

## **(Sexual) harassment**

Unwanted closeness

Intimidation

Power games

Vulgar jokes

Bullying

Stalking

Unwanted phone calls

Threaten

Devaluation

Exploit

Smile suggestively

Pull-out views

Warning

Discrimination

Sexual innuendo

Sexual assault

Rape

Unwanted touching or kissing

Sexual innuendos

## I am affected by sexual harassment and/or violence - what can I do?

All members of the FH Upper Austria can expect help and support at any time via the GDM-C, the Works Council or the ÖH.

## I have witnessed or heard about sexual harassment and/or violence - what can I do?

- Clarify with the person concerned what kind of support they would like.
- If the incident is serious, report it to the police yourself.
- Be available as a witness if required.
- Get support from competent advisory services.

## The GDM-C can also be contacted anonymously using the form on the website. I am a line manager and have experienced sexual harassment and/or violence - what can I do?

- As a supervisor, you are obliged to react quickly and take appropriate remedial action.
- If necessary, seek support from the GDM-K or the works council. The Ombud for Equal Treatment is also available as a non-university advisory body.
- We strongly advise against inviting the persons concerned to mediation or any other discussion/meeting.
- Any activities you undertake should be documented by you.

## Why is this handout available?

With these guidelines, the GDM-C attempts to communicate possible courses of action for those affected and to provide information for the entire operation of the University of Applied Sciences Upper Austria. Unfortunately, sexual harassment can occur in any company, in any university, in any place, especially if it is a meeting place for people of different genders and in relationships of dependency. As a university, we must recognize this fact and dedicate ourselves to prevention, education and support for those affected.

In accordance with the guiding principles of the FH Upper Austria [Link: [https://www.fh-ooe.at/fileadmin/user\\_upload/fhooe/ueber-uns/organisation/diversity/allgemein/docs/fhooe-diversity-grundsätze.pdf](https://www.fh-ooe.at/fileadmin/user_upload/fhooe/ueber-uns/organisation/diversity/allgemein/docs/fhooe-diversity-grundsätze.pdf)], all staff and students are required to respect interpersonal boundaries and not to offend other staff or students in any way that is undesirable, detrimental to their dignity, non-verbal, verbal or physical and thus (sexually) harassing. In this sense, for example, refusal of contact, disinterest and (physical) rejection/dislike are to be perceived as rejection. At the same time, we want to give all those who feel (sexually) harassed the feeling that they are not alone and encourage them to accept or ask for help and, if possible, to show the harasser as clearly as possible that they do not want this treatment and will not tolerate it.

**All members of the FH Upper Austria can expect help and support at any time via the GDM-C, the Works Council or the ÖH.**

## What is violence?

According to the World Health Organization, violence is defined as the intentional use of threatened or actual physical coercion or physical force against oneself or another person, group or community that results in injury, death, psychological harm, maldevelopment or deprivation, either actual or very likely (WHO, 1996).

There are different forms of violence, for example:

- Violence in intimate partnerships
- Violence outside of intimate partnerships
- Stalking
- Sexual harassment in the workplace
- Violence in childhood
- Assaultive behavior during leisure time or when going out

The following describes in more detail what **sexual harassment at the workplace or place of study** is and how it can be dealt with.

## What is (sexual) harassment or sexualized violence?

The difference between sexual harassment and sexualized violence lies in the type and severity of the behaviour.

**Sexual and gender-based harassment** is a form of discrimination that is prohibited under the Equal Treatment Act (GIBG). Employers are obliged to take appropriate remedial action in the event of sexual harassment. This means that they must take action to prevent further harassment. Employers who do not react or do not react appropriately can be sued for damages by affected persons (Gleichbehandlungsanwaltschaft, 2021, p. 2).

According to the Equal Treatment Act, sexual harassment includes behavior from the sexual sphere, violation of dignity, undesirability and impairment of the working environment (ibid.).

Behavior from the sexual sphere" includes all behaviors that involve sexuality or sexual advances. These are divided into physical assaults, gestures and looks, words and images.

**Physical assaults** are attacks, kisses, hugs, "accidental touching", etc.

**Gestures and gazes** include persistent staring at certain parts of the body, sexualized gestures, etc.

What constitutes sexual harassment is decided by those affected. This means that the victims themselves define whether and when a boundary has been crossed. The form of violence experienced by those affected is to be determined based on their feelings and not on the intention of the perpetrators. It is not about establishing supposedly objective criteria that must be met for certain definitions of violence. This means that every person's behavior must be examined to see whether it goes "too far" for the other person. **"I didn't mean it that way"** is not a possible excuse for perpetrators of sexual harassment.

Sexual harassment is

- unwanted:

unwanted phone calls or messages with sexual innuendos, pictures, unwanted invitations, "accidental" touching,

- impairing dignity:

pin-up girls or screensavers, whistling, ambiguous looks, statements or innuendos, misogynistic anecdotes, derogatory comments about professional competence while emphasizing gender roles, filming and photographing intimate body areas without clear consent

- non-verbal:

derogatory gestures, showing pornographic/sexist images, unwanted gifts

- verbally

offensive comments about physical characteristics, appearance, clothing, sex life or sexual orientation, annoying questions about relationships and sex life, sexist jokes, offensive requests or demands, ambiguous invitations

- physical:

unwanted physical contact and touching, intrusive or exhibitionist behavior, sexual assault, blackmailing or forcing sexual acts or relationships up to and including coercion and rape

### Typical examples of sexual harassment in a university context:

- A supervisor stands behind his employee and pats her on the shoulder/strokes her arm while explaining the next task or discussing something with her.
- A professor invites a student to her home/for coffee/lunch and wants to kiss her goodbye.
- A "working lunch" serves as a rapprochement attempt.

### What can I do as a victim?

The crossing of personal boundaries, (sexual) harassment, usually triggers intense feelings of pain, fear, anger, helplessness, shame, powerlessness or despair in those affected. Those affected are often speechless and cannot understand what has happened, let alone talk about it. This results in the need to forget the incident(s) or to question themselves and their own perceptions. However, ignoring the harassment(s) or avoiding the harasser is not a solution.

It is important to know that you are not alone. (Sexual) harassment is unfortunately still a widespread phenomenon in Austria.

Here are some recommendations for action:

- Always trust your own perception and subjective feelings. If you feel harassed, this is (sexual) harassment.
- Make it clear that these actions are undesirable and inappropriate and demand as clearly as possible that they stop immediately.
- Inform trusted persons and/or managers about the incident(s) and seek support there. The right contact person is the one you trust - this does not have to be your direct supervisor. You can also contact the GDM-K, the Works Council or the ÖH within the UAS or the Equal Treatment Ombudsperson outside the UAS.
- Keep any existing evidence and write it down as precisely as possible
  - o When, where and how did what happen?

- What exactly was done to whom?
- What words were used?

## What can I do as a colleague or fellow student?

(Sexual) harassment affects the working atmosphere through uncertainty and mistrust, weakens teams, reduces the quality of work of those affected and colleagues, spreads rumors and divides teams, promotes an increase in sick leave and is unpleasant to intolerable for those affected and often punishable by law for perpetrators. As a colleague or fellow student, it is therefore important to take action if you notice or suspect an incident.

You can do this in concrete terms:

- Do not look away. Even if you only know the person concerned "from afar", take action!
- Give the person concerned the feeling that they are being taken seriously and understood.
- Address the harassing person directly in the situation, e.g: "I don't think my colleague would like that." "My fellow student doesn't want to be alone in a room with you during the exam. I will sit at the back and just watch."
- Openly discuss the topic of (sexual) harassment with trusted colleagues or other students. They are often unsettled and laugh or trivialize the issue. Nevertheless, people affected will recognize that you stand behind them.
- Inform your manager, the head of degree program, deans, the GDM-K or other persons of trust about your observations.
- Speak directly to the person concerned and ask what kind of support they would like.
- All your activities should be discussed with and approved by the person concerned.

## What are my tasks as a manager?

As a manager, it is your responsibility to ensure an environment in which (sexual) harassment and discrimination have no place. In the event of specific incidents, you must act immediately, support those affected, clarify the circumstances and take appropriate (protective) measures.

Managers are obliged to investigate any suspicion or indication of sexual harassment, to take it seriously and to take the appropriate steps:

- **Talk to the person concerned:**

Tips for the interview:

- It is advisable to ask those affected whether a trusted person should be present.
- What happened? The discussion atmosphere should be confidential and the accounts of those affected must be taken seriously.
- Reporting harassment requires courage - recognizing this is important.
- Try to clarify the next steps. How can harassment-free working be made possible?
- Agree on the next steps and arrange for counseling services .

It is not advisable to give guarantees of confidentiality or similar, as remedial measures must in most cases be perceived and communicated internally.

However, information and incidents must be kept absolutely confidential from persons not involved.

- **First remedy**

During the initial remedial action, it is often advisable to separate the affected parties locally until the entire situation can be clarified. Colleagues could, for example, be asked to work from home on different days or to move to other offices/components at short notice. Under no circumstances should the initial remedy be at the expense of the person making the complaint and it must be proportionate.

Ideally, the situation is actively addressed within the team in order to prevent rumors, uncertainty and team divisions.

- **Clarify the facts**

The third step is to attempt to clarify the situation. Depending on the evidence available, this conversation with the alleged harasser should be conducted cautiously or very clearly. A statement from the harassed person must be heard at in any case, and he/she must be informed about further steps and discretion.

- **What exactly happened?**

- Confrontation: make sure you take responsibility! Perpetrators often try to distract, appease or present themselves as victims: Was there an incident with the person concerned? Even if it wasn't meant that way, what exactly happened?

It may then be necessary to speak to other people (witnesses) before a preliminary, conclusive picture of the events can be formed.

- **Adjusting the corrective action**

After reviewing the allegations, it is often necessary to adapt remedial measures and to tighten or soften them. It is important to pay attention to proportionality: The measures taken must in any case protect the person(s) concerned from further harassment in the long term. At the same time, they must not be excessive towards the person(s) causing the harassment. Further information can be found here:

<https://www.gleichbehandlungsanwaltschaft.gv.at/Themen/Belaestigung.html>

- **Post-processing**

It is advisable to continue to support the persons involved even after the incidents have been clarified and corrective measures have been taken and to ensure in regular discussions that the measures taken remain effective.

In order not to jeopardize the group dynamics in the company, it makes sense to provide open information about the steps taken, but not to take sides.

## Who can I contact?

- Within the FH, you will find the right contact persons in the GDM-C.

- The Ombud for Equal Treatment specializes in cases of discrimination and harassment and can be contacted at any time.
- The Works Council is available to all FH employees for advice and support.
- The ÖH is divided into various departments and also offers special contact persons for difficult situations in the form of student representatives

**All contact persons only act in consultation with those affected!**

## Legal Situation

(Sexual) harassment can lead to transfer, fines, compensation and dismissal for those carrying out the work.

Harassing students can be banned from the building.

Students can contest examination results and it is possible to change supervisors for Bachelor's and Master's theses. Students can insist that examinations are held in visible locations and/or that other people are present.

## Sources, references and further information:

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Diversity talk on the topic of "Sexual harassment" from

<https://fhoee.sharepoint.com/sites/GenderDiversity/SitePages/Sexuelle-Gewalt-.aspx>

[Safety in the workplace: Strengthen protection against sexual harassment! | Chamber of Labor](#)

Ombud for Equal Treatment:

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Federal Ministry of Labor and Economic Affairs:

[https://www.oesterreich.gv.at/themen/arbeit\\_und\\_pension/sexuelle\\_belaestigung\\_am\\_arbeitsplatz.html](https://www.oesterreich.gv.at/themen/arbeit_und_pension/sexuelle_belaestigung_am_arbeitsplatz.html)

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Act4Respect: <https://sprungbrett.or.at/themen/sexuelle-belaestigung-am-arbeitsplatz>

TARA advice center: [https://www.taraweb.at/wp-content/uploads/2014/06/TARA\\_Sexuelle-Gewalt-und-Traum\\_BF-capito.pdf](https://www.taraweb.at/wp-content/uploads/2014/06/TARA_Sexuelle-Gewalt-und-Traum_BF-capito.pdf)

### Focus on university:

University of Vienna: [Folder Equal Treatment 2018 web.indd \(univie.ac.at\)](#)

The standard (2023): <https://www.derstandard.at/story/3000000172539/unis-und-sexuelle-belaestigung> and (2022) <https://www.derstandard.at/story/2000141202934/zwoelf-prozent-der-studierenden-erlebten-sexualisierte-gewalt-an-uni>

ÖH: <https://www.oeh.ac.at/news/presentation-der-ergebnisse-umfrage-zu-sexualisierter-gewalt-hochschulen>

Orf.at: <https://wien.orf.at/stories/3183783/>

University of Klagenfurt: [https://www.aau.at/wp-content/uploads/2020/05/Leitfaden\\_Sexismus\\_end\\_fuerWeb2020.pdf](https://www.aau.at/wp-content/uploads/2020/05/Leitfaden_Sexismus_end_fuerWeb2020.pdf)

St. Pölten UAS: [https://www.youtube.com/watch?v=s\\_sHOUGHwrU](https://www.youtube.com/watch?v=s_sHOUGHwrU)

Uni Vienna:

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