with Disabilities shall have the right to use the resources of her or his own workplace (PC etc.) and the infrastructure (rooms and personnel) of the works council to which she or he belongs for the fulfilment of her/his duties.

(5) The cash expenses incurred by the Ombudsperson for Persons with Disabilities in the fulfilment of her/his duties shall be refunded out of the reimbursement fund, provided that no reimbursement can be granted based on other legal provisions (§ 22a para. 15 of the Disability Employment Act). In addition, TU Wien can reimburse the expenses arising from travel and accommodation for further education and networking to a reasonable extent.

§ 27 Disabilities Representative at TU Wien

(1) The Disabilities Representative at TU Wien shall be the contact point for students who are deemed to be disabled, chronically ill, or are hindered in their studies in another form.

(2) The duties of the Disabilities Representative shall include:

- a. Counselling and providing information for persons with disabilities and chronically ill students and potential students in all matters connected to the disability and the chronic illness and their studies. Er besorgt es Simons
- b. Individual counselling and support for students in their everyday university life.
- c. Developing criteria for implementing the compensation of disadvantages in collaboration with all areas of the university, in particular teaching and the

²¹ Federal Law of 14 December 1973 on the Labour Constitution (Labour Constitution Act - ArbVG)

different service units at TU Wien, as well as in collaboration with colleagues from other universities and universities of applied sciences in Austria for the entire higher-education sector in Austria.

- d. Communicating the initiatives taken and implementing measures to raise awareness of persons with disabilities at universities and higher education institutions in all areas and organisational units.
- e. Providing professional assistance and coordinating the compensation of disadvantages and support services in cooperation with all units at the university, in particular teaching and different service units at TU Wien.
- f. Developing and extending the counselling services for students with disabilities.
- g. Contributing to the barrier-free accessibility and equipment of buildings and infrastructure at TU Wien, e.g. when planning the barrier-free construction of new buildings or the retrofitting of existing buildings. The Disabilities Representative and the Ombudsperson for Persons with Disabilities shall be actively involved in the implementation and shall be informed by the competent department about all measures taken that concern buildings and infrastructure. For major construction and retrofitting projects, a trained professional with expertise in the barrier-free design of buildings shall be called upon in order to ensure that this is carried out professionally. The Disabilities Representative and the Ombudsperson for Persons with Disabilities shall have the right to inform the rectorate of any deficiencies.
- h. Contributing to and carrying out research projects that focus on issues and topics relevant to persons with disabilities.

(3) The Disabilities Representative shall be independent in the fulfilment of her or his duties, in particular regarding the substance of the advice, and shall be assigned to the Vice Rectorate for Academic Affairs. The position shall be advertised. Required qualifications include a university degree with a focus on technical sciences or social sciences or an equivalent qualification and a disability of at least 50%.

(4) The rector shall provide the Disabilities Representative with the resources (room, personnel, and equipment) necessary for the fulfilment of her/his duties.

Chapter 2

RECONCILING WORK / STUDIES AND FAMILY LIFE

§ 28 Institutions for Child Care and Compatibility

(1) TU Wien sees it as an obligation to consider family responsibilities and duties when designing jobs or study syllabus'. To this end, framework conditions are created that make jobs/degree programmes and family care more compatible.

(2) To implement and further develop measures to improve compatibility, the rector shall appoint a Representative for Compatibility Issues for her/his period of office based on the proposal of the AKG. This person shall be assigned to the competent vice rector pursuant to the Rector's Rules of Procedure. The rights and duties of the Representative for Compatibility

Issues are derived from the Universities Act, the statute of TU Wien, and the Charta "Families at University". The Representative for Compatibility Issues shall be independent in her/his work and the advice she/he gives.

(3) The Representative for Compatibility Issues shall be placed in the organisational structure of TU Wien.

(4) The Representative for Compatibility Issues shall advise the university management on measures suitable for improving the compatibility of work and studies with family care. She/He shall draw attention to the issue of compatibility of work and studies with family care and enhance awareness of this issue.

(5) In addition, TU Wien has established an Office for Compatibility Issues to support all members of TU Wien and to fulfil TU's compatibility mission as an operating unit. In addition to its core role as contact point and service unit, this office shall design and implement concrete initiatives for child care and offer support for people who provide care to family members.

(6) As part of a stakeholder survey, the competent member of the rectorate shall conduct a survey of the childcare needs at TU Wien for the coming three years among all university members under § 94 of the Universities Act, and she/he shall receive support for this from the Representative for Compatibility Issues. The survey shall take into account the needs of persons who are on leave for reasons provided for by law. TU Wien shall provide the necessary resources. The results of this survey shall be published by TU Wien in an appropriate format. The detailed results shall be forwarded to the university council, the rectorate, the senate, the AKG, and the works councils. Based on the results and contingent on the availability of financial resources, appropriate measures shall be taken.

(7) The rectorate shall ensure that the Representative for Compatibility Issues is provided with the resources necessary (e.g. time, equipment, travel, further education). The Representative for Compatibility Issues may also use the resources available at her/his workplace for the fulfilment of her/his duties (desk, phone, PC etc.).

(8) An advisory board ("kindergarten board") shall help with the preparation of the allocation of places at the university kindergarten. The kindergarten board shall include representatives of the parents, the works councils, the Office for Gender Competence, the AKG, and the Representative for Compatibility Issues.

(9) The Representative for Compatibility Issues shall report periodically on the developments regarding compatibility and support for dual careers to the competent vice rectorate, the works council for scientific staff members, the works council for administrative and technical staff members, and the AKG, and shall for this purpose be invited to the respective meetings at least once a year. If necessary, the representative bodies shall have the right to request a report from the Representative for Compatibility Issues outside of the periods agreed upon. Annual reports to the faculties as well as to the senate shall be arranged for.

(10) TU Wien is committed to fostering dual careers.

§ 29 Working Hours

When designing new schemes for the planning and recording of working hours and for the monitoring of presence at work and absence from work, the AKG shall be included in addition to the works council for scientific staff members and the works council for administrative and technical staff members.

§ 30 Telework²²

(1) Telework in the meaning of particular tasks being completed at a remote workplace is in principle possible for all employees at TU Wien as well as for all civil servants assigned to TU Wien for service, provided that the tasks to be completed are in principle suitable for telework. For apprentices and interns, teleworking shall not be a possibility.

(2) Both the tasks associated with the job of the employee concerned and the remote workplace shall be suitable for telework.

(3) As part of a teleworking agreement, those weekdays on which telework is to be carried out shall be laid down. The proportion of working hours to be completed at TU Wien shall be in general, as a minimum, 50%.

(4) The concrete distribution of working hours between the regular workplace and the remote workplace shall be agreed upon in writing by the supervisor and the employee. The concrete conditions of the telework shall be laid down in a written agreement between the employee and TU Wien as an appendix to the contract of employment. In addition, an order according to § 36a BDG²³ shall be given for civil servants.

(5) The vice rector competent for human resources shall make a decision on the application after consultation with the supervisor.

(6) Employees are not entitled to do telework, but the personal circumstances of the applicant shall be taken into account.

(7) Details regarding telework shall be laid down in a directive by the Vice Rectorate for Human Resources and Gender. In case of amendments, those conditions more beneficial to employees shall apply.

§ 31 Special Leave and Parental Leave

When taking special leave, family leave, and care leave, the following principles shall apply to all employees:

(1) Taking part-time employment and leave, including family leave, shall not lead to direct or indirect discrimination against employees in connection with their employment or training.

(2) If employees return to their jobs after a leave of absence, they shall be given sufficient

²² Directive by the Vice Rector for Human Resources and Gender on Telework (2014)

²³ Federal Law of 27 June 1979 on the Employment of Civil Servants (Civil Servants' Employment Act 1979 - BDG 1979)

time for familiarising themselves with their area of responsibility.

§ 32 Extended Care Leave for Employees at TU Wien²⁴

(1) TU Wien shall grant its employees the possibility to take a leave of absence to perform the necessary care for close relatives who do not live in the same household. The legally stipulated limits that apply to care leave (§ 76 of the BDG, § 29f of the Contractual Employee Act (VBG), §§ 16 to 18 of the Holiday Act²⁵) per calendar year shall not be exceeded when making use of this additional possibility.

(2) Paid care leave can be taken for the necessary care of a close relatives. The need for this care shall be deemed to exist, if a sick relatives cannot be left alone because of the type and severity of the illness or her/his age, if the sick relatives requires assistance, or if medical care is necessary. The physician consulted shall determine the length of the need for care resulting from a particular illness. The leave may also be necessary for a certain amount of hours only.

(3) Necessary care shall also be deemed to include the completion of urgent tasks that cannot be postponed (e.g. shopping, accompanying someone to the physician's office or the completion of administrative procedures). Close relatives shall be deemed to include parents, grandparents, great-grandparents, biological children, adopted and foster children, if the right of care leave no longer exists; biological children of spouses, registered partners, and domestic partners living in the same household; and grandchildren, and great-grandchildren (irrespective of their household).

(4) This form of leave shall be applied for to the personnel department and needs to be justified in writing in order to demonstrate the necessity of the care. If an insufficient justification for the necessity of the leave is given or if the required documentation of a medical examination is not presented, the working hours taken as leave shall be worked as extra hours.

§ 33 Establishment of Parent-and-Child Facilities

TU Wien shall establish parent-and-child facilities at all its locations and shall equip them to meet the needs of parents (e.g. facilities for preparation of baby food), contingent on available space and technical conditions.

§ 34 Compatibility of Studies with Family Care

(1) TU Wien shall work towards making pregnancy, parenthood, and care of family members compatible with studies and the completion of degree programmes.

(2) Care of family members shall constitute a reason for leave in the meaning of § 67 para. 1 of the UG.

²⁴ Works Agreement regarding Extended Care Leave (2015)

²⁵ Federal Act of 7 July 1976 for the Standardisation of Legislation concerning Holidays and the Introduction of Care Leave

§ 35 Reporting Duties

- (1) In addition to the reporting duties arising from the Directive on the Intellectual Capital Report, the competent vice rectorate shall, every three years, prepare a report on the measures taken to improve the compatibility of work, studies, and family care as well as their effects based on stakeholder surveys, additional data, and the reports of the Representative for Compatibility Issues.
- (2) These reports shall be forwarded to all representative bodies, including the AKG and the Representative for Compatibility Issues, and shall be discussed as needed; they shall also be made available to all members of TU Wien in an appropriate format.
- (3) The rectorate shall publish summaries of survey results and reports in an appropriate format.

C. Validity Period and Entry into Force

§ 36 Validity Period

This Equal Opportunities Plan shall be in force for a period of six years. It shall be adapted to new developments every three years.

§ 37 Entry into Force

The Equal Opportunities Plan at TU Wien under UG shall enter into force by its publication in the University Gazette.