

Say NO to Harassment!

Sexual harassment and other forms of
discrimination in the university environment
Information – Response Strategies – Help



Content

Foreword	4
Sexual Harassment at the University	5
What is Sexual Harassment?	6
Consequences for the Victim	7
Strategies Against Sexual Harassment	8
Harassment on Other Grounds	11
Legal Situation, Applicable Laws, and WU Regulations	12
Advice and Support at WU	16
Literature and References	17



Foreword

Dear students, dear colleagues,

At WU, mutual appreciation, open-mindedness, and respect for personal boundaries are considered essential requirements for creating a positive and motivating environment for study and work. WU can only achieve equal opportunities and be successful as a university if we all treat each other with mutual respect and appreciation. For these reasons, we are striving to create working and studying conditions that are free from any form of harassment or discrimination. As a public university and as an employer with considerable social responsibility, we are also obligated by law to create a discrimination-free environment for all of WU's students, faculty, and staff members.

The issue of sexual harassment is often not taken seriously or even addressed at all. As a clear form of discrimination on grounds of sex, sexual harassment at the workplace is banned under the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, B-GIBG). The victims of sexual harassment, which is frequently a result of the abuse of unequal power relations and dependent relationships, can suffer severe distress and other adverse effects.

With this brochure, WU aims to raise awareness of this problem and encourage WU's students, faculty, and staff members to stand up against all forms of harassment, particularly sexual harassment. The brochure shows how victims, supervisors, and teachers can adequately react to harassment and how witnesses of sexual harassment can best support the victim. In addition to definitions, legal regulations, information on how and where to obtain support and advice, and important contacts, this brochure also includes practical tips on how to best respond to harassment. The recommendations and information provided in this brochure are intended not only for dealing with cases of sexual harassment, but also other forms of harassment specifically protected by law (based on ethnicity, religion or worldview, age, sexual orientation, and disability). WU explicitly condemns all types of harassment and discrimination.

Please do not keep quiet – speak up about harassment and discrimination and support the victims. Failing to take action against harassment or discrimination you have witnessed or been made aware of makes you complicit in this sort of behavior. This brochure is intended to provide you with the necessary information and strategies for taking action against sexual harassment and other types of discrimination. Help us to create a discrimination-free study and work environment together!

Yours,

Edeltraud Hanappi-Egger
Rector

Sexual Harassment at the University

“In many cases, sexuality is not the core element of an action, but merely serves as a vehicle for asserting power.”

(Holzbecher 1996, p. 22)

“Accidental” touching, “adult” jokes, sexually suggestive remarks – all these kinds of sexual harassment occur in day-to-day life at a university.

University environments are characterized by a variety of dependent relationships. These forms of dependency can create situations that are prone to sexualized discrimination and violence. Sexual harassment is not per se a type of behavior characteristic of any specific sex. However, given the prevailing power relations, it is far more common for women to suffer sexual harassment from men than the other way around. Sexual harassment is usually a manifestation of specific, asymmetrical power structures, where people take advantage of and abuse their own position of power. However, sexual harassment is not limited to hierarchical relationships of dependency. It also occurs among students. Cases where women are the perpetrators of sexual harassment are rare.

Sexual harassment affects all sexes and genders. In about two in three cases, sexual harassment is verbal. Physical harassment such as assault or even rape occurs only in a small percentage of all cases. However, verbal sexual harassment may also include requests to engage in sexual activities and threats of professional and study-related consequences if the victim fails to comply.

We would like to address the issue of sexual harassment in a way that helps women and men to take informed and responsible action to prevent sexual harassment in general and to adequately deal with any specific cases of sexual harassment that may occur.

Unfortunately, sexual harassment is still a taboo topic at many universities and also elsewhere. The harassers are often people in secure, powerful positions who can count on the support of others around them. For these reasons, sexual harassment in a university setting is often used deliberately as a form of discrimination and violence intended to intimidate others, in some cases even to hinder their careers, and to obtain (sexual) favors.

A REAL-LIFE EXAMPLE



Sexual discrimination also occurs among WU students: In a text message, a male student asked a female student for sexual favors in return for sharing his course notes with her.

What is Sexual Harassment?

“Sexual harassment can also be seen as an unfair but effective attack on female competitors in academia. A look at the gender imbalance in academic hierarchies confirms that this mechanism still remains effective.”

(Großmaß 1995, p. 24, quoted from: freier Zusammenschluss von studentInnenschaften [fzs] eV (ed.) 2007)

The Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, B-GlBG) defines sexual harassment as an action related to the sexual sphere that violates another person's dignity and is perceived as unwanted, inappropriate, degrading, insulting, or offensive by the person at which it is directed (for a detailed definition, please see the section entitled "Legal Situation, Applicable Laws, and WU Regulations").

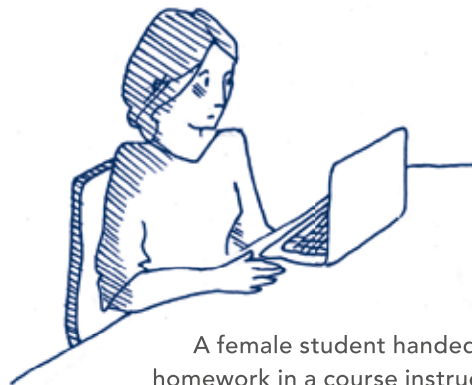
Sexual harassment occurs not only in cases where supervisors, colleagues, WU teachers, and students exhibit such behavior, but also when the university, in its capacity as employer, or the immediate supervisors fail to respond appropriately to cases of harassment.

Examples of sexual harassment:

- › Anecdotes and remarks that are degrading and offensive to women, degrading comments on other people's sexual orientation
- › Sexually colored remarks on a person's appearance, her or his private sexual activities, explicit sexual statements
- › Sexual jokes, catcalling, staring, long, objectifying gazes ("undressing someone with your eyes")
- › Sexual innuendo
- › Inappropriate communication styles that are (sexually) offensive
- › Unwanted invitations with openly (explicitly stated) sexual intentions, sexual innuendo in phone calls, letters, emails, and text messages
- › Posters with pin-up models or pornographic images in the work environment

- › Promises of job benefits in return for sexual favors, threats of career disadvantages if sexual favors are denied
- › Deliberate touching that is justified as being "accidental"
- › Requests to engage in sexual activities
- › Exhibitionist activities

A REAL-LIFE EXAMPLE



A female student handed in her homework in a course instructor's office a week before the scheduled exam date. He later sent her an email from his private account, saying, "That was a nice skirt you were wearing. Short and sexy, the way I like it. :)"

Sexual harassment can be non-verbal, verbal, or physical. The law is very clear: Sexual harassment is any action that could violate a person's dignity, that is perceived as offensive in this sense by the victim, and that the harasser knows to be unwanted.

Consequences for the Victim

If victims are unable to successfully defend themselves against assault or offensive behaviors on the spot, sexual harassment and sexualized violence cause lasting psychological and psychosomatic problems. In some cases, there is simply no way for victims to escape or fend off sexual harassment.

An active defense against sexual harassment is difficult and only possible in rare situations, for a variety of reasons:

- › The assault or offensive behavior often takes victims by surprise, leaving them temporarily paralyzed and unable to respond.
- › In many cases, the harassers are persons higher up in the hierarchy and the victim is unable to take appropriate action from a lower hierarchical position.
- › The situation is often characterized by fear and dependency, e.g. in an exam situation.
- › Victims may suppress their feelings because they don't want to be seen as overly sensitive.

This often leads to the following **typical reactions**:

- › Victims keep silent about what happened because they feel ashamed or are afraid of the consequences.
- › Victims become insecure or reclusive and limit the scope and range of their activities.
- › Feelings of anger, despair, or aggravation, which are worsened by the ignorance and lack of sympathy many victims encounter. Note: Victims suffer particularly intense emotional pressure in cases where other people witness the situation but fail to acknowledge the jokes or behavior in question as degrading or offensive. Unsympathetic reactions shown by witnesses and comments such as, "Just relax and don't be so uptight," can make victims even angrier.
- › Avoidance strategies – keeping a low profile, avoiding situations where further harassment may occur

Typical effects of sexual harassment on psychological and physical health:

- › Difficulty concentrating
- › Anxiety, depression
- › Physical symptoms
- › Reduced performance
- › Limited development perspectives
- › Cynical behavior

Your first point of contact at WU for matters related to sexual harassment is the **Equal Opportunities Working Group**. WU employees can also contact the **staff councils**, and students can get support from the **WU Ombuds Office for Students**. It goes without saying that all inquiries will be kept strictly confidential.

Strategies Against Sexual Harassment

What to do if **you are the target** of sexual harassment:

- › If possible, respond immediately if you are confronted with sexual harassment, and try to react with self-confidence. If you are unable to successfully defend yourself on the spot, you should make sure to acknowledge and respect your own feelings: Clearly communicate to yourself and to others that boundaries have been violated and that you've been harassed.
- › Don't keep quiet about what happened. Keep in mind that silence may be interpreted as consent. Talk to trusted persons, the Ombuds Office for Students, your colleagues or equal opportunities representatives (any member of the Equal Opportunities Working Group). Make your position clear to the harasser or prepare a written statement.
- › Prepare a written protocol of what happened, including precise information on when and where the incident happened and who was present. If possible, ask a witness to sign your protocol.
- › Be sure to save any relevant emails or other documents that include evidence of the harassment.
- › Seek professional advice and support at WU and outside the university. See the information on where to get support at WU provided at the end of this brochure.
- › Seek professional help to develop immediate measures for restoring your psychological stability.
- › Formulate a clear position on further steps to be taken. This includes, most importantly, the question of whether you would like to pursue further interventions, and if yes, which kind of interventions.
- › Explore all the different kinds of legal action available to you.

SOME EXAMPLES OF APPROPRIATE RESPONSES



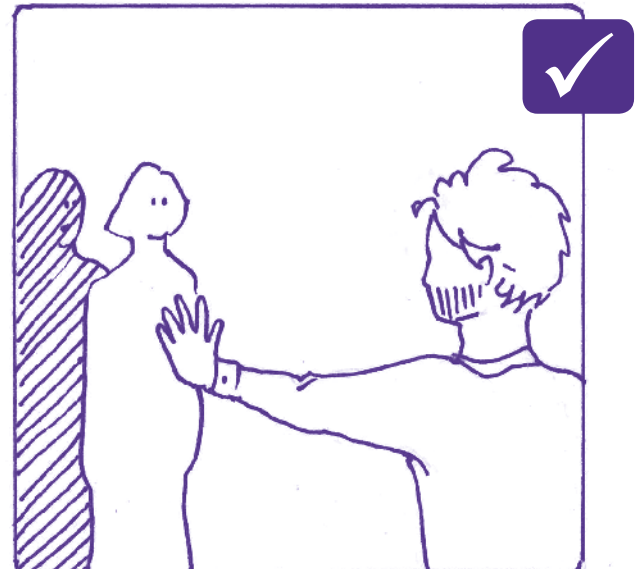
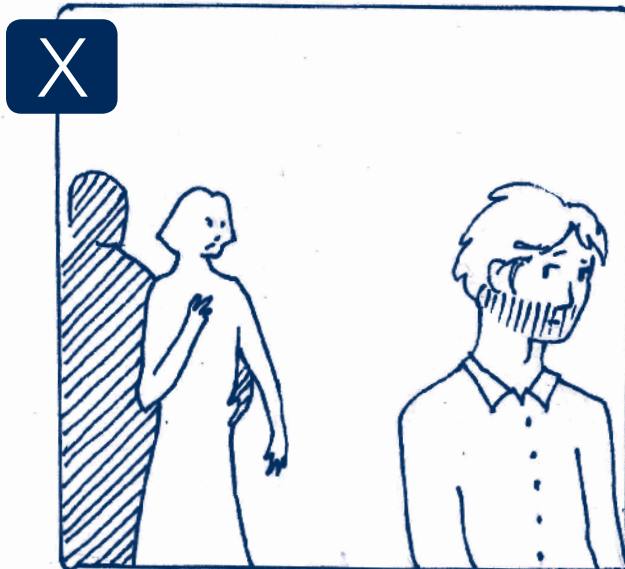
- › Don't let offensive formulations go unremarked. Clearly articulate which behavior or which remarks found offensive.
- › It often helps to immediately name the action and to order the harasser to stop. Be explicit – it's more effective to say, "Stop touching me!" than just to say "Leave me alone!"
- › Make the potential consequences clear to the harasser (official complaint or lawsuit).
- › Physical assaults or harassment can effectively be fought off by aggressive physical defenses: Pushing the harasser away or, in severe cases, counterattacking the assailant with a slap in the face or a similar move can be an effective way to avoid getting caught in the role of a helpless victim. Spontaneous, proportionate physical defenses against physical sexual harassment are recognized by the law as legitimate self-defense.

What to do if you have witnessed or heard about a case of sexual harassment:

- › Don't look away!
- › Address the harasser directly and tell him or her which behavior you found offensive. Make it clear that you will not tolerate such behavior.
- › Demand that the harasser stop his or her offensive behavior and point out the potential consequences (e.g. reporting the incident to equal opportunities representatives, i.e. the members of the Equal Opportunities Working Group, to the appropriate supervisor, or to the staff council).
- › Tell the harasser that you will inform others about the incident.
- › Talk to the victim to find out which kind of support he or she would like to receive.

- › Don't take any action against the victim's will.
- › Get in touch with the appropriate people, institutions, or units that can provide you with further information. Please see the contacts listed at the end of this brochure.
- › Don't doubt the credibility of the information about the incident that has been shared with you.

Anyone who learns about a case of sexual harassment and does nothing about it becomes complicit in it. Some witnesses may qualify offensive remarks, jokes, gestures, or physical contact as harmless, but if we fail to act against misconduct, it will never go away.



**What to do if you are in a position of responsibility
(e.g. a supervisor, course instructor, trusted contact):**

Your duty of care requires that you act immediately if a case of harassment is reported to you. You are obligated to investigate the issue and take appropriate action.

- › Talk to the victim to find out which kind of support he or she would like to receive.
 - › Don't take any action against the victim's will.
 - › Don't doubt the credibility of the information about the incident that has been shared with you.
 - › Create a safe environment for talking about the issue and encourage the victim to seek help and take further steps to adequately deal with what happened.
 - › Address the harasser directly and tell him or her which behavior has been perceived as offensive. Make it clear that you will not tolerate such behavior.
- › Demand that the harasser stop his or her offensive behavior and point out the potential disciplinary consequences.
 - › If necessary, get in touch with the appropriate people, institutions, or units that can provide you with support and further information and seek professional help or coaching. Please see the list of contacts at WU at the end of this brochure.
 - › Be a role model and create a study and work environment free of discrimination and harassment, foster an atmosphere of mutual respect and appreciation, and, if you're a teacher, make sure to maintain an appropriate distance when dealing with students.
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Harassment on Other Grounds

Much of what has been said about sexual harassment so far also applies to bullying and harassment based on other characteristics, in particular those specifically protected by law (age, ethnicity, religion or worldview, sexual orientation, and disability). Inappropriate remarks that are intended to be funny are often heard in classrooms, and there are more and more complaints from students who experience discrimination because of their ethnic background. Discrimination also happens during job interviews, especially on grounds of age, religious affiliation, and disability. Most of the strategies outlined above also apply to these situations, so please see the previous sections for information on how to react in such cases.

The **Equal Opportunities Working Group** is your first point of contact at WU for matters related to bullying, harassment, and discrimination on grounds of the characteristics protected by law, i.e. sex, age, ethnicity, religion, worldview, sexual orientation, and disability. WU employees can also contact the **staff councils**, and students can get support from the **WU Ombuds Office for Students**. It goes without saying that all inquiries will be kept strictly confidential. Further information on workplace bullying is also available from the Personnel Office, the Personnel Office web pages, and the supervisors' manual.



Legal Situation, Applicable Laws, and WU Regulations

From a legal perspective, sexual harassment may lead to disciplinary consequences, consequences under employment law, damages, and criminal proceedings. In particular, the following legal regulations apply to WU employees (civil servants, contractual employees, and employees under the Collective Bargaining Agreement for University Staff) and WU students:

- › Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, B-GIBG, Federal Law Gazette no. 1993/100, as amended)
- › Civil Service Employment Act (Beamten-Dienstrechtsgesetz 1979, BDG 1979, Federal Law Gazette no. 1979/333, as amended)
- › Contractual Employees Act (Vertragsbedienstetengesetz 1948, VBG, Federal Law Gazette no. 1948/86, as amended)
- › Disabled Persons Employment Act (Behinderteneinstellungsgesetz, BEinstG, Federal Law Gazette no. 1970/22, as amended)
- › Austrian Criminal Code (Strafgesetzbuch, StGB, Federal Law Gazette no. 1974/60, as amended)
- › Universities Act (Universitätsgesetz 2002, UG, Federal Law Gazette no. I 2002/120, as amended)
- › Salaried Employees Act (Angestelltengesetz, AngG, Federal Law Gazette no. 292/1921, as amended)
- › Collective Bargaining Agreement for University Staff (Kollektivvertrag für die ArbeitnehmerInnen der Universitäten), as amended

Other applicable regulations in effect at WU:

- › WU Code of Conduct, as amended
- › WU Plan for the Advancement of Women (Frauenförderungsplan der Wirtschaftsuniversität Wien), annex 4 of the WU By-Laws (Satzung), as amended

1. CONSEQUENCES UNDER EMPLOYMENT LAW AND DISCIPLINARY CONSEQUENCES

1.1 Sexual Harassment as Discrimination and a Breach of Employees' Duties

From the perspective of employment law, the Federal Equal Treatment Act, which applies to all WU students, faculty, and staff members pursuant to § 44 of the Universities Act, defines sexual harassment as

discrimination on the grounds of sex in connection with an employment or training relationship (§ 8 of the Federal Equal Treatment Act). The Federal Equal Treatment Act also defines which specific actions are regarded as prohibited acts of sexual harassment in the context of employment law:

§ 8 of the Federal Equal Treatment Act – Sexual Harassment

(1) Discrimination on the grounds of sex in an employment or training relationship is also present if the employee:

1. Is directly sexually harassed by the employer's respective representative
2. Is discriminated against in situations where the employer's representative intentionally or negligently fails to take appropriate action in reaction to a case of sexual harassment committed by third parties
3. Is sexually harassed by third parties

(2) Sexual harassment is present if a person performs actions related to the sexual sphere which are degrading or intended to be degrading, are unwanted, inappropriate, degrading, insulting, or offensive to the person at which the actions are aimed, and:

1. Create or are intended to create an intimidating, hostile, or humiliating work environment for the person affected
2. Take the affected person's rejection or acceptance of sexual behavior by a representative of the employer or a colleague as a basis for a decision, either explicitly or tacitly, that has consequences for the affected person's access to training or continuing education, employment, continued employment, promotion, or remuneration, or any other decision regarding the employment or training relationship

(3) Ordering someone to sexually harass somebody else also constitutes an instance of discrimination.

According to § 8 of the Federal Equal Treatment Act, sexual harassment can include behavior exhibited by the employer's representatives, colleagues, or other persons with whom an employee interacts in connection with his or her employment. Sexual harassment includes both **active harassment** (e.g. inappropriate touching, unwelcome close physical proximity, sexually suggestive remarks, degrading images) and **failure to act on the part of the employer's representatives** (e.g. ignoring or playing down a suspected case of sexual harassment). These two forms of sexual harassment ("active" and "passive") are both illegal and constitute a **breach of employees' duties** (Dienstpflichtverletzung pursuant to § 9 of the Federal Equal Treatment Act). This means that in the case of a breach of the duty of care, the employer may be liable for damages, and the harasser's immediate supervisor may face consequences under employment law.

One of the main characteristics of sexual harassment is that the offensive behavior is related to the victim's intimate life ("sexual sphere") and thus violates the victim's human dignity. However, a person's human dignity may also be violated by other types of harassment related to sex and gender, usually involving prejudice and the attribution of negative gender roles (§§ 8a, 9 of the Federal Equal Treatment Act).

1.2. Harassment due to Other Protected Characteristics as Discrimination and Breach of Employees' Duties

Harassment due to **other characteristics specifically protected by law** also constitutes a violation of employees' duties. These characteristics are age, ethnicity, religion, worldview, sexual orientation (§§ 16, 16a of the Federal Equal Treatment Act) and disability (§ 7d of the Disabled Persons' Employment Act, Behinderteneinstellungsgesetz, BEinstG). Sometimes, people experience sexual harassment in combination with other types of harassment, for instance if a Muslim woman is sexually harassed by someone whose aggression may be intensified by his opposition to religious clothing (e.g. the hijab).

Workplace bullying (also known as mobbing), i.e. systematic behavior aimed at excluding or ostracizing others, usually over an extended period of time, also constitutes a breach of employees' duties. Mobbing may include or occur in combination with harassment. § 43a of the Civil Service Employment Act formulates a ban on mobbing and obligates civil servants to treat each other with respect and to refrain from discrimination. This ban on mobbing also applies to contractual employees (§ 5 of the Contractual Employees Act). The Collective Bargaining Agreement for University Staff (§ 4, item 2 and § 9 (5) of the Collective Bargaining Agreement for University Staff) allows for specific operational agreements to be concluded to avoid and deal with cases of workplace bullying.

1.3. Harassment as a Violation of WU's Code of Conduct

The main principles WU is committed to are laid down in the current Mission Statement and other documents. Rules and standards of responsible and ethical behavior at WU are specified in the WU Code of Conduct, the we@WU brochure, and the WU By-Laws (Plan for the Advancement of Women).

The WU **Code of Conduct** defines standards of behavior that clearly exclude any form of harassment and bullying. These rules of conduct not only regulate how faculty, staff members, and external lecturers should treat each other, but also apply to the behavior of WU representatives towards students. Particularly strict standards apply to the relationship of subordination and dependency between supervisors and their employees. Teachers are obligated to maintain an appropriate personal distance from students. The **we@WU** brochure is aimed particularly at students. It defines standards of behavior for ensuring a positive and productive climate at WU. WU's **Plan for the Advancement** of Women stresses that WU does not tolerate sexual and gender-related harassment and bullying, and that such behavior will result in the appropriate legal consequences (preamble).

WU is taking measures to prevent harassment and offensive behavior to protect the personal dignity of its employees, guarantee just and fair working conditions with respect to human dignity, and create a safe and enjoyable working environment where each employee's health, safety, and dignity are respected (§ 3 (6), § 44 of the Plan for the Advancement of Women). Harassment and bullying violate people's personal rights and have no place at WU. It is the responsibility of all WU faculty and staff members, especially those working as supervisors, to prevent harassment and bullying in their respective areas of work. The specific measures WU is taking to combat misconduct include advice, counseling services, and support for individuals, units, and groups who have to deal with harassment, sexist incidents, and workplace bullying. WU offers free counseling and assistance to the victims of such behavior (§ 45 of the Plan for the Advancement of Women).

Your first point of contact at WU for all these matters is the **Equal Opportunities Working Group**. (§ 42 of the Universities Act, § 46 ff of the Plan for the Advancement of Women). WU employees can also contact the **academic and administrative staff councils**, and students can get support from the **WU Ombuds Office for Students**.

1.4. Legal Consequences

Under the applicable legal regulations, acts of sexual harassment – as well as all other forms of harassment and bullying described above – committed by WU employees are subject to the appropriate legal consequences under employment law and, in the case of civil servants, also under disciplinary law (§ 9 of the Federal Equal Treatment Act; §§ 20 and 91 ff of the Civil Service Employment Act). The specific **legal consequences** (e.g. reprimands, damages, formal warnings, fines, termination of employment, or even dismissal without notice) depend on the specifics of each case, particularly the severity of the misconduct and the consequences suffered by the victim. Under the Federal Equal Treatment Act, victims of sexual (and other types of) harassment are entitled to claim damages from the harasser or, in certain cases, even from the university, if the university's representatives have failed to take appropriate steps to remedy the situation (§ 19 of the Federal Equal Treatment Act in combination with § 44 of the Universities Act).

Pursuant to these regulations, applicable **damages** start at **€ 1,000**. Higher claims must be proportional to the severity of the harassment experienced (§§ 19, 19b of the Federal Equal Treatment Act). Damages must be claimed within **three years** of the date when the harassment occurred (§ 20 (2) of the Federal Equal Treatment Act, § 1489 of the Austrian Civil Code (ABGB)). However, the university may also decide to waive this limitation so that damages may also be imposed for cases that occurred longer ago.

In real-life situations, it is usually very **hard to prove** sexual and other types of harassment. For this reason, the Federal Equal Treatment Act includes regulations that relax the burden of proof for alleged victims of harassment (but not for victims of other types of bullying). The victim has to provide credible evidence that she or he suffered sexual harassment. The allegations must be credible in the sense that there must be more evidence for than against the alleged instance of harassment (requirement of reasonable probability rather than the standard of high probability that is generally applied).

Any additional legal consequences that may apply depend on the **employment status of the harasser**, i.e. on whether he or she is a civil servant, contractual employee, or an employee under the Collective Bargaining Agreement for University Staff. In the case of harassers who have **civil servant status**, for instance, the Civil Service Employment Act provides the legal basis for deciding whether the misconduct warrants disciplinary measures such as a reprimand, warning, or fine, or even dismissal (§§ 20, 91 ff of the Civil Service Employment Act). This disciplinary legislation applies only to civil servants, and there are no analogous regulations for contractual employees and employees under the Collective Bargaining Agreement for University Staff. However, sexual and other types of harassment and workplace bullying also constitute a violation of employees' duties for these groups of employees and, depending on the severity of the misconduct, may lead to the termination of the employment contract. Contractual employees are subject to the grounds for dismissal specified in the **Contractual Employees Act**. Pursuant to this act, employees may for instance be dismissed if they have grossly violated their duties as employees (§ 32 (2), item 1 of the Contractual Employees Act).

Particularly severe violations of employees' duties may even result in dismissal without notice. Similar regulations apply to employees under the **Collective Bargaining Agreement for University Staff**. The criteria for the termination of employment (notice periods and deadlines) are specified in the Collective Bargaining Agreement (§§ 21, 22). Severe violations of employees' duties warrant termination of the employment even in cases where the employee is subject to special protection against dismissal requiring that specific reasons be given for the dismissal – this applies in cases where the misconduct in question does not constitute sufficient grounds for a dismissal without notice. The Collective Bargaining Agreement does not specify in detail which criteria warrant a dismissal, it merely includes a broad reference to the general legal provisions that apply (§ 23 of the Collective Bargaining Agreement for University Staff). In most cases, the criteria for dismissal pursuant to the Salaried Employees Act apply, particularly untrustworthiness, physical assault, immoral behavior, and behavior that severely damages the honor of others (§§ 25, 27 of the Salaried Employees Act).

The specific employment regulations that apply to each respective harasser provide the legal basis for deciding whether the misconduct warrants further legal consequences, e.g. disciplinary measures such as a reprimand, warning, or fine, or even dismissal.

2. Consequences under Criminal Law

In very severe cases, particularly those involving physical violence and coercion, sexual harassment and similar behavior may also be punishable under criminal law. In particular, such behavior may be punishable as a **criminal offense against a person's sexual integrity and autonomy** as defined in the Austrian Criminal Code, e.g. rape (§ 201 of the Criminal Code), sexual coercion (§ 202), and abuse of a position of authority (§ 212).

According to § 218 (1) of the Austrian Criminal Code, a person commits sexual harassment if he or she performs a sexual activity on or in front of another person under circumstances where this activity is likely to cause justified irritation in the victim. Harassers who commit such offenses may face fines or prison sentences of up to six months. Harassment may go hand in hand with other criminal offenses against a person's physical integrity or honor, including for instance **battery** (§ 83), menacing threat (§ 107), stalking (§ 107a), or **insult and assault** (§ 115).

Harassers only receive a court sentence for one of these offenses if the appropriate public prosecutor decides to press charges and the defendant is found guilty in a **trial**. Under certain circumstances, for instance in the case of sexual harassment (§ 218 (3) of the Criminal Code), the alleged harasser may only be prosecuted if the victim approves. As far as employment law is concerned, an effective court sentence for certain felonies (e.g. rape) may also lead to the **termination of the perpetrator's employment contract** (§ 27 (1) of the Criminal Code, § 20 (1), § 95 of the Civil Service Employment Act, §§ 32, 34 of the Contractual Employees Act, §§ 25, 27 of the Salaried Employees Act, §§ 21 through 23 of the Collective Bargaining Agreement for University Staff).



Advice and Support at WU

Below you find a list of contacts at WU which employees and students can turn to for help and support.

For WU faculty, staff, and students: Equal Opportunities Working Group (AKG)

Campus WU, Welthandelsplatz 1, 1020 Vienna, D1 building, level 2
Tel.: +43 (0)1/31336/5799 or 5116
Email: ak-gleich@wu.ac.at

- › Advice and information
- › Legal information with regard to sexual harassment
- › Information on how to obtain psychological support and counseling
- › Consultations for planning further steps to be taken
- › If necessary, establishing contact with other WU units or the Federal Equal Treatment Commission (Bundes-Gleichbehandlungskommission)

The Equal Opportunities Working Group serves as a first point of contact for WU employees and students. It offers support, advice, and information to victims and witnesses of harassment and discriminatory behavior and also to supervisors. All inquiries are kept absolutely confidential. If necessary for dealing with the incident and if the victim approves, the Equal Opportunities Working Group will also enlist the support of other experts from the following groups, bodies, and institutions: the Academic and Administrative Staff Councils, the WU Arbitration Board, the equal opportunities office of the Austrian Students' Union (ÖH) at WU, the Federal Equal Treatment Commission.

OTHER IMPORTANT CONTACTS AT WU

For members of the administrative staff: Administrative Staff Council

- › Advice and information on matters related to employment law
- › Consultations for planning further steps to be taken
- › If necessary, establishing contact with other institutions (e.g. Chamber of Labor, Austrian Trade Union Federation)

Campus WU, Welthandelsplatz 1, 1020 Vienna, AD building, ground floor
Tel.: +43 (0)1/31336/4845
Email: betriebsrat@wu.ac.at
www.wu.ac.at/structure/lobby/betriebsrat

For members of the academic staff: Academic Staff Council

- › Advice and information on matters related to employment law
- › Consultations for planning further steps to be taken
- › If necessary, establishing contact with other institutions (e.g. Chamber of Labor, Austrian Trade Union Federation)

Campus WU, Welthandelsplatz 1, 1020 Vienna, AD building, ground floor
Tel.: +43 (0)1/31336/5640
Email: wiss.betriebsrat@wu.ac.at
www.wu.ac.at/structure/lobby/workscouncilacademic

For students: WU Ombuds Office for Students

- › Advice and information with regard to study-related complaints, problems, and conflicts
- › Consultations for planning further steps to be taken
- › If necessary, establishing contact with other units or institutions

Campus WU, Welthandelsplatz 1, 1020 Vienna, LC building, level 2
Tel.: +43 (0)1/31336/5041
Email: herbert.loicht@wu.ac.at
www.wu.ac.at/structure/servicecenters/services/ombudsstelle-fuer-studierende/

Austrian Students' Union at WU (ÖH WU)

Campus WU, Welthandelsplatz 1, 1020 Vienna, SC building
Tel.: +43 (0)1/31336/4861
Email: oeh@oeh-wu.at
<https://oeh-wu.at/vertretung/deine-oeh-wu>

Literature and References

Bundesministerium für Frauen und Bildung (2014): Frauen haben Recht(e).

https://www.bmbf.gv.at/frauen/publikationen/frauenhabenrechte_5a_2014.pdf (September 8, 2015)

freier Zusammenschluss von studentInnenschaften [fzs] eV (ed.) (2007): Sexistische Diskriminierung und sexuelle Belästigung – Informationen und Gegenstrategien, Berlin

Groll, Tina (2013): Wie man sich würdevoll gegen Herrenwitze wehrt. In: Zeit online.

<http://www.zeit.de/karriere/beruf/2013-01/sexuelle-belaestigung-herrenwitze> (September 8, 2015)

Holzbecher, Monika (1996): Sexuelle Diskriminierung als Machtmechanismus. In: Bußmann, Hadumod / Lange, Katrin (ed.): Peinlich berührt. Sexuelle Belästigung von Frauen an Universitäten, p. 20-35, München

Medizinische Universität Innsbruck (2014): Sexuelle Belästigung am Arbeitsplatz. Information für Studierende.

https://www.i-med.ac.at/ak_gleichbehandlung/files/SB_Studierende.pdf (September 8, 2015)

Stadt Salzburg, Frauenbüro (2009): Nein zu sexueller Belästigung.

http://www.uni-salzburg.at/fileadmin/oracle_file_imports/1723278.PDF (September 8, 2015)

Universität Wien (2011): Sexuelle Belästigung.

http://gleichbehandlung.univie.ac.at/fileadmin/user_upload/proj_gleichbehandlung/Brosch._Sex._Bel._schwarz.pdf (September 8, 2015)

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We would like to use your comments and ideas to expand and update this brochure. Please send your feedback to ak-gleich@wu.ac.at.

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