

Sexual Harassment at the University Affects Everyone!

IMPRINT

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Concept and editing: Michaela Krenn, Working Group for Equal Opportunities (AkG)

Graz University of Technology | Working Group for Equal Opportunities

Mandellstraße 5/1, 8010 Graz | www.akg.tugraz.at

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Graphic layout: Markus Garger, TU Graz | Petra Temmel (Manege frei!)

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This brochure is for everyone

It's for people who've experienced (sexual) harassment
and for those who haven't had anything to do with it yet.

It's for people who've witnessed harassment and for
people who don't know exactly what harassment and
sexual harassment really mean.

It's for people who want to learn more about why
harassment happens and
to learn how they can get help and find support.

And it's for everyone else, too!



Working Group for Equal Opportunities
akg@tugraz.at

Dear employees!

Dear students!

In order to prevent sexual harassment, it is important to respect the boundaries and feelings of fellow human beings and to behave considerately towards others. We can all develop our potential for personal growth only through appreciative cooperation, regardless of our gender, sexual orientation, age, ethnic origin, or religion. At TU Graz, we have a zero-tolerance policy towards any form of sexual harassment. Sexual harassment undermines the central values of TU Graz and is to be condemned in the strongest possible terms.

This brochure clearly describes our values and principles regarding correct interpersonal behaviour. It has been prepared to raise awareness for the issue, define the boundaries and describe what measures are taken and consequences occur if harassment takes place.



A handwritten signature in black ink, which appears to read 'Harald Kainz'.

Harald Kainz
Rector of TU Graz

Everyone working at our institution - students, staff and, above all, people with the responsibility for managing personnel - should be aware of this respectful and responsible approach. I would like to encourage you to address the sensitive topic of sexual harassment clearly and openly and to work together to create an environment where people of all genders enjoy working and studying.

Sexual harassment at the university affects everyone

(Sexual) harassment at universities is still considered a taboo topic. #metoo is not about sexuality, it's about **power and power relations**. We need to emphasize this over and over again.

Different power relations and **hierarchies** influence how people interact with each other at universities. And these relations and hierarchies can support various forms of discrimination.

(Sexual) harassment is a form of **discrimination** that is often practiced by people who feel secure in their job and feel as though they have lots of sources of support in their personal environment. Most of the people working or studying at the university rarely reflect on whether boundaries are being violated or **power is being abused**.

But because most people assume that 'these things don't happen in an academic setting', among other things, this can lead those affected to **trivialize the assaults or conceal them** – either from themselves or from others.

Sexual harassment has far-reaching negative effects on those who are affected, as well as on teams, working groups and the institution.

Sexual harassment is an **attack on an individual's mental balance**. Those who are affected experience it as insulting or humiliating. The psychological stress associated with it often leads to anxiety, depression, physical complaints and lower performance - even in the studies. When (sexual) harassment and discrimination happen, everyone involved needs to clearly commit to take action.

The employer's attitude is a key factor to preventing sexual harassment at the university. It's essential to **take a respectful, appreciative approach that accepts everyone's boundaries and to be willing to address harassment and discrimination**.

What is sexual harassment?

Let's talk about a taboo topic

The Federal Equal Treatment Act (B-GlBG) defines sexual harassment as conduct of a sexual nature that undermines a person's dignity and is considered to be **unwelcome, inappropriate, degrading, insulting, or offensive** by the person concerned. Such conduct is considered to create an intimidating and hostile working environment for the person affected. (See §8 B-GlBG.) There are many examples of sexual harassment. These can include everything from "vulgar" jokes and "accidental" touching to promises of rewards for sexual compliance or threats that bad things will happen if the sexual advances are refused.

The person being harassed defines what they consider to be sexual harassment. The person affected perceives whether a form of conduct is unwelcome and crosses a boundary. It doesn't matter if the harassment is intended by the harasser or not.

In most cases, women are affected by sexual harassment, but the **law prohibits sexual harassment as a general principle. This means that the law also protects men and non-binary, inter- and transgender persons.**

“Sexual harassment has nothing to do with flirtation, love, or eroticism. Instead, it has to do with the demonstration and exploitation of a position of power and superiority.”

Brief information from the Austrian Ombud for Equal Treatment,
Vienna, 2013, pg. 2

**Flirting feels good,
harassment does not!**

Forms and examples of sexual harassment

- Non-verbal**
- Someone stares at you for too long or too often, seems to appraise you to “undress you” with their eyes.
 - Someone gestures in degrading, provocative ways toward you.
 - Someone displays or hangs up sexist/pornographic material (screensavers).
 - Someone exposes intimate body parts to you or makes obscene gestures toward you.

- Verbal**
- Someone makes sexist remarks or jokes, tells stories that express hatred, dislike, or distrust of members of another sex.
 - Someone makes lewd, ambiguous, or derogatory remarks and hurtful statements about a person’s appearance, sex life, or sexual orientation.
 - Someone communicates with you in an inappropriate, (sexually) harassing way.
 - Someone asks you to perform sexual acts or issues threats that bad things will happen to you professionally if you refuse. Or they might promise you professional advantages if you fulfil their sexual desires. These kinds of invitations are unsolicited and have a clearly stated intent.
 - Someone sends you electronic messages that contain sexual innuendos.

Physical

- Someone touches you in any way that you find inappropriate (patting, stroking, pinching, hugging, kissing). This includes seemingly “accidental” touches.
- Someone makes repeated physical approaches toward you, makes physical contact with you, or attempts to get close to you in unwanted ways.
- Someone displays physical violence toward you. This covers any form of sexual assault up to and including rape.

Harassment

- This can come from your manager, boss, co-workers, other students, but also persons from outside the university.

At the university, assaults don't usually happen in secluded spaces. Instead, they happen in the **daily workplace as well as teaching events, excursions, company celebrations, seminars, or on business trips.**

What happens to those affected by sexual harassment?

-
- How do those affected feel?
They experience...**
- feelings of shame and abandonment
 - feelings of self-reproach, guilt
 - a sense of powerlessness and failure
 - an inability to enjoy work, be productive, or learn effectively
 - an increased tendency to practice passive resistance in order to avoid attracting attention, behave inconspicuously, and restrict how, where and when they move around
 - feelings of fear that the harassment will happen again

-
- How does sexual harassment affect the body and mind?
Those affected may experience...**
- difficulty concentrating
 - depression, anxiety
 - lower productivity
 - nervousness, sleep disorders
 - headaches, stomach pain

-
- How does sexual harassment affect teams or working groups?**
- members may experience a sense of insecurity, and the team may “fragment”
 - group members experience a general loss of motivation

Sexual assaults and sexualized violence often cause the persons affected to experience **mental and physical problems**, unless the assault can be immediately and successfully resisted.

Sometimes it is hard to actively resisting assault for several reasons:

- The personal boundaries or assault are violated unexpectedly: The affected person experiences a short-term 'paralysis' or feels as though they are frozen and unable to act.
- The affected person feels fear and has a sense of dependence: The harasser is in a higher hierarchical position (exam situation, superiors...).
- The affected person tries to ignore their own feelings or impressions: They don't want to seem "bitchy" or "humorless".

What should I do? Some ways that you can combat sexual harassment

Have you **experienced or observed** sexual discrimination or assaults? Then you should **take action**. Point out these instances right away, **support** those who are affected, or demand respect and help for yourself. Use your own gut feeling that something is wrong as a reliable guide.

You can contact us at any time and ask to schedule a confidential meeting with the Working Group for Equal Opportunities (AkG).

■ akg@tugraz.at

The AkG provides counseling based on several principles:

- any information is provided voluntarily
- confidentiality is preserved
- (professional) independence is ensured
- professionalism is ensured
- anonymity is preserved upon request

**Sexual harassment in
the workplace or at
the university is an injustice!
Every person should take
action and combat it.**

What can I do if I'm personally affected?

Break the silence!

Talk to someone you trust. This can be a colleague, your manager, or even the Working Group for Equal Opportunities.

Don't dismiss your feelings

Clearly admit (to yourself and others) that you feel that the behavior has crossed your boundaries and describe what you consider harassment.

Set limits - take action to clearly reject the conduct

If it's at all possible, act with self-confidence! Clearly indicate that the conduct is unwanted. Demand that the assaults stop. A clear NO often can stop the harassment from going further.

Write down descriptions of the assaults

Make a record of the assault and keep any e-mails. You may need a witness to sign these in the future.

NO means NO!

Finding more advice and support

- You can get expert advice both at and/or outside the university – take advantage of all offers.
- Professional support can lend you strength in this potentially mentally stressful situation.
- Consider how you can immediately take action to help you to regain your sense of confidence.
- Check out the list of helpful contacts that are found at the end of this brochure or provided by the Working Group for Equal Opportunities.

Further steps you can take

- In particular, you can clearly indicate whether you want interventions and what these might look like.
- Find out more about applicable laws and your legal options. You can find information and contacts at the end of this brochure.

I'm in a management position. What can I do if I learn about sexual harassment?

As a manager at the university, you are required to take appropriate steps to protect someone who is being/has been harassed from further harassment. Sexual harassment, harassment and mobbing are punishable according to **employment and disciplinary laws**.

Take action and react appropriately

If you learn about incidents in your area of responsibility, you need to be able to react appropriately. You are required to take action as part of fulfilling your duties.

Treat complaints seriously

Listen to the complaint in a safe, conversational setting and treat what is told seriously.

University management and supervisors are **legally required to offer their assistance** (§18 AngG). This means that they're responsible for protecting their employees' physical and mental health.

If you hear about incidents of harassment, treat these seriously!
Take a stand if you notice any sexual harassment or discrimination in your environment.

Clearly describe possible interventions

- Talk to the affected person and find out what form of support they would like to receive.
- In any case, you need to give the affected person any information needed before the accused person is confronted with the allegations.

Create an appreciative, respectful working and study environment

- Serve as a role model and ensure that the working and study environment is free of discrimination and harassment.

What can I do if I witness sexual harassment?

Don't ignore it!

Offer your support to the affected person!

Talk about the situation together

- Talk with the affected person and find out what form of support they would like to receive.
- Take your time and give the person enough space to describe the specific situation.
- Consider what next steps you could take together.

Confidentiality

- Treat the information entrusted to you confidentially.
- Do not do anything that the person does not want.

In an acute situation: Request that the harassment stops

- Specifically describe what you, as a witness, consider to be harassment.
- Ask the harassing person to stop the harassing conduct.

What else can you do?

- Get professional help if needed.
- Openly discuss sexual discrimination and sexual violence in your workplace or study location.
- Don't be afraid to serve as a witness, if the affected person asked for your help.
- Speak directly with individuals who engage in sexual harassment and don't stoop to the level of the harasser out of "politeness".
- Don't join in when others laugh at lewd or vulgar jokes.
- Avoid "gossiping" about any harassment you've learned about.

What does Austrian law say about sexual harassment?

The Federal Equal Treatment Act (*Bundes-Gleichbehandlungsgesetz*, B-GlBG) applies to all persons who are in an employment or training relationship with the university or who apply to enter an employment or training relationship, as well as to students.

The B-GlBG refers to the following forms of discrimination

- Sexual harassment (§8 B-GlBG)
- Gender-based harassment (§8a B-GlBG)
- Harassment on the basis of ethnicity, religious or other beliefs, age, or sexual orientation (§16 para. 2 B-GlBG)

Direct discrimination

- *Occurs if a person receives less favourable treatment in a comparable situation due to their gender than another person receives, has received, or would receive.*

Indirect discrimination

- *Occurs if rules, criteria, or procedures that seem to be neutral put individuals of one gender at a particular disadvantage with respect to individuals of another gender [...] (§4a B-GlBG)*

What other laws can you refer to if sexual harassment occurs?

- B-GlBG: prohibits discrimination, requires the promotion of women
- Gender Equality Plan and Action Plan for the Advancement of Women at TU Graz
- Employment and disciplinary laws:
Sexual harassment is considered to be discrimination and, as such, is a violation of the employment law
- Criminal Code (applies to criminal offenses): coercion, rape, physical assault, abuse of authority, forcing a sexual relationship, “Hass im Netz” package of measures.

Sexual harassment has been treated as a criminal offense in its own right in Austria since 2004.

§ 218 of the Criminal Code

Applicable parts of the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz)

§ 8 Sexual harassment

This is defined as conduct of a sexual nature that undermines a person's dignity and is considered to be unwelcome, inappropriate, degrading, insulting, or offensive by the person concerned.

§ 8a Gender-based harassment

This is harassment that occurs on the basis of the individual's gender, but that doesn't refer to the sexual sphere. This kind of harassment includes derogatory comments or conduct related to the gender, gender role, or family status that are considered to be insulting by the affected person.

§ 16 Harassment on the basis of ethnicity, religious or other beliefs, age, or sexual orientation

often co-occurs with sexual harassment and can take various forms. The harassment must be severe and create a disruptive or hostile work environment.

Protection at TU Graz: What's the Gender Equality Plan? What are the compliance guidelines?

The **standards that support cooperation** at TU Graz include honesty, fairness, appreciation and respect for the rights of others, both in the scientific field and in the service sector.

As an employer, TU Graz points out that the existing dependent relationships need to be considered at all times.

All members of TU Graz, and especially those with management responsibilities in the areas of research, teaching and administration, are responsible for ensuring that **(sexually) harassing and mobbing behaviors are not tolerated** in their workplaces.

Sexual harassment: What are the legal consequences?

Employment and disciplinary consequences, from getting a reprimand to getting dismissed

According to the **B-GlBG**, sexual harassment is considered discrimination on the basis of gender in connection with an employment or training relationship. (§ 8 B-GlBG)

Disciplinary proceedings described in the B-GlBG:

Disciplinary proceedings described in the B-GlBG:

§ 9. Any direct or indirect discrimination carried out by a staff member on the basis of gender, as described in §§ 4, 5, 6 and 7 to 8a, represents a failure to fulfill obligations arising from the employment relationship. This discrimination will be prosecuted in accordance with the provisions of employment and disciplinary laws.

What happens if the case goes to court?

- Private legal claims for damages of at least 1000 euros.
- The time limit to file a claim is three years.
The university can choose to waive the statute of limitations, meaning that cases that date further back can also be dealt with.
- **Burden of proof**
The harassed person must demonstrate the plausibility of the sexual harassment, and the alleged harasser must prove that no sexual harassment occurred.
- **Criminal offenses:**
Sexual assault,
abuse of authority,
assault,
rape,
sexual harassment,
public sex acts,
“Hass im Netz” (online hate speech).

How to get advice, more information and learn about intervention

Working Group for Equal Opportunities (AkG)

www.akg.tugraz.at
akg@tugraz.at

You can get more information, advice and learn about intervention options for harassment, sexual harassment, mobbing and discrimination on the basis of gender, ethnicity, religious or other beliefs, age, or sexual orientation.

- All TU Graz students and staff can contact the AkG if they have questions about (sexual) harassment or discrimination.
- All conversations are treated as confidential and can also be conducted anonymously.
- Any steps or measures will only be taken after talking about the situation thoroughly with the affected person.

- **HTU Graz, Women's Policy Department** (for students)
<http://fem.htu.tugraz.at> | frauen@htu.tugraz.at
- **HTU Graz, Queer Students Department** (for students)
<http://queerstudent.at> | queer@htu.tugraz.at
- **Works Council of TU Graz**
betriebsrat.allgemein@tugraz.at | brwiss@tugraz.at
- **Office for Gender Equality and Equal Opportunity**
www.gleichstellung.tugraz.at

Where to go for help outside TU Graz

You can also get advice, information and learn about intervention options at:

- **Office of Equal Treatment for Women and Men at Work.**
Regional Office Styria
www.gleichbehandlungsanwaltschaft.gv.at | graz.gaw@bka.gv.at
- **Women's Center of Graz**
www.frauenservice.at | beratung@frauenservice.at
- **Men's Counselling Service Graz**
www.maennerberatung.at | info@maennerberatung.at
- **AK Styria Women's Department**
<https://stmk.arbeiterkammer.at/interessenvertretung/frauen>
frauenreferat@akstmk.at
- **TARA Women's Counselling Centre for Sexual Violence**
www.taraweb.at | office@taraweb.at

Where to go for help outside TU Graz

- **City of Graz, Department for General Women's Affairs**
frauenreferat@stadt.graz.at
- **PinkPurple Panthers**
www.homo.at | info@homo.at
- **Verein Drehungen - Self-defence for Women and Girls**
www.verein-drehungen.at

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This brochure is for everyone

If you are affected by or experience sexual harassment, discrimination, or mobbing, we invite you to receive competent support. You are welcome to make an appointment for a confidential discussion.

akg@tugraz.at



Working Group for Equal Opportunities