



# Statute of the St. Pölten UAS

## Part 3 – Equality, Promotion of Women

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## I. Equality, Promotion of Women

### 1.1. Legal Basis

**Section 1.** (1) According to Art. 2 (5) of the University of Applied Sciences Studies Act (FHStG), the Provider is to ensure the equality of men and women as well as the promotion of women.

(2) The composition of the committees should aim at an adequate balance between women and men.

(3) The Provider in the form of a legal person under private right is to observe the federal law concerning equal treatment, Equal Treatment Act (Gleichbehandlungsgesetz - GIBG), BGBl. (Federal Law Gazette for the Republic of Austria) I no. 66/2004.

(4) According to Art. 10 of the University of Applied Sciences Studies Act, “at least ... measures to ensure equal opportunities for women and men, provisions regarding the promotion of women ... have to be introduced in the statute.”

### 1.2. Guiding Principles Regarding the Promotion of Women, Gender Equality and Diversity

**Section 2.** (1) The Provider and the UAS Board regard gender equality & diversity and the related objectives as an essential part of the St. Pölten UAS and its advancement. The following guideline is supported and encouraged by all parties involved.

(2) Based on the following guideline, the UAS Board, in agreement with the Provider and the works council, draws up a catalogue of measures concerning the equality of women and men and the promotion of women.

### 1.3. Objectives

**Section 3.** The St. Pölten UAS pursues the following objectives:

1. The St. Pölten UAS is a modern-run business which anchors gender & diversity management in its strategy.
2. In all organisational units and hierarchy levels, women ought to be represented with a level of preferably 50%.
3. An increased awareness of gender equality and diversity is promoted in all staff members with the goal being to increase the quality of the corporate culture as a higher educational institution and hence create a positive corporate climate.
4. The identification of existing or potential future discriminations is encouraged and discriminations which are discovered are permanently eliminated.
5. In case of modification processes in teaching and administration, the objectives of the gender & diversity management are to be taken into account.
6. The St. Pölten UAS endeavours to show its open-mindedness to the public through its corporate identity by being mindful of diversity and accessibility in all means of communication.
7. The personnel structure of the St. Pölten UAS, the HR management and HR development take the objectives of gender & diversity management into account and promote diversity in teams as well as individual potentials and resources of the staff members. This paves the way for different and unusual career paths and ensures a well-rounded work-life balance. Gender & diversity objectives are integrated into the personnel strategy.
8. Gender & diversity management is anchored in the organisational structure, quality management and the processes. It is considered when it comes to corporate communication as well.

9. The UAS promotes measures to achieve a gender- and diversity-sensitive composition of students in all study programmes.
10. The St. Pölten UAS is a family-friendly institution which takes the individual needs of its staff members during pregnancy, parental leave, child-raising periods and caring periods for relatives into account. It considers a well-rounded work-life balance to be an essential part of its corporate culture, which is why flexible working time models are offered.
11. Staff members receive support when returning to work after a period of absence (parental leave, caring for relatives).

#### **1.4. Measures Regarding the Promotion of Women, Gender Equality and Diversity**

**Section 4.** The St. Pölten UAS implements the following measures:

1. Inclusion of Gender Mainstreaming & Diversity Management (GMDM) in essential strategic decisions and processes: gender & diversity goals are rooted in the respective strategy, in the personnel strategy, in the commitment to researchers and in the management guidelines.
2. The independent body of a G&D officer is set up.
3. A language manual sets guidelines for internal communication and corporate identity.
4. Consideration of the gender and diversity aspect in research projects regarding the team composition and the research content.
5. GMDM should be included in the curriculum and gradually adapted to the framework of the study programme and the examination regulations.
6. Special budget for departments and institutes for specific measures promoting women and diversity
7. Specific consideration of gender & diversity aspects in further education measures
8. Regular assessment and expansion of constructional measures concerning accessibility
9. Data are collected and key figures are created for all objectives and measures.
10. Integration of the G&D officer in the recruiting process or hearing
11. Regular salary checks and income reports
12. Promotion of measures which serve the implementation of the UAS guiding principles as well as events and measures promoting gender and diversity awareness

## **II. Measures against Sexual Harassment**

### **2.1. Introduction**

**Section 5.** (1) The St. Pölten UAS prohibits all forms of sexual harassment of staff members, students or other people in the higher education sector. This part of the statute informs about the handling of sexual harassment.

(2) The St. Pölten UAS encourages all people to report sexual harassment early on. All staff members of the St. Pölten UAS are responsible, in accordance with their possibilities, to stop sexually harassing behaviour.

(3) The St. Pölten UAS commits itself to creating a respectful and positive environment to work and study, free from discrimination.

(4) It is an objective of the St. Pölten UAS to inform all members of the UAS in respect to the topic of sexual harassment. With these provisions, regulations concerning proceedings in case of observation or experience of sexual harassment as well as actions and reactions when it comes to the reporting of incidents are specified.

### **2.2. Scope and Definition**

**Section 6.** This part of the statute applies to all staff members and students of the St. Pölten UAS and is based on the definition of sexual harassment laid down in the Equal Treatment Act (GIBG) BGBl I. no 66/20014: "Sexual harassment is present when behaviour of a sexual nature is conducted which affects the dignity of a person or is performed with the intention to affect it or is unwanted, inappropriate or offensive and

1. creates or intends to create an intimidating, hostile or humiliating work atmosphere for the person concerned or
2. when the rejection or condoning of the sexual nature on the part of employers or superiors or colleagues, explicitly or silently becomes the basis of a decision affecting the person's training, occupation, further employment, promotion or remuneration or on the basis of another decision in the workplace."

(2) Assaults can occur in different types (visual, verbal, physical), especially through

1. displaying of sexually suggestive pictures,
2. whistling with a sexual intention,
3. telling of suggestive jokes,
4. seemingly unintentional touching,
5. suggestive unwanted comments and questions,
6. unwanted invitations with a clear intention,
7. pinching of the butt,
8. forced kisses,
9. threat of professional or other disadvantages in case of sexual refusal.

(3) Decisive for the offence of sexual harassment is the undesirability of the behavior. Relationships by mutual consent therefore are not to be considered sexual harassment. The deciding factor is the subjective feeling of the harassed person.

(4) In regard to sexual harassment according to Art. 218 of the Austrian Criminal Code (StGB) BGBl. no 60/1974 in the current version, the St. Pölten UAS assists by arranging contact with the law enforcement agencies and legally recognised victim protection institutions.

### 2.3. Information

**Section 7.** (1) The St. Pölten UAS informs all staff members and students about this part of the statute and its main content.

(2) Furthermore, it is the responsibility of the gender & diversity officer to point out these regulations to new staff members at information events (e.g. training for new lecturers) or by routing slips meetings to new staff members.

(3) Students will be informed about these provisions at the information event at the start of their studies.

## 2.4. Support Programme

**Section 8.** (1) The intervention levels, measures and sanctions after reporting an incident are described in more detail below. Depending on the wishes of the reporting person, the report can lead to consultancy activities (continuous counselling and assistance for self-help) or lead to further intervention, depending on the individual case.

(2) Persons who feel sexually harassed have the right to defend themselves. The involvement of witnesses can facilitate the process of filing a complaint. Every complaint is taken seriously and pursued. It depends on the individual case which measures are taken. If a complaint is justified or if an accusation is confirmed, this may have legal consequences.

(3) Each person involved in the complaint process is bound to confidentiality and discretion. Each person involved in the investigation is to sign a confidentiality agreement. Each incident (including all phases of action) is to be documented in writing by the person of contact. This serves, amongst other things, to continually improve efforts to prevent and discourage sexual harassment.

## 2.5. Contact Persons in Case of Sexual Harassment

**Section 9.** Persons in charge at the St. Pölten UAS are:

1. Gender & Diversity Officers
2. Works Council
3. Academic Directors
4. Student Representatives
5. Members of the UAS Board
6. Human Resources and Legal Affairs

## 2.6. Responsibilities of the Contact Persons

**Section 10.** The persons in charge have the following responsibilities:

1. Taking of the report, documentation
2. Personal meeting, counselling
3. If required: inclusion of additional services of the St. Pölten UAS (G&D Officer, Human Resources and Legal Affairs, Academic Directors, Head of Department).
4. Discussion of further options (documentation)
5. If required: consultation of external counsellors
  - a. Equal Treatment Advocacy (Gleichbehandlungsanwaltschaft)  
<http://www.gleichbehandlungsanwaltschaft.at/>, +43 (0) 800 206 119/free of charge
  - b. Women helpline against violence: <http://www.frauenhelpline.at/> +43 (0) 800 222 555 (free of charge)
  - c. Austrian Chamber of Labour (Arbeiterkammer)
  - d. Recognised victim protection organisations
6. Actively keeping track of the development of the report and further legal steps
7. If necessary: updating of the provisions concerning the prevention of sexual harassment
8. Process review (efficiency, ...)
9. Management of the provisions
10. Marketing consultancy upon request in cases with external effects

### III. Preventative Measures against Discrimination

#### 3.1. Introduction

**Section 11.** (1) The St. Pölten UAS initiates and supports innovative projects in the areas of gender mainstreaming, promotion of women and diversity management. The UAS promotes mixed teams and consciously draws on the varied competences of its staff members from the various specialist areas when it comes to projects and cooperations.

(2) The St. Pölten UAS condemns all forms of discrimination and takes measures to prevent them early on. For specific incidents, each individual is instructed to take action against discrimination. The measures listed below are intended to contribute to the clarification in case of suspicion of discrimination or an incident.

(3) It is important to be sensitive when dealing with incidents of discrimination. Persons who are affected by discrimination are offered support. Those persons who discriminate against other persons or groups of persons are informed about their misconduct, educated and possibly trained and, if necessary, legal steps are taken.

#### 3.2. Measures Regarding Incidents of Discrimination

**Section 12.** The St. Pölten UAS prohibits all forms of discrimination of staff members, students or other people in the higher education sector. This part of the statute informs about the handling of sexual harassment.

1. The St. Pölten UAS is committed to creating a respectful and positive work and study environment for all staff members and students free from discrimination of all kinds.
2. The St. Pölten UAS encourages all people to report any form of discrimination early on.
3. It is an objective of the St. Pölten UAS to inform all members of the UAS in respect to the regulations regarding discrimination.

#### 3.3. Scope and Definition

**Section 13.** (1) This part of the statute concerning discrimination applies to all staff members and students.

(2) Discrimination can refer to:

1. Sex / gender
2. Disability / chronic illness
3. Sexual orientation
4. Parenthood / pregnancy
5. Ethnic background / immigration background
6. Religion / ideology
7. Political orientation
8. Social background
9. Age
10. Other

(3) Discrimination can occur in form of:

1. Insult / verbal abuse
2. Personal degradation or humiliation
3. Hostility / intimidation / threat
4. Exposure in front of others or social exclusion

5. Withholding of rights or information
6. Obstacles to access or use of infrastructure
7. Sexual harassment (see statute part 3: equality, promotion of women)
8. Indirect discrimination in which rules, structures or processes have a negative impact on specific groups of people

(4) Discrimination can occur in the following contexts:

1. During work
2. During a break or in work-free time on the campus
3. Outside of the campus but in relation to work or studies

(5) Discrimination can come from:

1. Superiors
2. Staff members
3. Colleagues
4. Students
5. Lecturers
6. Others

### 3.4. Dealing with Discrimination

**Section 14.** (1) Hereinafter, the intervention levels, measures and sanctions after notification of an incident or suspected discrimination are explained in more detail. Depending on the wishes of the reporting person, reports can lead to advisory activities (continuous counselling and assistance for self-help) or further interventions. This depends on the individual case.

(2) Persons who feel discriminated against have the right to defend themselves. Involving witnesses can facilitate the complaint process. Every complaint is taken seriously and tracked. The measures depend on the individual case. If a complaint is justified or if a suspicion/accusation is confirmed, this can lead to study law or employment law consequences.

(3) All persons involved in the complaint process are bound to confidentiality and discretion. Each person involved in the investigation must sign a confidentiality agreement. Each incident (including all levels of action) must be documented by the contact persons in writing. This serves, among other aspects, the continuous effort to prevent any form of discrimination.

### 3.5. Contact Persons in Case of Discrimination

**Section 15.** Persons in charge at the St. Pölten UAS are:

1. Gender & Diversity Officers
2. Works Council
3. Human Resources and Legal Affairs
4. Academic Directors
5. Members of the UAS Board
6. Student Representatives (and all positions related)



### 3.6. Tasks of the Contact Persons

**Section 16.** The persons in charge have the following responsibilities:

1. Taking of the report, documentation
2. Personal meeting, counselling
3. If required: inclusion of additional services of the St. Pölten UAS, discussion of further proceedings (documentation)
4. If required: consultation of external counsellors
  - a. Disability advocacy, Equal Treatment Advocacy
  - b. Women helpline against violence: Austrian Chamber of Labour (Arbeiterkammer)
  - c. Recognised victim protection organisations
5. Actively keeping track of the development of the report and further legal steps
6. If necessary: updating of the provisions concerning the prevention of discrimination
7. Process review (efficiency, ...)
8. Management of the provisions
9. Marketing consultancy upon request in cases with external effects

### 3.7. Abuse of the Complaint Option

**Section 17.** Deliberate false reports may have legal consequences.