



## Code of Conduct (Compliance Policy)

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## **1. Purpose**

Law-abiding and ethical behavior 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 trust in our university and the reputation of TU Graz.

## **2. Scope of application**

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

This Code of Conduct also applies mutatis mutandis to all employees of companies in which TU Graz has a direct or indirect shareholding of at least 50%. All other companies in which TU Graz has a direct or indirect shareholding are recommended to adopt the principles of this Code of Conduct by means of their own resolution.

## **3. Distributor**

To all employees of TU Graz and to the managing directors of all companies in which TU Graz has a direct or indirect interest.

## **4. Mutual relationships**

All employees of Graz University of Technology are considered public officials under the Criminal Law on Corruption, which has been in force since January 2013. Its regulations on the acceptance of advantages/corruptibility or the granting of advantages/bribery therefore apply both to official activities within the framework of public administration and to those within the framework of the private sector.

## **5. Applicable documents**

Where necessary, the provisions of the Code of Conduct are supplemented by the guidelines listed on the TU4U intranet. In particular, reference is made to the guidelines for global and third-party funding payments/income

Provisions and standards relevant to the university (e.. statutes, university law, anti-corruption criminal law, civil service law, contract staff law, works agreements) remain unaffected by this code.

## **6. Process responsibility**

The member of the Rectorate responsible for legal matters is responsible for the process. This person has documented the current process flow and is therefore the first point of contact for suggestions, questions, etc.

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## **1. Introduction**

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

This guideline comprises the basic principles for working methods and behavior at TU Graz and describes how to deal with each other, with students, business partners and non-university persons as well as with the resources of the university in order to live up to its responsibility.

### **1.1 Why compliance at the university?**

Compliance means adherence to rules and regulations - this refers to compliance with and adherence to laws, internal university guidelines and other university requirements and measures. The aim of the Compliance Guideline is to work towards compliance with these internal requirements in order to possible liability claims or other legal disadvantages for TU Graz or its employees. Compliance also serves to ensure transparency and minimize risk.

This guideline thus sets out for all employees and students of Graz University of Technology behaviors in the most important areas of the university as well as a series of values that Graz University of Technology uses as a basis for respectful and appreciative cooperation.

### **1.2 For whom?**

This Code of Conduct is binding for all persons employed at TU Graz, thus also for all functionaries and, mutatis mutandis, for all employees of companies in which TU Graz has a direct or indirect shareholding of at least 50%. All other companies in which TU Graz has a direct or indirect shareholding are recommended to adopt the principles of this Code of Conduct by means of their own resolution.

Failure to comply with the statutory and internal requirements and the rules of conduct set out in this Code constitutes a breach of official duty and will result in appropriate consequences under employment law and, in specific cases, also under criminal law.

## **2. General principles**

The appearance and actions of each individual have a significant impact on the public image of TU Graz. For this reason, TU Graz attaches great importance to respectful and appreciative interaction in the daily professional environment, as well as when traveling on official business and when dealing with social networks and public media.

Employees must perform their duties in accordance with the principles of legality, efficiency, expediency, economy, transparency and in the public interest. They must be aware of the responsibility and consequences when signing documents.

In addition, attention must be paid to compliance with the dual control principle, the transparency principle, the respective powers of attorney and signature authorizations, the authorizations and competences granted, as well as the principle of separation of functions and the principle of cost-benefit analysis. Graz University of Technology assigns its employees a high degree of personal responsibility, which includes appropriate and responsible behavior in all areas of daily activities.

In addition, the sustainable and resource-conserving treatment of the environment is an essential part of TU Graz's corporate strategy, which should be reflected in the day-to-day work of all employees. Decisions, actions and investments must therefore always be made with sustainability in mind. This applies above all to business trips in general and air travel in particular, the necessity of which must always be questioned in terms of CO<sub>2</sub> savings.

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

All employees of Graz University of Technology are considered public officials under the Criminal Law on Corruption, which has been in force since January 2013. Its regulations on the acceptance of benefits/corruptibility or the granting of benefits/bribery therefore apply both to official activities within the framework of public administration and to those within the framework of the private sector.

## **2.1 Our managers**

The highest bodies and managers at TU Graz have a role model function; among other things, they are required to actively exemplify compliant and sustainable behavior and to ensure a working atmosphere characterized by tolerance, fairness, equal treatment and respect in their area of responsibility.

## **2.2 Our employees**

Graz University of Technology holds its employees in high regard and promotes their personal development and work-life balance.

The employees of TU Graz represent the university internally and externally. Therefore, respectful, polite and appreciative interaction with each other and with all external persons, an appropriate external appearance and correct service-oriented treatment of the concerns of our colleagues, students and persons from the non-university environment must be ensured.

In conflict situations, members of TU Graz work in a solution-oriented manner, in a climate of mutual respect and understanding, and in a fair, correct and objective manner.



## **2.3 Our students**

TU Graz offers its students a highly qualified education, an environment that favors joint learning and cooperation, promotes critical and creative thinking and responsible action and inspires enthusiasm for science and business.

## **2.4 Research and teaching**

Against the background of freedom of research, the ethical principles of scientific work are observed<sup>1</sup>. Plagiarism, deception or falsification of research results contradict the ethical principles.

Against the background of freedom of teaching, lecturers are committed to supporting and promoting students. This also includes ensuring that lecturers fulfill their obligation to impart qualifications and skills, to hold high-quality courses and to conduct teaching and examinations correctly. False declarations of attendance at courses with an inherent examination character and the fraudulent awarding of examinations, or other awards will not be tolerated. Appropriate personal distance must be maintained between lecturers and students. It is the responsibility of the lecturer to take into account the existing relationship of dependency at all times.

## **3. Explanation of terms**

### **3.1 Officers**

A public official within the meaning of criminal law on corruption is a person who holds an office in the public sector - i.e. all employees of the university.

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<sup>1</sup> Cf. <https://oeawi.at/richtlinien/>

### **3.2 Official business<sup>2</sup>**

Official business includes any activity that is part of the direct duties of the office holder and thus the actual object of the office.

In the university sector, every action that is related to the tasks of the university (§ 3 UG 2002) or makes them possible is therefore basically an activity as a public official and thus an official act.

### **3.3 Advantages<sup>3</sup>**

An advantage within the meaning of criminal law on corruption is any benefit of a material or immaterial nature that improves the recipient's position (economically, professionally, legally, socially). Benefits within the meaning of criminal law on corruption may therefore include, for example

- Cash payments,
- Gifts in kind such as IT equipment, appliances, furniture, etc.,
- Invitations to congresses, vacation trips, concerts, hunts, etc.,
- Assumption of costs for (Christmas) parties,
- Provision of apartments or objects for use, e.g. the temporary use of IT equipment,
- Waiver of interest on loans,
- sexual performance
- free provision of services, e.g. repair of appliances.

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<sup>2</sup> Uniko, GUIDELINES IN DEALING WITH ALL-CIRCUMSTANCES OF CORRUPTION AT UNIVERSITIES; October 2013, Univ.-Prof. Dr. Susanne Reindl-Krauskopf and Univ.-Prof. Dr. Alois Birklbauer

<sup>3</sup> Uniko, GUIDELINES FOR DEALING WITH ALL CIRCUMSTANCES OF CORRUPTION AT UNIVERSITIES; October 2013, Prof. Dr. Susanne Reindl-Krauskopf and Prof. Dr. Alois Birklbauer, p.6ff.

### **3.4 Gifts**

Gifts are all gratuitous benefits (cash or non-cash benefits, gift vouchers) for which there is no consideration in return for specific services provided by the recipient and which are not directly related in time or economic terms to such consideration

### **3.5 Sponsoring**

Sponsorship is a reciprocal transaction in which the sponsor provides money, material resources, services or expertise and the sponsored party undertakes to provide a communicative service in return. Sponsors receive a communication and advertising service from the sponsored party in return for their contribution.<sup>4</sup>

### **3.6 Donations**

A donation is a contribution without the recipient being obliged to provide anything in return. The donor's main motive is to support the recipient of the donation.<sup>5</sup>

### **3.7 Contribution for charitable purposes**

Donations for charitable purposes are understood to be monetary contributions, contributions in kind or services for projects that serve to promote science, research and art. Provided that the donations are based on the premise of promoting science, research and art, they do not constitute an undue advantage within the meaning of criminal law on corruption and are therefore permissible.

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<sup>4</sup> Cf. Uniko, GUIDELINES FOR DEALING WITH ALL CIRCUMSTANCES OF CORRUPTION AT UNIVERSITIES; October 2013, Univ.-Prof. Dr. Susanne Reindl-Krauskopf and Univ.-Prof. Dr. Alois Birklbauer, p.11.

<sup>5</sup> See Uniko, LEITLINIEN IM UMGANG MIT ALLFÄLLIGEN KORRUPTIONS-SACHVERHALTEN AN UNIVERSITÄTEN; October 2013, Univ.-Prof. Dr. Susanne Reindl-Krauskopf and Univ.-Prof. Dr. Alois Birklbauer, p.13ff.

## **4. Rules of conduct**

### **4.1 Equal treatment, integrity and appreciation**

Employees treat each other and students and people from the non-university environment with courtesy, fairness, reliability and appreciation and respect their individual personalities.

No discrimination, threats, harassment, insults, violence, bullying, bossing, intolerance or unfair and incorrect behavior of any kind will be tolerated at TU Graz.

No one may be discriminated against, disadvantaged, favored or excluded because of their skin color, ethnic origin, social background, gender, sexual orientation, religion, political or other opinion, membership of a national minority, wealth, age, physical or mental condition, language, official function or appearance - neither in the relationship between employees nor in the relationship between employees and students nor in other constellations resulting from their work for TU Graz .<sup>6</sup>

Personal political activities of employees must not take place within TU Graz and must not have any other kind of influence on TU Graz.

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<sup>6</sup> See part of the statutes of the Equal Opportunities Plan of TU Graz, regulated in Part B in the version of June 26, 2017  
[https://www.tugraz.at/fileadmin/public/Studierende\\_und\\_Bedienstete/Satzung\\_und\\_Geschaeftsordnungen\\_der\\_TU\\_Graz/Satzungsteil\\_Gleichstellungsplan.pdf](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 Graz<sup>7</sup>. Sexual harassment is deemed to have taken place when behavior is undertaken that is related to the sexual sphere, which impairs the dignity of a person or is intended to do so and is undesirable, inappropriate, degrading, insulting or offensive to the person concerned. Due to the relationship of instruction and dependency between managers and employees, a particularly strict standard must be applied in this respect.

Appropriate personal distance must also be maintained between teachers and students. It is the teachers' responsibility to take the existing relationship of dependency into account at all times.

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

**The principle of appropriateness** always applies when dealing with the granting or offering of advantages (gifts, hospitality, entertainment and other benefits). Employees may not accept, demand, grant or offer benefits if the purpose is to exert influence or achieve any other personal advantage. This also applies in particular to the initiation, awarding or execution of contracts. In general, the granting of benefits to public officials is prohibited, unless the benefits are customary and insignificant and there is an official or objectively justified interest in accepting them.

Furthermore, the value limits and guidelines for global and/or third-party funding payments/income must be taken into account.

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<sup>7</sup> See part of the Equal Opportunities Plan of TU Graz, regulated in the version of 26.6. 2017 in Part B, Section I, § 11: [https://www.tugraz.at/fileadmin/public/Studierende\\_und\\_Bedienstete/Satzung\\_und\\_Geschaeftsordnungen\\_der\\_TU\\_Graz/Satzungsteil\\_Gleichstellungsplan.pdf](https://www.tugraz.at/fileadmin/public/Studierende_und_Bedienstete/Satzung_und_Geschaeftsordnungen_der_TU_Graz/Satzungsteil_Gleichstellungsplan.pdf)

#### **4.2.1 Invitations**

Invitations to business meals can be accepted and issued to the usual extent.

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

The following allowances are permitted for participation in externally funded events:

- reasonable allowances for travel and accommodation expenses for attending a conference or congress in the interests of the company,
- appropriate hospitality,
- Payment of participation fees,
- appropriate remuneration for lecturing or chairing the conference (in the case of active participation),
- Acceptance/granting of small tokens of appreciation in line with local, national or business customs.

Any assumption of costs incurred by the inviting party for an extension of the stay at the event venue for private purposes or for participation in leisure or entertainment programs of any kind outside of the event is not permitted. The assumption of accommodation or travel costs or other expenses for persons accompanying the public official is also not permitted.

Invitations for accompanying persons may only be accepted if attendance without an escort would be inappropriate (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

Employees of TU Graz are required to carefully consider whether accepting or giving a gift is appropriate and what impression this gift creates. The gift must not entail any obligations or compulsion to act.

The following actions are not permitted in connection with gifts (benefits):

- Accepting or giving **gifts**, regardless of their value, which could give the impression of influencing;
- Gifts or acceptance of **gifts in cash**
- Accepting or giving **money or non-cash benefits of a private nature** (weddings, births, birthdays);
- Gifts of **monetary value (vouchers) to external parties and guest lecturers**;
- Contributions to **political parties** or acceptance of benefits from political parties;
- Allocation of **cigarettes, cigars and alcoholic beverages** (with the exception of TU Graz wine from the OU Purchasing Service);
- Gifts that may violate ethical principles, in particular with regard to ethical origin, gender, nationality, sexuality or disability.

The merchandising articles of TU Graz are to be used for the awarding of gifts. The regulations of the guideline for 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 principles, objectives and tasks of TU Graz and must in no way damage the reputation of TU Graz.

#### 4.4 Conflicts of interest

Independence and impartiality are of fundamental importance for Graz University of Technology, therefore circumstances that could influence impartiality or even create the appearance of influence and lead to conflicts of interest or loyalty must be strictly avoided. Such conflicts may arise if employees work for or are involved in another company.

Therefore, employees of TU Graz may not have any private orders carried out by companies or business partners with whom they have dealings in the course of their work for TU Graz if this could result in personal benefits for employees. This applies in particular if employees have a direct or indirect influence on the commissioning of the company.

For this reason, a strict separation of university and private interests and transparency must be ensured in order to avoid any actual or perceived conflicts of interest.

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

The following persons in particular count as relatives:

- Spouses, children (including adopted or foster children), siblings, siblings' children, parents, third-degree relatives, life partners and their children and grandchildren and registered partners.

Relatives within TU Graz must be reported to the Human Resources Department.

Possible conflicts of interest may arise in particular in connection with

- legal transactions or contract negotiations with companies or institutions in which employees of TU Graz are involved;
- legal transactions or contract negotiations with companies or institutions in which employees of Graz University of Technology were employed;



- legal transactions or contract negotiations with companies or institutions in which related parties of TU Graz employees are employed or involved;
- Consultancy work for a company or other institution in the technical field occur.

The employees or their companies do not offer any paid services for students of Graz University of Technology or carry out any corresponding activities, unless they are commissioned by Graz University of Technology.

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

#### **4.4.1 Secondary employment**

The permissibility of a further employment relationship must be checked before it is started. Any secondary employment must not conflict with the interests of TU Graz.

Secondary employment is not permitted if:

- they prevent employees from fulfilling their official duties,
- give rise to a presumption of bias or impede other essential official interests.

Employees are obliged - in particular on the basis of the applicable legal provisions and contractual agreements - to notify the member of the Rectorate responsible for personnel matters in writing via the Human Resources unit using the form provided for this purpose or, in the cases provided for this purpose, to obtain prior approval. The taking up of such an activity can be prohibited, stating reasons, if this is necessary to prevent any impairment of the legitimate interests of TU Graz.

#### **4.4.2 Business and cooperation partners**

No agreements or side agreements may be made with business and cooperation partners that are not legally compliant or that require the consent of the person responsible.

Private commissioning of companies with which employees or managers have business or official dealings is not permitted if this gives them an advantage over other employees of TU Graz. This applies in particular if employees can directly or indirectly influence the commissioning of the company by TU Graz.

The unobjective favoring or disadvantaging of existing or potential suppliers is not permitted.

As soon as there are reasons to suspect bias in the awarding or acceptance of assignments, employees must withdraw from these assignments and be represented by an impartial person and inform the Dean or the responsible member of the Rectorate.

#### **4.4.3 Procedure for potential conflicts of interest**

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

All employees are obliged to act in the interests of TU Graz and in accordance with these guidelines, without allowing themselves to be influenced by private or personal interests.

### **4.5 TU Graz Ownership and use of resources**

All infrastructural resources of TU Graz are reserved for use for university purposes. This also applies mutatis mutandis to the working hours and work assignments of TU Graz employees

The private use of IT and telecommunications services, software and hardware, including e-mail systems and web programs, 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 misused, conflicts with the maintenance of orderly business operations and jeopardizes the security and performance of this infrastructure. E-mails and files marked as private also remain within TU Graz's general sphere of control and may be viewed in absolutely necessary cases and in compliance with the necessary data protection and the protection of the privacy of the persons concerned.

Private data and files must be stored in folders marked as private without exception. All data and files not stored in folders marked as private are considered to be work-related. The private folders will be deleted after termination of employment. Graz University of Technology may inspect all other folders after termination of employment and reserves the right to continue using the data and files contained therein.

The technical equipment of TU Graz may under no circumstances be used for the storage or distribution of pornographic, racist, violent or other offensive content.

Employees shall handle the property and resources of TU Graz carefully, appropriately and sustainably. They assume full responsibility for items borrowed from TU Graz (e.g. notebooks or books, including for work at home).

#### **4.6 Data protection and confidentiality**

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

It must be ensured that only such confidential information is passed on to members of TU Graz that they require for the fulfillment of their tasks. If external third parties require access to such information, they must sign a binding confidentiality agreement<sup>8</sup>. Likewise, personal and confidential information that TU Graz employees receive from third parties must be treated with the utmost care.

It must be ensured that confidential information and systems with which personal and confidential data are stored, processed or transmitted are protected against theft, unauthorized disclosure, misuse, impairment and negligent handling. If personal and/or confidential data is stored on data carriers (which are also located in printers), this data must be deleted before the data carriers leave TU Graz (e.. due to repair or retirement). Alternatively, the data carriers can also be destroyed - this service is offered by the OU ZID.

It is not permitted to pass on passwords used to access PCs, tablets, smartphones, servers or databases of TU Graz or to make them visibly accessible. In addition, screens must be locked when leaving the workplace.

The work in committees and commissions is also subject to confidential treatment.

This obligation of confidentiality shall continue to apply without restriction even after termination of the employment relationship.

## **4.7 Health and safety in the workplace**

In accordance with the Austrian Employee Protection Act (ASchG), TU Graz ensures the health and safety of its employees and compliance with employee protection regulations. This also includes the Working Hours Act, according to which appropriate rest breaks and maximum working time limits must be observed.

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<sup>8</sup>[tu4u.tugraz.at/fileadmin/user\\_upload/redaktion/Formulare/Geheimhaltungsvereinbarung\\_01.doc](https://tu4u.tugraz.at/fileadmin/user_upload/redaktion/Formulare/Geheimhaltungsvereinbarung_01.doc)

All employees share responsibility for this by complying with the applicable regulations and completing the mandatory safety training within the specified time frame.

Managers are responsible for ensuring occupational safety in their area and for supporting and instructing their employees in accordance with their own responsibilities.

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

The consumption of alcohol and other addictive substances within the meaning of the German Narcotics Act, as amended, during working hours or working under their influence is strictly prohibited unless prescribed by a doctor. This does not apply to the **appropriate consumption** of alcoholic beverages with a volume percentage of less than 15% (beer, wine, Prosecco, sparkling wine) at company celebrations, company outings or business lunches. The consumption of beverages containing distilled alcohol (e.g. schnapps, vodka, liqueur) is therefore prohibited.

#### **4.8 Dealing with public communication and social media<sup>9</sup>**

The Rector represents TU Graz externally. In order to ensure consistent and transparent communication, the Communication and Marketing unit must be involved in discussions with print and online media in advance.

Statements affecting the interests of TU Graz to the public, in traditional and social media, must be approved by the Rectorate and may only be made by employees authorized by the Rectorate.

Exclusively work-related contributions or publications in the context of academic activities do not require prior approval by the Rectorate.

When using social media privately, employees must ensure that no confidential official information is disclosed or the reputation of TU Graz is damaged and, when engaging

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<sup>9</sup> Cf. Code of Conduct of the Medical University of Graz, page 9f.

in private activities on social media channels (e.. Facebook, Instagram), they must ensure that they are acting on their own behalf and not on behalf of TU Graz.

The corporate design guideline must be followed for the appearance in the social media channels in the name of TU Graz.

## **5. Misconduct and sanctions**

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

In the event of non-compliance with this Code of Conduct, the Rectorate will conduct an objective and transparent review of the incident. In the event of unlawful conduct and violations of this Code of Conduct, TU Graz will make use of all sanctions permitted under civil service and labor law.

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