

# **Statute of the St. Pölten UAS**

## Part 03 – Equality, Promotion of Women

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## I. Scope of Application

**§ 1.** (1) Part 3 of the Statute is an integral part of the Statute of the St. Pölten University of Applied Sciences (hereinafter “FHSTP”) and is to be passed by the UAS Board in agreement with the Provider (see § 10 FHG<sup>1</sup>).

(2) The Statute applies to all study programmes and continuing education programmes of the FHSTP which are accredited in Austria and serves as the basis for the educational relationship between the students and the Provider (FHSTP).

## II. Legal Basis

**§ 2.** (1) In line with § 2 (5) FHG, the Provider is to ensure gender equality, a balanced representation of the sexes in all positions and functions, and the promotion of women.

(2) The composition of the committees should aim at an adequate gender balance.

(3) Providers in the form of legal persons under private right are to observe the federal law concerning equal treatment, the Equal Treatment Act<sup>2</sup>.

(4) According to § 10 (3 (10)) FHG, the Statute is to contain an equal opportunities plan.

## III. Guiding Principles for the Promotion of Women, Gender Equality, and Diversity

**§ 3.** (1) The Provider and the UAS Board regard the promotion of women, gender equality & diversity, and the related objectives as an essential part of the FHSTP and its advancement. The following guideline is supported and encouraged by all parties involved.

(2) Based on the following guideline, the UAS Board, in agreement with the Provider and the Works Council of the FHSTP, draws up a catalogue of measures concerning gender equality as well as the promotion of women. In line with this, a Gender Equality Plan prescribes further goals and measures.

### 3.1. Objectives

**§ 4.** The FHSTP pursues the following objectives:

1. The FHSTP is a modern-run business which considers and anchors gender & diversity management in its strategy.
2. In all organisational units and hierarchy levels, women ought to be represented with a level of preferably 50%.
3. An increased awareness of gender equality and diversity is promoted in all staff members, especially those with executive functions, with the goal of increasing the quality of the corporate culture as a higher educational institution and hence creating a positive corporate climate. A Gender & Diversity Reporting provides information on the current status of this goal's attainment.

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<sup>1</sup> University of Applied Sciences Act, orig. version: Federal Law Gazette no. 340/1993, as amended by Federal Law Gazette I no. 188/2023

<sup>2</sup> Bundes-Gleichbehandlungsgesetz – B-GIBG, orig. version: Federal Law Gazette no. 100/1993 as amended

4. The identification of any existing or potential future discriminations is encouraged and discriminations which are discovered are permanently eliminated.
5. In case of change processes in research, teaching, and administration, the objectives of the gender & diversity management are taken into account.
6. The FHSTP understands gender equality and diversity as part of its corporate identity and considers it in its external representation and in its communication with external parties.
7. The personnel structure of the FHSTP takes gender equality into account, while the human resources management and personnel development consider the objectives of gender & diversity management and promote teams – especially of women\*, trans, inter\*, and non-binary persons – as well as individual potentials and resources of staff members. This paves the way for different and unusual career paths and ensures a well-rounded work-life balance. Gender & diversity objectives are integrated into the personnel strategy.
8. Gender & diversity management is anchored in the organisational structure, in quality management, and in the processes. It is considered when it comes to corporate communications as well.
9. The FHSTP promotes measures to achieve a gender- and diversity-equitable composition of students in all study programmes.
10. The FHSTP is a family-friendly institution which takes the individual needs of its staff members during pregnancy, parental leave, child-raising periods and caring periods for relatives into account. It considers a well-rounded work-life balance to be an essential part of its corporate culture, which is why flexible working time models are offered.
11. Staff members receive support when returning to work after a period of absence (parental leave, caring for relatives).

### **3.2. Measures Regarding the Promotion of Women, Gender Equality and Diversity**

**§ 5.** The FHSTP implements the following measures:

1. Inclusion of Gender & Diversity Management (GDM) in essential strategic decisions and processes: gender & diversity goals are rooted in the respective strategy, in the personnel strategy, in the commitment to researchers, and in the management guidelines.
2. The independent position of a G&D Officer equipped with sufficient resources is set up.
3. A Guideline for Inclusive Communication provides standards for internal communication and corporate identity.
4. Consideration of the gender and diversity aspect in research projects regarding the team composition and the research content.
5. GDM should be included in the curricula, and the framework conditions of the study programmes and the examination regulations should be gradually adapted.
6. Special budget for departments and institutes for specific measures promoting women and diversity.
7. Systematic consideration of gender & diversity topics in further training measures.
8. Regular assessment and expansion of constructional and digital measures concerning accessibility.

9. Data are collected and key figures created for all objectives and measures.
10. Integration of the G&D Officer in recruiting processes and hearings.
11. Regular salary checks and income reports.
12. Promotion of all measures which serve the implementation of the UAS guiding principles as well as events and measures promoting gender and diversity awareness.

## **IV. Measures against Sexual Harassment**

### **4.1. Introduction**

**§ 6.** (1) The FHSTP prohibits any form of sexual harassment of staff members, students, or other people in the higher education sector. This part of the Statute provides information on how to address sexual harassment.

- (2) The FHSTP encourages all people to report sexual harassment early on. All staff members of the St. Pölten UAS are responsible, in accordance with their possibilities, for preventing sexually harassing behaviour.
- (3) Persons reporting sexual harassment as either affected persons or witnesses must not be subject to any type of disadvantage as a result thereof.
- (4) The FHSTP commits itself to creating a respectful and positive environment to work and study, free from discrimination, for all employees and students.
- (5) It is an objective of the FHSTP to inform all members of the UAS about the regulations regarding sexual harassment. With these provisions, regulations concerning proceedings in case of observation or experience of sexual harassment as well as actions and reactions when it comes to the reporting of incidents are specified.

### **4.2. Scope and Definition**

**§ 7.** (1) This part of the Statute applies to all staff members and students of the FHSTP and is based on the definition of sexual harassment laid down in the Equal Treatment Act (GIBG):

“Sexual harassment is present when behaviour of a sexual nature is conducted which affects the dignity of a person or is performed with the intention to affect it or is unwanted, inappropriate, or offensive and

1. creates or intends to create an intimidating, hostile, or humiliating work atmosphere for the person concerned, or
  2. when the rejection or condoning of the sexual nature on the part of employers or superiors or colleagues, either explicitly or by implication, becomes the basis of a decision affecting the person's training, occupation, further employment, promotion, or remuneration or the basis of any other decision in the workplace.” (translated from German)
- (2) Assaults can manifest themselves in different ways (visual, verbal, physical), especially through
1. display of sexually suggestive pictures,
  2. catcalling,
  3. telling of suggestive jokes,
  4. seemingly unintentional touching,
  5. suggestive comments and questions (also disguised as “compliments”),

6. unwanted invitations with clear intent,
  7. pinching of the butt,
  8. forced kisses,
  9. threat of professional or other disadvantages in case of sexual refusal.
- (3) The decisive factor for the offence of sexual harassment is the undesirability of the behaviour. Relationships by mutual consent therefore are not to be considered sexual harassment. The deciding factor is the subjective feeling of the harassed person. Sexual harassment exists irrespective of fault. In other words, it is irrelevant whether the harasser committed sexual harassment with or without intent.
- (4) In regard to sexual harassment pursuant to § 218 StGB<sup>3</sup>, the FHSTP assists by arranging contact with the law enforcement agencies and legally recognised victim protection institutions. For a case of sexual harassment to exist, it is not necessary for the affected person to show through some kind of action that they are uncomfortable with the encountered behaviour.

#### **4.3. Information**

- § 8.** (1) The FHSTP informs all staff members and students about this part of the Statute and its main content.
- (2) Furthermore, it is the responsibility of the Gender & Diversity Officer to point out these regulations at information events (e.g., training for new lecturers) or during the onboarding (“Stationen erste Arbeitstage”) of new staff members.
- (3) Students are informed about these provisions the beginning of their studies.

#### **4.4. Support Programme**

- § 9.** (1) The intervention levels, measures, and sanctions after reporting an incident are described in more detail below. Depending on the wishes of the reporting person, the report can lead to consultancy activities (continuous counselling and assistance for self-help) or lead to further intervention, depending on the individual case.
- (2) Persons who feel sexually harassed have the right to defend themselves. The involvement of witnesses can facilitate the process of filing a complaint. Every complaint is taken seriously and pursued. It depends on the individual case which measures are taken. If a complaint is justified or if an accusation is confirmed, this may have consequences under either study law or employment law.
- (3) Every person involved in the complaint process is bound to confidentiality and discretion. Each incident (including all phases of action) is to be documented in writing by the person of contact. This serves, amongst other things, to continually improve efforts to prevent and discourage sexual harassment.

#### **4.5. Contact Persons in Case of Sexual Harassment**

**§ 10.** Persons in charge at the FHSTP are:

1. Gender & Diversity

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<sup>3</sup> Austrian Criminal Code, Federal Law Gazette no. 60/1974 as amended

2. Works Council
3. Academic Directors / Heads of Institute / Heads of Department
4. Student Representatives (of all levels)
5. UAS Board
6. Human Resources and Legal Affairs

**§ 11.** The persons in charge have the following responsibilities (among others):

1. Recording of the notification
2. Personal conversation
3. Integration of Gender & Diversity (unless expressly not wanted)
  - a. Discussion and documentation of potential further steps
  - b. External counselling:
    - i. Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft)  
<http://www.gleichbehandlungsanwaltschaft.at/>
    - ii. Women's helpline against violence: <http://www.frauenhelpline.at/>
    - iii. Austrian Chamber of Labour (Arbeiterkammer)
    - iv. Recognised victim protection organisations

## **V. Preventative Measures against Discrimination**

### **5.1. Introduction**

**§ 12.** (1) The FHSTP initiates and supports innovative projects in the areas of the promotion of women, gender equality, and diversity.

(2) The FHSTP condemns all forms of discrimination and takes measures to prevent them early on. In specific incidents, each individual is instructed to take action against discrimination. The measures listed below are intended to contribute to the clarification in case of suspicion of discrimination or an incident.

(3) It is important to be sensitive when dealing with incidents of discrimination. Persons who are affected by discrimination are offered support. Those persons who discriminate against other persons or groups of persons are informed about their misconduct, educated, and possibly trained. If necessary, legal steps are taken.

### **5.2. Measures regarding Incidents of Discrimination**

**§ 13.** The FHSTP prohibits all forms of discrimination of staff members, students, or other people involved in the running of this institution. This part of the Statute informs about the handling of sexual harassment.

1. The FHSTP is committed to creating a respectful and positive work and study environment for all staff members and students free from discrimination of any kind.
2. The FHSTP encourages all people to report any form of discrimination early on.
3. It is an objective of the FHSTP to inform all members of the institution in respect to the regulations regarding discrimination.

### **5.3. Scope and Definition**

**§ 14.** (1) This part of the Statute concerning discrimination applies to all staff members and students of the FHSTP.

(2) Discrimination can affect the following dimensions:

1. Sex / gender
2. Disability / chronic illness
3. Sexual orientation
4. Parenthood / pregnancy
5. Ethnic background / immigration background
6. Religion / ideology
7. Political orientation
8. Social background
9. Age
10. Other

(3) Discrimination can occur in the form of:

1. Insult / verbal abuse
2. Personal degradation or humiliation
3. Hostility, intimidation, threat
4. Exposure in front of others or social exclusion
5. Withholding of rights or information, or intentional misinformation
6. Obstacles to access or use of infrastructure
7. Sexual harassment (see Statute part 3: Equality, Promotion of Women)
8. Indirect discrimination in which rules, structures, or processes have a negative impact on specific groups of people
9. Unequal pay

(4) Discrimination can occur in the following contexts:

1. During work
2. During breaks or work-free times on campus
3. Outside of the campus but in relation to work or studies

(5) Discrimination can come from:

1. Superiors
2. Staff members
3. Colleagues
4. Students
5. Lecturers, teaching staff
6. Others

### **5.4. Dealing with Discrimination**

**§ 15.** (1) Hereinafter, the intervention levels, measures, and sanctions after notification of an incident or suspected discrimination are explained in more detail. Depending on the wishes of the reporting person, reports can lead to advisory activities (continuous counselling and assistance for self-help) or further interventions. This depends on the individual case.



- (2) Persons who feel discriminated against have the right to defend themselves, also in anonymous form if they prefer. Involving witnesses can facilitate the complaint process. Every complaint is taken seriously and tracked. The measures depend on the individual case. If a complaint is justified or if a suspicion/accusation is confirmed, this can lead to consequences under study law or employment law.
- (3) Every incident (including all levels of action) must be documented by the contact persons in writing. Among other aspects, this serves the continuous effort to prevent any form of discrimination.

### **5.5. Contact Persons in Case of Discrimination**

**§ 16.** Persons in charge at the FHSTP are:

1. Gender & Diversity
2. Works Council
3. Human Resources and Legal Affairs
4. Academic Directors
5. UAS Board
6. Student Representatives (and all levels thereof)

**§ 17.** The persons in charge have the following responsibilities (among others):

1. Recording of the notification
2. Personal conversation
3. Integration of Gender & Diversity (unless expressly not wanted)
  - a. Discussion and documentation of potential further steps
  - b. External counselling:
    - i. Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft)  
<http://www.gleichbehandlungsanwaltschaft.at/>
    - ii. Women's helpline against violence: <http://www.frauenhelpline.at/>
    - iii. Austrian Chamber of Labour (Arbeiterkammer)
    - iv. Recognised victim protection organisations

### **5.6. Abuse of the Complaint Option**

**§ 18.** Deliberate false reports may have consequences under study law or employment law.