



Code of Conduct (Compliance Policy)

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Note: This English translation has been provided for convenience. The German version is considered legally binding.

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1. Purpose

Law-abiding and ethical conduct not only protects Graz University of Technology (TU Graz), its bodies, and all employees from civil or criminal prosecution, but above all serves to maintain and further strengthen the trust in our university and the reputation of TU Graz.

2. Scope

This Code of Conduct applies to all persons employed at TU Graz. Its scope of application extends not only to the conduct of employees among themselves, but also to the diverse relationships that TU Graz has with students, external partners, and the public.

This Code of Conduct also applies correspondingly to all employees of companies in which TU Graz has a direct or indirect shareholding of at least 50%. All other companies with which TU Graz is directly or indirectly involved are recommended to adopt the principles of this Code of Conduct by passing their own resolutions.

3. Distributors

This Code of Conduct is to be distributed to all TU Graz employees and to the managing directors of all companies in which TU Graz has a direct or indirect shareholding.

4. Mutual relationships

All TU Graz employees are considered as public officials according to the criminal law against corruption that has been in force since January 2013. Its regulations on accepting advantages/bribes or on granting advantages/giving bribe, therefore, apply to official activities carried out as part of the institutional administration as well as to those carried out in the private sector.

5. Applicable documents

The provisions of the Code of Conduct are supplemented, where necessary, by the guidelines accessible via the TU4U Intranet.

University-relevant regulations and standards (e.g. statutes, the University Law, the criminal Anti-Corruption Law, the Civil Servants' (Employment) Act, Employment

Contract Regulations Act, collective bargaining agreements) remain unaffected by this Code.

6. Process accountability

The University Legal Office, managed by the Rector, is responsible for these processes. He or she has documented individual processes and serves as the first point of contact for suggestions, questions, etc.

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1. Introduction

As a research and education partner, TU Graz bears a great responsibility towards its employees, students, guests, partners, and the environment.

This Code of Conduct covers the basic principles that apply to working methods and behaviour at TU Graz and describes how employees should interact with each other, with students, business partners, and non-university persons, and with the university resources in order to fulfil their responsibilities.

1.1 Why compliance at the university?

Exercising compliance means following or adhering to rules and regulations. In turn, this means adhering to and complying with laws, internal university guidelines, and other requirements and measures established by the University. This Code of Conduct has been developed to encourage compliance with these internal requirements in order to avoid possible liability claims or other legal disadvantages for TU Graz or its employees. In addition, compliance helps improve transparency and minimise risk. This Code of Conduct thus describes the behaviour expected from all TU Graz employees and students in the most important areas of the university and defines a set of values that TU Graz uses as a foundation to encourage respectful and appreciative cooperation.

1.2 For whom?

This Code of Conduct applies to all persons employed at TU Graz, to all its functionaries, and correspondingly to all employees of companies in which TU Graz has a direct or indirect shareholding of at least 50%. All other companies with which TU Graz is directly or indirectly involved are recommended to adopt the principles of this Code of Conduct by passing their own resolutions.

Failure to comply with the legal and internal regulations as well as the rules of conduct outlined in this Code constitutes a breach of official duty and will result in appropriate consequences under employment law and, in specific cases, under criminal law.

2. General principles

The appearance and actions of each individual have a significant impact on the public image of TU Graz. Therefore, TU Graz attaches great importance to appreciative and respectful interactions among its employees in their everyday professional environment, as well as when they are travelling for professional reasons and when interacting in social networks and public media.

Employees are expected to perform their duties in compliance with legal principles, as well as with principles of economic efficiency, expediency, economy, transparency, and those that are in the public interest. They must be aware of the responsibility they will bear and the consequences when signing documents.

In addition, employees are expected to comply with the four-eyes principle, the transparency principle, the respective powers of attorney and signature authorisations, the granted authorisations and competences, as well as the principle of separation of powers, and the cost-benefit principle. TU Graz assigns its employees a high degree of personal responsibility, which includes the responsibility to display appropriate and responsible behaviour in all areas of daily activity.

In addition, TU Graz's corporate strategy treats environmental protection, sustainability, and resource conservation as essential considerations, which should be reflected in the everyday working lives of all employees. Thus, employees' decisions, actions, and investments should always be made while considering the aspect of sustainability. This especially applies to business trips in general and air travel in particular, the necessity of which must always be considered critically in light of the CO₂ emissions produced.

This Code is a binding set of rules and regulations. All TU Graz employees are required to comply with all applicable internal and external legal provisions such as laws, statutes, guidelines, collective bargaining agreements, etc.

All TU Graz employees are considered as public officials according to the law against criminal corruption that has been in force since January 2013. Its regulations on accepting advantages/bribes or on granting advantages/giving bribe, therefore, apply to official activities carried out as part of the institutional administration as well as to those carried out in the private sector.

2.1 Our administration

The highest bodies and managers at TU Graz function as role models; they are required, among other things, to actively exemplify compliance with the rules and sustainable behaviour and to ensure the creation of a working environment characterised by tolerance, fairness, equal treatment, and respect in their areas of responsibility.

2.2 Our employees

TU Graz holds its employees in high esteem and promotes their personal development as well as helps them achieve a healthy work-life balance.

TU Graz employees represent the University both internally and externally. Therefore, employees must strive to interact with one another, as well as with all external persons, in respectful, polite, and appreciative ways. Their outward appearance should be appropriate, and they should treat the concerns of their colleagues, students, and persons from the non-university environment both correctly and professionally.

If a conflict situation arises, members of TU Graz are expected to work together to reach a solution, encourage a climate of mutual respect and understanding, and behave in a fair, correct, and objective manner.

2.3 Our students

TU Graz offers its students a high-quality education, an environment that encourages collaborative learning and cooperation, promotes critical and creative thinking and responsible action, and inspires their enthusiasm for science and business.

2.4 Research and teaching

The ethical principles of scientific work are observed to encourage and support the freedom of scientific research¹. Plagiarism, deception, or falsification of research results contradict these ethical principles.

To encourage and support freedom in teaching and learning, teachers are committed to supporting and promoting students. This commitment also implies that the teaching staff fulfil their obligation to share qualifications and competences, to teach high-quality courses, and to conduct classes and examinations correctly. Misrepresenting attendance at courses with an inherent examination character, tolerating or ignoring cheating regarding examinations, titles, or other awards will not be tolerated. An appropriate personal distance must be maintained between teaching staff and students. The teaching staff member is responsible for considering the power imbalance and level of dependence that exists at all times.

3. Explanation of terms

3.1 Public officials

A public official, referred to as such in the Austrian criminal law on corruption, is a person who holds an office in the public sector. This includes all employees of the University.

¹ Cf. <https://oeawi.at/richtlinien/>

3.2 Official business ²

Official business covers every activity that is part of the direct tasks of the person filling the office and, thus, the primary object of the official business.

Therefore, in the university sector, every action that is related to tasks carried out at or by the (§ 3 UG 2002) or which enables these actions to be carried out is interpreted as an activity performed as a public official. Thus, each activity is an official act.

3.3 Advantages ³

An advantage, as described in the criminal law on corruption, is anything received by the recipient of a material or immaterial nature that provides a benefit (economically, professionally, legally, socially). Advantages in the sense of the criminal law on corruption can therefore be considered, for example:

- Cash gifts
- Material gifts, such as IT equipment, appliances, furniture, etc.
- Invitations to congresses, holiday trips, concert visits, hunts, etc.
- Assumption of costs for (Christmas) celebrations
- Making flats/living spaces or objects available for use, such as the use of computer equipment for a limited period of time
- Waiving interest on loans
- Sexual favours
- Free provision of services, e.g. repair of equipment.

² Uniko, *LEITLINIEN IM UMGANG MIT ALLFÄLLIGEN KORRUPTIONS-SACHVERHALTEN AN UNIVERSITÄTEN* [GUIDELINES FOR HANDLING ALL CORRUPTION ISSUES AT UNIVERSITIES]; October 2013, Univ.-Prof. Dr. Susanne Reindl-Krauskopf and Univ.-Prof. Dr. Alois Birklbauer

³ Uniko, *LEITLINIEN IM UMGANG MIT ALLFÄLLIGEN KORRUPTIONS-SACHVERHALTEN AN UNIVERSITÄTEN* [GUIDELINES FOR HANDLING ALL CORRUPTION ISSUES AT UNIVERSITIES]; October 2013, Univ.-Prof. Dr. Susanne Reindl-Krauskopf und Univ.-Prof. Dr. Alois Birklbauer, p.6ff.

3.4 Gifts

Gifts are all gratuitous benefits received (cash or non-cash benefits, gift vouchers), which are not considered in light of specific services provided by the recipient and which are not directly related to such consideration in terms of time or money.

3.5 Sponsoring

Sponsorship is defined as a reciprocal transaction in which the sponsor provides money, material resources, services, or expertise and the sponsored party agrees to provide a communicative service in return. In return for their contribution, sponsors receive a communication and advertising service from the sponsored party. ⁴

3.6 Donations

A donation is defined as a contribution made by a donor without any obligation on the part of the recipient to provide anything in return. The donor's main motive is to support the recipient of the donation. ⁵

3.7 Contributions for charitable purposes

Contributions for non-profit purposes are to be understood as monetary contributions, material contributions, or services provided for projects that promote science, research, and the arts. Provided that the contributions are made under the premise of

⁴ Cf. Uniko, *LEITLINIEN IM UMGANG MIT ALLFÄLLIGEN KORRUPTIONS-SACHVERHALTEN AN UNIVERSITÄTEN* [GUIDELINES FOR HANDLING ALL CORRUPTION ISSUES AT UNIVERSITIES]; October 2013, Univ.-Prof. Dr. Susanne Reindl-Krauskopf und Univ.-Prof. Dr. Alois Birklbauer, p.11.

⁵ Cf. Uniko, *LEITLINIEN IM UMGANG MIT ALLFÄLLIGEN KORRUPTIONS-SACHVERHALTEN AN UNIVERSITÄTEN* [GUIDELINES FOR HANDLING ALL CORRUPTION ISSUES AT UNIVERSITIES]; October 2013, Univ.-Prof. Dr. Susanne Reindl-Krauskopf und Univ.-Prof. Dr. Alois Birklbauer, p.13ff.

promoting science, research, and the arts, they do not constitute an undue advantage in the sense of the criminal law on corruption and, therefore, are permissible.

4. Rules of conduct

4.1 Equal treatment, integrity, and appreciation

The employees are expected to treat one another, as well as students and non-university persons, with courtesy, fairness, reliability, appreciation, and respect for the respective individual personalities.

Discrimination, threats, harassment, insults, violence, bullying, bossing, intolerance, or unfair and incorrect behaviour of any kind will not be tolerated at TU Graz.

No person may be discriminated against, placed at a disadvantage, favoured, or excluded on the grounds of their skin colour, ethnic origin, social background, gender, sexual orientation, religion, political or other opinion, national minority status, financial status, age, physical or mental condition, language, official function, or appearance. This rule applies to both the relationship between employees and the relationship that exists between employees and students, as well as in any other constellation arising from their work at TU Graz⁶.

Personal political activities carried out by employees must not take place on TU Graz grounds and must not have any other kind of influence on TU Graz.

⁶ See part of the statutes of the TU Graz Affirmative Action Plan [*Gleichstellungsplans der TU Graz*], as regulated in Part B of the amendment issued on 26.6.2017:

https://www.tugraz.at/fileadmin/public/Studierende_und_Bedienstete/Satzung_und_Geschaeftsordnungen_der_TU_Graz/Satzungsteil_Gleichstellungsplan.pdf

Furthermore, no form of sexual harassment is tolerated at TU Graz⁷. Sexual harassment is defined as behaviour of a sexual nature which impairs the dignity of a person or is intended to do so and is undesirable, inappropriate, degrading, offensive, or objectionable for the person concerned. Due to the power imbalance and level of dependence that exists between managers and employees, a particularly strict standard must be applied in this regard.

An appropriate personal distance must be maintained between teaching staff and students. The teaching staff member is responsible for considering the power imbalance and level of dependence that exists at all times.

4.2 Granting and taking advantage (invitations, gifts, and other benefits)

The **principle of appropriateness** always applies when considering advantages that are being granted or offered (gifts, hospitality offers, entertainment, and other benefits). Employees may not accept or demand benefits or grant or offer benefits if their purpose is to influence others or to gain any other personal advantage. In particular, this also applies to the initiation, awarding, or handling of contracts. In general, it is prohibited to grant advantages to public officials, unless the advantages are customary in the locality and insignificant and there is an official or objectively justified interest in accepting them.

Furthermore, the value limits and requirements described in the guideline on global and/or third-party funding payments/income must be taken into account.

⁷ See part of the statutes on the TU Graz Affirmative Action Plan [*Gleichstellungsplans der TU Graz*], as amended on 26.6. 2017, Part B, Section I, § 11:

https://www.tugraz.at/fileadmin/public/Studierende_und_Bedienstete/Satzung_und_Geschaeftsordnungen_der_TU_Graz/Satzungsteil_Gleichstellungsplan.pdf

4.2.1 Invitations

In general, invitations to business dinners can be accepted and extended.

Invitations to externally financed events or conferences are generally permitted, provided that the event is intended exclusively for the exchange of experiences and the communication and dissemination of research results, i.e. an official or objective interest exists in attending the event and that the official and private interests can be separated sufficiently.

The following contributions of money and/or gifts are permitted regarding the participation in externally funded events:

- Reasonable contributions for travel or accommodation expenses for attending a conference/convention for professional reasons,
- Appropriate offers of hospitality,
- Payment of participation fees,
- Appropriate remuneration for lecturing or chairing the conference (if the person actively participates),
- Acceptance/granting of gifts of limited value to comply with local, national, or business customs.

It is not permitted for costs to be covered by the inviting party that are related to an extension of the stay at the venue for private purposes or associated with the participation in leisure or entertainment programmes of any kind outside the event. Likewise, the inviting party is not permitted to cover accommodation or travel costs or other expenses for persons accompanying the public official.

Invitations for accompanying persons may only be accepted if it would be inappropriate to appear unaccompanied (e.g. to a ball).

The acceptance of invitations to events of a predominantly recreational nature is prohibited.

4.2.2 Gifts and other benefits

TU Graz employees are required to carefully consider whether accepting or giving a gift is appropriate, as well as consider the impression this gift leaves. The gift must not evoke a sense of obligation in the recipient or make them feel as though a reciprocal action is expected.

The following provisions are not permitted regarding gifts (benefits):

- Accepting or giving **gifts**, regardless of their value, that could give the impression of influence;
- Gifting or accepting **gifts of cash**;
- Acceptance or award of **money or pecuniary advantages of a private nature** (weddings, births, birthdays);
- Gifts of **monetary value (vouchers) given to external persons and guest lecturers**;
- Contributions to **political parties** or the acceptance of benefits from political parties;
- Distribution of **cigarettes, cigars, and alcoholic beverages** (with the exception of TU Graz wine from the OU Purchasing Service);
- Gifts that may violate ethical principles, especially with regard to ethical origin, gender, nationality, sexuality, or disability.

The TU Graz merchandising articles should be used for awarding gifts whenever possible. The regulations outlined in the guideline on global and/or third-party funding payments/income apply.

4.3 Donations, contributions for charitable purposes, and sponsoring

The business activities of the sponsoring and donating person must comply with the TU Graz principles, goals, and tasks and should not damage the reputation of TU Graz in any way.

4.4 Conflicts of interest

Independence and insusceptibility are considered as fundamentally important at TU Graz. Therefore, any circumstances that could create bias or even give the appearance of undue influence and lead to conflicts of interest and/or loyalty should be strictly avoided. Such conflicts may arise if employees work for or have a stake in another company.

Therefore, TU Graz employees are not allowed to sign private contracts with companies or business partners with whom they have dealings as part of their work for TU Graz, if this could result in personal advantages. In particular, this provision applies if the employees have a direct or indirect influence on whether/how the company is commissioned.

For this reason, care must be taken to ensure that the University and private interests are strictly separated and to ensure transparency, so that no actual or perceived conflicts of interest arise.

A conflict of interest already exists if the potential business partners are relatives of TU Graz employees.

The following persons specifically are considered to be relatives:

- Spouses, children (including adopted or foster children), brothers and sisters, nieces and nephews, parents, third-degree relatives, life partners and their children and grandchildren, and registered partners.

Possible conflicts of interest may arise specifically in connection with

- Legal transactions or contract negotiations with companies or institutions with which TU Graz employees are involved;
- Legal transactions or contract negotiations with companies or institutions where TU Graz employees were employed;

- Legal transactions or contract negotiations with companies or institutions at which persons related to TU Graz employees are employed or with which they are involved; and
- Situations where consultancy work is conducted for a company or other institution in the technical field.

The employees or their companies should not offer paid services for TU Graz students or carry out such activities, unless they are commissioned by TU Graz.

Contributions to political parties from TU Graz funds are prohibited. Personal political activities of employees may not take place on TU Graz grounds and may not have any other kind of influence on TU Graz.

4.4.1 Secondary employment

Before a TU Graz employee enters another employment relationship, the admissibility of such a relationship must be checked. Any secondary employment that is carried out cannot conflict with the interests of TU Graz.

Secondary employment is not permitted if:

- it prevents employees from fulfilling their official duties or
- gives rise to a presumption of bias or interferes with any other substantial official interest.

Employees are obliged – especially based on the applicable legal provisions and contractual agreements – to either notify the Vice Rector for Human Resources in writing by contacting the OU Personnel Department using the form provided for this purpose or to contact them to obtain prior approval in specific cases. Accepting such employment can be prohibited, providing well-founded reasons, if this is necessary to prevent the legitimate interests of TU Graz from being impaired.

4.4.2 Business and cooperation partners

No agreements or ancillary agreements can be signed with business and cooperation partners unless they are legally compliant and the consent of the respective responsible person has been obtained.

It is not permitted to privately commission companies with which employees or managers have business or official dealings if this gives them advantages over other TU Graz employees. This provision applies specifically if these employees can directly or indirectly influence whether/how the company is commissioned by TU Graz.

It is also not permitted to unobjectively favour existing or potential suppliers or place them at a disadvantage.

As soon as reasons have been supplied that give rise to bias in the awarding or acceptance of contracts, staff members must withdraw from these contracts and be replaced by an unbiased person. The Dean or the responsible member of the Rectorate should be informed of this event.

4.4.3 Procedure for potential conflicts of interest

The principle applies that professional and private or personal interests must be kept strictly separate. However, if a conflict of interest should arise, the supervisor must be informed immediately and, in case of doubt, the Rectorate.

All employees are obliged to act in support of TU Graz's interests and in accordance with this Code of Conduct, without allowing themselves to be influenced by private or personal interests.

4.5 TU Graz ownership and resource use

All resources in TU Graz infrastructure are reserved for use to achieve University purposes. This also applies in the same way to the working hours and work practices of TU Graz employees.

The private use of IT and telecommunication services, software, and hardware, including the e-mail system and web programmes, is permitted to a limited extent. The same applies to the storage of private data and files in folders marked as private. Private use is not permitted if it is abusive, prevents service operations from being maintained in an orderly manner, or jeopardises the security and performance of this infrastructure. E-mails and files marked as private must also remain generally accessible to TU Graz and may be viewed in cases of compelling necessity and to comply with the required data protection policy, as well as to protect the privacy of the persons concerned.

Private data and files must be stored in folders marked as private without exception. All data and files that are not stored in the folders marked as private shall be considered as official. After the employment relationship has been terminated, these private folders will be deleted. All other folders may be inspected by TU Graz after the employment relationship has been terminated. TU Graz reserves the right to further use the data and files contained therein.

Under no circumstances may TU Graz technical equipment be used for to store or distribute pornographic, racist, violent, or other offensive content.

The employees should interact with and care for the property and resources of TU Graz carefully, expediently, and sustainably. They take full responsibility for items they have borrowed from TU Graz (e.g. notebooks or books, whether for use at work or at home).

4.6 Data protection and confidentiality

Confidential information of any kind that is obtained in the course of professional activity, including information from outside one's own field of activity, may neither be used to pursue private interests nor made accessible to support the private interests of third parties. This applies specifically to personal data and research processes.

Steps must be taken to ensure that only such confidential information is passed on to members of TU Graz of Graz University of Technology as is required for them to carry out their duties. Should external third parties require access to such information, they must sign⁸ a binding confidentiality agreement. Likewise, personal and confidential information that TU Graz employees receive from third parties must be treated with the utmost care.

In addition, steps must be taken to ensure that confidential information, as well as and systems with which personal and confidential data are stored, processed, or transmitted, are protected against theft, unauthorised disclosure, misuse, damage, and negligent handling. If personal and/or confidential data are stored on data carriers (including data stored in printers), these data must be deleted before the data carriers leave TU Graz (e.g. due to repair or retirement). Alternatively, the data carriers can also be destroyed; this service is offered by the OU IT Services.

It is not permitted to share passwords that can be used to access TU Graz PCs, tablets, smartphones, servers, or databases or to make them visibly accessible. Furthermore, screens must be locked when leaving the workplace.

The work that is carried out in committees and commissions is also treated as confidential.

This confidentiality agreement will continue to exist, even after termination of the employment relationship, without restriction.

4.7 Health and safety in the workplace

In compliance with the Labour Protection Act (ASchG), TU Graz ensures the safety and health of its employees and complies with employee protection regulations. This also includes the Working Hours Act, which states that appropriate rest periods and a maximum number of working hours must be observed.

⁸ tu4u.tugraz.at/fileadmin/user_upload/editorial/forms/secrecy-agreement_01.doc

All employees share the responsibility for this protection and demonstrate their compliance by adhering to the applicable regulations and completing the obligatory safety training within the specified time frame.

Managers are responsible for ensuring occupational safety in their area and for supporting and guiding their employees according to their individual responsibilities.

Any health or safety hazards must be reported immediately to the supervisor and the safety officer in charge.

It is strictly prohibited to consume of alcohol and/or other addictive substances as defined in the Narcotic Substances Act (*Suchtmittelgesetz*), as amended, during working hours or to work when under their influence of such substances, unless they have been prescribed by a doctor. This does not apply to the **reasonable consumption of** alcoholic beverages with a volume of less than 15% (beer, wine, prosecco, sparkling wine) at company celebrations, company outings, or business lunches. The consumption of drinks containing distilled alcohol (e.g. schnapps, vodka, liqueur), therefore, is prohibited.

4.8 Dealing with public communication and social media ⁹

The Rector represents TU Graz externally. In order to ensure consistent and transparent communication, the OU Communications and Marketing should be involved before issuing media (print and online) communications.

Statements that will be issued to the public and can affect the interests of TU Graz, and which will appear in classic (printed) and/or social media, must be approved by the Rectorate. Such statements may only be made by employees authorised by the Rectorate.

Contributions or publications that are exclusively professional in nature and are made as part of academic activity do not need to receive the prior approval of the Rectorate.

⁹ Cf. Code of Conduct of the Medical University of Graz, page 9f.

When using social media privately, employees should take steps to ensure that no confidential, official information is disclosed or that the reputation of TU Graz is damaged through such disclosures. When engaging in private activities on social media channels (e.g. Facebook, Instagram), employees should also take steps to ensure that they are acting on their own behalf and not on the behalf of TU Graz.

The corporate design guidelines should be followed when preparing communications that will appear in social media channels in the name of TU Graz.

5. Misconduct and sanctions

Misconduct and violations of this Code of Conduct must be reported immediately to the manager and the Rectorate.

If a violation of this Code of Conduct is suspected, the Rectorate shall conduct an objective and transparent examination of the incident. If this examination indicates that unlawful conduct and violations of this Code of Conduct have taken place, TU Graz will make use of all available options to apply sanctions insofar as permitted under the employment and labour laws.

The discretionary decision made about the respective sanction is based on the severity of the violation.