

Statute of the St. Pölten UAS

Part 03 – Equality, Promotion of Women

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I. Scope of Application

§ 1. (1) Part 3 of the Statute is an integral part of the Statute of the St. Pölten University of Applied Sciences (hereinafter “FHSTP”) and is to be passed by the UAS Board in agreement with the Provider (see § 10 FHG¹).

(2) The Statute applies to all study programmes and continuing education programmes of the FHSTP which are accredited in Austria and serves as the basis for the educational relationship between the students and the Provider (FHSTP).

II. Legal Basis

§ 2. (1) According to § 2 (5) FHG, 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) Providers in the form of legal persons under private right are to observe the federal law concerning equal treatment, the Equal Treatment Act².

(4) According to § 10 (3 (10)) FHG, the Statute is to contain an equal opportunities plan.

2.1. Guiding Principles for the Promotion of Women, Gender Equality, and Diversity

§ 3. (1) The Provider and the UAS Board regard gender equality & diversity and the related objectives as an essential part of the FHSTP 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 of the FHSTP, draws up a catalogue of measures concerning the equality of women and men as well as the promotion of women.

2.2. Objectives

§ 4. The FHSTP pursues the following objectives:

1. The FHSTP is a modern-run business which considers and 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, especially those with executive functions, with the goal of increasing the quality of the corporate culture as a higher educational institution and hence creating a positive corporate climate.
4. The identification of any existing or potential future discriminations is encouraged and discriminations which are discovered are permanently eliminated.
5. In case of modification processes in research, teaching, and administration, the objectives of the gender & diversity management are to be taken into account.

¹ University of Applied Sciences Act, orig. version: Federal Law Gazette no. 340/1993, as amended by Federal Law Gazette I no. 177/2021

² Bundes-Gleichbehandlungsgesetz – B-GIBG, orig. version: Federal Law Gazette no. 100/1993 as amended

6. The FHSTP 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 FHSTP, 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 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, in quality management, and in the processes. It is considered when it comes to corporate communication as well.
9. The FHSTP promotes measures to achieve a gender- and diversity-sensitive composition of students in all study programmes.
10. The FHSTP 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).

2.3. Measures Regarding the Promotion of Women, Gender Equality and Diversity

§ 5. The FHSTP 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 position 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 all measures which serve the implementation of the UAS guiding principles as well as events and measures promoting gender and diversity awareness.

III. Measures against Sexual Harassment

3.1. Introduction

§ 6. (1) The FHSTP prohibits any form of sexual harassment of staff members, students, or other people in the higher education sector. This part of the Statute provides information on the handling of sexual harassment.

- (2) The FHSTP encourages all people to report sexual harassment early on. All staff members of the St. Pölten UAS are responsible, in accordance with their possibilities, for preventing sexually harassing behaviour.
- (3) The FHSTP commits itself to creating a respectful and positive environment to work and study, free from discrimination, for all employees and students.
- (4) It is an objective of the FHSTP to inform all members of the UAS about the regulations regarding 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.

3.2. Scope and Definition

§ 7. (1) This part of the Statute applies to all staff members and students of the FHSTP and is based on the definition of sexual harassment laid down in the Equal Treatment Act (GIBG):

„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, either explicitly or by implication, becomes the basis of a decision affecting the person's training, occupation, further employment, promotion, or remuneration or the basis of any other decision in the workplace." (translated from German)
- (2) Assaults can manifest themselves in different ways (visual, verbal, physical), especially through
1. displaying of sexually suggestive pictures,
 2. catcalling,
 3. telling of suggestive jokes,
 4. seemingly unintentional touching,
 5. suggestive unwanted comments and questions (also disguised as "compliments"),
 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) The decisive factor for the offence of sexual harassment is the undesirability of the behaviour. 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 § 218 of the Austrian Criminal Code (StGB), Federal Law Gazette no. 60/1974 as amended, the FHSTP assists by arranging contact with the law enforcement agencies and legally recognised victim protection institutions.

3.3. Information

§ 8. (1) The FHSTP 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 during the onboarding of new staff members.

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

3.4. Support Programme

§ 9. (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 consequences under either study law or employment law.

- (3) Every person involved in the complaint process is bound to confidentiality and discretion. Every person involved in the investigation process 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.

3.5. Contact Persons in Case of Sexual Harassment

§ 10. Persons in charge at the FHSTP are:

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

3.5.1. Responsibilities of the Contact Persons

§ 11. 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 FHSTP (G&D Officer, Human Resources and

Legal Affairs, Academic Director, 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 organisation
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, etc.)
9. Management of the provisions
10. Marketing consultancy upon request in cases with external effect

IV. Preventative Measures against Discrimination

4.1. Introduction

§ 12. (1) The FHSTP initiates and supports innovative projects in the areas of gender mainstreaming, promotion of women, and diversity management. The FHSTP promotes mixed teams and consciously draws on the varied competencies of its staff members from the various specialist areas when it comes to projects and cooperations.

(2) The FHSTP condemns all forms of discrimination and takes measures to prevent them early on. In 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. If necessary, legal steps are taken.

4.2. Measures regarding Incidents of Discrimination

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

4.3. Scope and Definition

§ 14. (1) This part of the Statute concerning discrimination applies to all staff members and students of the FHSTP.

(2) Discrimination can affect the following dimensions:

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 the 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 or intentional misinformation
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
9. Unequal pay

(4) Discrimination can occur in the following contexts:

1. During work
2. During breaks or work-free times on 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, teaching staff
6. Others

4.4. Dealing with Discrimination

§ 15. (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, also in anonymous form if they prefer. 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 consequences under study law or employment law.

- (3) Every person involved in the investigation must sign a confidentiality agreement. Every 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.

4.5. Contact Persons in Case of Discrimination

§ 16. Persons in charge at the FHSTP are:

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

4.5.1. Tasks of the Contact Persons

§ 17. 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 FHSTP, discussion of further proceedings (documentation)
4. If required: consultation of external counsellors
5. Disability advocacy, Equal Treatment Advocacy
6. Women helpline against violence: Austrian Chamber of Labour (Arbeiterkammer)
7. Recognised victim protection organisations
8. Actively keeping track of the development of the report and further legal steps
9. If necessary: updating of the provisions concerning the prevention of discrimination
10. Process review (efficiency, etc.)
11. Management of the provisions
12. Marketing consultancy upon request in cases with external impact

4.6. Abuse of the Complaint Option

§ 18. Deliberate false reports may have consequences under study law or employment law.