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Sexual Harassment at the University of Vienna

Equal Opportunities Working Party

physical contact exploit

sexual

harassment

bullying

values

telephone

harassment

power

offensive

jokes

games

leer

threaten

undress someone

with the eyes

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Dear employees, dear students,

All members of the University – students as well as employees – have the right to be treated in a way that their dignity and personal integrity remain untouched. Mutual appreciation and respect are fundamental for equal opportunities and for a positive and motivating work and study environment, where everybody can develop further professionally and academically.

Sexual harassment is diametrically opposed to these principles. It violates the privacy of those affected, pollutes the working environment and may also entail an abuse of power.

This brochure aims at raising awareness of this issue, which is often a taboo. In addition to providing detailed information about this issue, this brochure also aims at providing transparency regarding the procedure to be applied in cases of sexual harassment. This does not only include support and protection of those subjected to sexual harassment, but also sanctions imposed on the person engaging in sexual harassment.

The University of Vienna is committed to respectful relations with each other and condemns all forms of sexual harassment.

Heinz W. Engl
Rector of the University of Vienna

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Sexual Harassment at the University

Universities are shaped by various relationships of dependence that encourage sexualised discrimination and violence. Sexual harassment is not linked to one specific gender per se. However, there are still more men in hierarchically higher positions. They have the opportunity to exploit the existing structures in their role as professors and teachers, but also as superiors and colleagues. Therefore, sexual harassment mainly reflects existing positions of power.

Sexuality is often not the main component of the act, but rather serves as a means, as an instrument to take power. (cf. Holzbecher 1996, p. 22)

Studies have shown that most persons engaging in sexual harassment are men who have a secure professional position and can expect to receive support from their environment. Therefore, sexual harassment – particularly at universities – is a form of discrimination and violence that is used intentionally and that aims at intimidating and oppressing qualified colleagues:

Consequently, sexual assaults can also be understood as unfair, but effective attacks on female competitors in academia. The gender distribution in academic hierarchies clearly reflects that sexual assaults are still very effective. (cf. Großmaß 1995, p. 24, quoted from: freier Zusammenschluss von studentInnenschaften (fzs) e.V. (ed.) 2007)

What is sexual harassment?

“Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. This can include unwelcome physical, verbal or non-verbal conduct. Thus, a range of behaviour may be considered to constitute sexual harassment.” (Official Journal of the European Communities, 24 February 1992, No L 49/4)

[...unwanted...]

It is for each individual to determine what behaviour they regard as unwanted or as crossing a border. It is never okay to justify sexual harassment by saying that the person subjected to it has provoked it or that “it was completely innocent”.

It is the affected person’s right alone to determine what behaviour s/he regards as sexual harassment.

[...affecting the dignity...]

Sexual harassment is not about sexual needs, but rather aims at using power and superiority to humiliate and oppress another person.

Sexual harassment is sexualised violence.

[...a range of behaviour...]

Sexual harassment may take different forms. Verbal and non-verbal harassment is much more common than physical harassment (cf. Federal Office for Gender Equality, Berne, 2008).

An offensive joke, undressing someone with the eyes, unwanted invitations, an “accidental” but intentional touch, suggestive remarks or misogynistic anecdotes – all these forms of conduct constitute sexual harassment.

Typical Situations/Forms of Sexual Harassment

Non-verbal

- Repeated, sexist stares; abusive, provocative gestures
- Showing or putting up sexist/pornographic images
- Unwanted presents

Verbal

- Offensive, suggestive or abusive remarks about physical characteristics, appearance or clothing, sex life or sexual orientation
- Sexist remarks and jokes
- Unpleasant questions about relationships and sex life
- Repeated unwanted invitations
- Invitation to sexual acts
- Repeated unsolicited e-mails

Physical

- Unwanted and inappropriate physical closeness or contact
- Sexual assault
- Sexual abuse and rape

Assaults and advances that are combined with promises of benefits or threats of disadvantages are a particularly insidious form of abuse of power.

Typical examples of sexual harassment as an abuse of power in a university context

- An examiner makes suggestive remarks or uses the exam situation to physically approach a student.
- A professor and his assistant attend a conference together. He books a double room for the two of them, saying that this comes cheaper.
- During a conference, a professor accompanies his assistant to her room after dinner without being asked to do so.
- The supervisor of a student writing a bachelor's or master's thesis uses a feedback meeting to ask the student inappropriate intimate questions about his/her relationships and sex life.
- A work-related dinner is used to make a pass at a colleague.
- A student tells his female colleagues about his sexual fantasies and preferences without being asked to do so.

Possible Consequences for Those Affected

Sexual assaults and sexualised violence can cause psychological as well as **psychosomatic problems**, if the person subjected to it does not manage to successfully and immediately fend off the assault.

For various reasons, it is often difficult for those affected to actively fight back.

- People subjected to an assault are often taken by surprise and feel paralysed.
- A person in a superior hierarchical position harasses someone. The affected person is in a subordinate position, which prevents him/her from reacting.
- The situation is characterised by fear and dependence, e.g. in an exam situation.
- The affected person suppresses his/her feelings because s/he does not want to seem "touchy".

Therefore, common reactions are

- Passive resistance – lying low, avoiding situations that might potentially lead to harassment
- Keeping the incident a secret out of shame or fear of the consequences
- Feeling of being powerless, blaming yourself and feelings of failure
- Insecurity and inability to move freely, withdrawal.

Typical effects of sexual harassment on mind and body

- Concentration disorders
- Anxiety, depression
- Physical complaints
- Lower performance
- Limited development possibilities

Strategies Against Sexual Harassment

If I am personally affected

- **Take your feelings seriously.** Tell yourself and others clearly that a border has been crossed and that a sexual harassment took place.
- If possible: **React in the situation and act confidently.**
- **Do not keep the incident a secret.** Talk to people you trust, colleagues and/or your equal opportunities officer. Tell the persons who harassed you about your personal opinion and/or send him/her a written statement.
- **Document the incidents in writing:** Store e-mails; write a detailed report on the incident and, if possible, ask a witness to sign it.
- Get **help and counselling** inside and/or outside the University.
- Get professional support in developing and implementing **immediate measures aimed at regaining your mental stability.**
- **Plan the further procedure.** This includes, for example, clarifying whether you want further interventions and what these interventions could look like.
- Explore your **legal possibilities.**

If I witnessed an incident of sexual harassment or someone told me about it

- Do not look away.
- Do not downplay the incident. (“Oh, come on, relax.”)
- Take responsibility and support the person affected in the situation as far as possible.
- Encourage the person affected to get help.
- Do not do anything against the will of the person affected.
- Document the incident in writing (time, place, description of the situation).
- If necessary, contact a counselling service yourself.
- In general, do not doubt the credibility of the information about the incident.
- Not countering an incident of sexual harassment means encouraging it.

Legal Situation

Disciplinary consequences for civil servants

According to the Beamtendienstrechtsgesetz (civil service code), (sexual) harassment constitutes a breach of the civil servants act and may lead to disciplinary consequences.

Protection against (sexual) harassment at the workplace

The Bundes-Gleichbehandlungsgesetz (Austrian federal equal treatment act) protects university members and students against sexual harassment.

Legal consequences and deadlines for taking legal actions

- Claim for damages (minimum EUR 1,000)
- Deadline for taking legal actions: three years

Burden of proof

The person affected has to demonstrate in a credible way that an incident of sexual harassment took place. The person allegedly engaging in sexual harassment has to prove that there has been no sexual harassment.

Grounds for criminal proceedings

- Rape, according to section 201 of the Austrian criminal code
- Sexual assault, according to section 202 of the Austrian criminal code

- Sexual harassment and public sexual acts, according to section 218 of the Austrian criminal code
- Stalking, according to section 107a of the Austrian criminal code
- Bodily injury, according to sections 83 ff. of the Austrian criminal code
- Abuse of power, according to section 212 of the Austrian criminal code
- Coercion, according to section 105 of the Austrian criminal code

The Austrian federal equal treatment act defines sexual harassment as conduct related to the sexual sphere which is violating or intended to violate a person's dignity, is unwanted, inappropriate, degrading, insulting, or offensive to the person at which the actions are aimed, and

1. creates or is intended to create an intimidating, hostile, or humiliating work environment for the person affected, or

2. [...] takes [it] as a basis for a decision 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 (section 8 of the federal equal opportunities act (Bundesgleichbehandlungsgesetz, B-GlBG)).

Contact Points for Members of the University of Vienna Affected by Sexual Harassment

Counselling, support and information

Sexual Harassment and Bullying Counselling Office

- Free counselling provided by a psychotherapist; anonymous evaluation of the situation and possibilities of intervention; psychosocial assistance

Equal Opportunities Working Party

- Legal information regarding sexual harassment and discrimination due to gender, ethnicity, religious denomination or belief, age or sexual orientation.

Austrian National Union of Students (ÖH): ÖH Kollektiv Frauen*referat (women's office of the Austrian National Union of Students), ÖH HomoBi-Trans*-Referat (office for lesbian, gay,

bisexual and trans affairs of the Austrian National Union of Students)

- Additional point of contact for affected students

Superiors

- In accordance with the Austrian federal equal opportunities act (Bundesgleichbehandlungsgesetz, B-GlBG) as well as section 18 of the Angestelltengesetz (salaried employees act), management staff, superiors and employers have the duty of care for the welfare of their staff and are obliged to take actions against persons engaging in sexual harassment.
- Conflict management

Works Councils

- Additional point of contact for affected employees

External Contact Points

Federal Equal Treatment Commission

- The Commission prepares a report.
- It decides whether an incident constitutes sexual harassment.
- The Commission informs the university management, who demands that the harasser refrains from his or her offensive behaviour.

Literature

Brochure Sexuelle Belästigung

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Brochure Grenzen erkennen – benennen

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Information for employers, Federal Office for Gender Equality, Berne, 2008
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Say NO to Harassment. Sexual Harassment and Other Forms of Discrimination in the University Environment.

Information – Response Strategies – Help. Vienna University of Economics and Business, 2011

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Risiko und Verbreitung sexueller

Belästigung am Arbeitsplatz (risks and prevalence of sexual harassment at the workplace)

A representative survey carried out in the German-speaking part of Switzerland and in Romandy, Federal Office for Gender Equality, Berne, 2008

https://www.seco.admin.ch/seco/de/home/Publikationen_Dienstleistungen/Publikationen_und_Formulare/Arbeit/Arbeitsbedingungen/Studien_und_Berichte/risikoundverbreitungsexueller-belaestigungamarbeitsplatz.html

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(sexist discrimination and sexual harassment – information and response strategies), freier zusammenschluss von studentInnenschaften (fzs) e.V. (ed.), Berlin, 2007
http://www2.keinsexismus.de/uploads/sexist_diskrim_end.pdf

Holzbecher, Monika: Sexuelle Diskriminierung als Machtmechanismus (sexual discrimination as a mechanism of power)

In: Bußmann, Hadumod/Lange, Karin (eds.): Peinlich berührt. Sexuelle Belästigung von Frauen an Hochschulen (sexual harassment of women at universities); Munich 1996

Sexual Harassment at the University of Vienna – What To Do?

For those affected by sexual harassment

Initial counselling and psychological support

at the Sexual Harassment and Bullying Counselling Office, Universitätsring 1, 1010 Vienna

Arranging an appointment:

Tuesday and Thursday, 16:00–17:00,

T +43-01-4277-18484

personalwesen.univie.ac.at/en/gender-equality-diversity/sexual-harassment-mobbing-counselling-office

Initial counselling provided by the Equal Opportunities Working Party gleichbehandlung.univie.ac.at (in German)

Initial counselling provided by the Works Councils brwup.univie.ac.at (in German) braup.univie.ac.at (in German)

External clearing by the Federal Equal Treatment Commission, on personal request or request by the Equal Opportunities Working Party
T +43-1-531 20-2433
www.bmgf.gv.at/home/EN/Women_Equality/Federal_Equal_Treatment_Commission

If you witness or learn about incidents of sexual harassment

- Clarify with the affected person what kind of assistance s/he wants.
- Do not take any action without talking to the affected person about it.
- If requested: Act as a witness. This is the only way to effectively put persons who engage in sexualised violence in their place.
- If necessary, get help from competent counselling services.

For superiors/university management

Management staff are obliged to react appropriately to incidents of sexual harassment as well as bullying in the university environment.

- According to the federal equal opportunities act (Bundes-Gleichbehandlungsgesetz, B-GlBG), the employer's representatives are obliged to stop (sexual) harassment of an employee (see sections 8 and 8a of the federal equal opportunities act).
- University management and superiors have the duty of care for the welfare of their staff (section 18 of the salaried employees act), i.e. they are responsible for the physical and mental well-being of their employees.

University of Vienna

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