

Promoting a Safe and Inclusive Research Culture

Avoiding discrimination, especially sexual harassment, in FWF-funded projects

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Please note: Links and references listed with German titles are available only in German; wherever possible, a link to an equivalent English resource has been provided.



1 Introduction

A welcoming environment fosters creativity and innovation by encouraging collaboration. In addition, a diverse and inclusive work environment is more likely to attract and retain talent from underrepresented groups, which can lead to greater excellence in research. Research institutions, academic institutions, and funding organizations should therefore be safe, inclusive, and welcoming places where all members of the scientific community can thrive and succeed according to their abilities. Diversity improves problem-solving and decision-making processes by exposing researchers to a broader range of perspectives and ideas.

The Austrian Science Fund (FWF) is one of Austria's main institutions for funding basic research. The FWF is actively committed to creating a safe and respectful research environment for all individuals working on FWF-funded projects. The FWF respects and appreciates the diversity of identities and strives for equal opportunities and equal treatment for all members of the research community. Discrimination and disadvantageous treatment are not tolerated. Everyone deserves recognition and appreciation regardless of sexual orientation, ideology, gender, disability, religion, or ethnicity. The FWF emphasizes that any form of homophobia or discrimination based on sexual orientation is unacceptable and is committed to an inclusive, diverse, and respectful environment in which members of the LGBTQI+ community can also conduct research free from discrimination and prejudice. Every single researcher should be able to develop their full potential without fear of discrimination or exclusion. In the spirit of respectful cooperation, everyone involved in these projects is expected to treat each other with respect and dignity. The guidelines of the Austrian Agency for Scientific Integrity (OeAWI) refer to these principles as good scientific behavior. In its review process, it is very important to the FWF to ensure that researchers are not discriminated against on the basis of age, gender, disability, religion and ideology, sexual orientation, or ethnicity. In addition, sexual harassment in any form is never acceptable. Both discrimination and sexual harassment can have serious consequences for individuals, ranging from psychological distress to the premature termination of careers, resulting in a departure from academia.

The FWF takes reported cases of possible discrimination very seriously and investigates all claims if possible. The rights of both the reporting individual and the accused are protected until the facts of the case have been clarified. If a violation is proven, various consequences may follow, including the return of project funding, termination of funding, or even a ban on further applications.

Like other European funding organizations,² the FWF would like to raise awareness of sexual harassment and discrimination, which is why it is publishing these guidelines. The goal is to foster a safe, respectful, and inclusive research environment which provides the conditions needed for excellent basic research. We can only succeed at this if we understand the

Stewart, A., & Valian, V. (2018)

² e.g., the German Research Foundation DFG, on its website



complexity involved, are familiar with the applicable legal regulations and their definitions, and know how to identify possible courses of action. These guidelines are a first step towards raising awareness; they do not claim to be exhaustive, as institutions must continually learn and reflect so they can adapt and improve their policies and practices as needed to ensure a safe work environment.

2 Definitions and legal provisions

2.1 What is discrimination?

Discrimination and sexual harassment are problems that affect society as a whole and harm individuals, their careers, and ultimately scientific progress; unfortunately research³ is not exempt from this.

Discrimination is when people are disadvantaged because of:

- Gender
- Ethnicity (origin or skin color)
- Age
- Disability
- · Religion or world view
- Sexual orientation⁴

The Anti-Discrimination Act (*Antidiskriminierungsgesetz*, AnDG) refers to the abovementioned personal characteristics, which reflect the diversity of society: Discrimination or less favorable treatment because of these characteristics is prohibited by law. The law differentiates between direct and indirect discrimination. Direct discrimination occurs when one person is treated less favorably than another. Indirect discrimination occurs when seemingly neutral rules or procedures are in place which apply to all groups of people, but which result in a disadvantage for members of one of these groups.⁵

Harassment is also a form of discrimination. Harassment is defined as behavior that violates a person's dignity (intimidation, hostility, humiliation, degradation, insults, or sexual harassment). This also includes sexist, racist, anti-Semitic or homophobic comments, or jokes at the expense of certain groups of people or which make fun of certain characteristics of people.

³ Standing Working Group on Gender in Research and Innovation (2019)

⁴ Allgemeines zur Gleichbehandlung (oesterreich.gv.at)

⁵ Czollek/Perko (2015)



2.2 What is sexual harassment?

Sexual harassment encompasses a variety of behaviors that include physical assault as well as verbal and non-verbal acts. Accordingly, harassment can take many different forms. What people experience as harassment is different, context-dependent, and subjective: It is not relevant how the behavior was meant, but how the person experiences the behavior. In this respect, only the only the person experiencing the harassment has the right to call a particular behavior harassment. It can include verbal and physical harassment, or even sexual blackmail:

Examples⁶ of sexual harassment in the workplace:

- Posters of pin-ups in the workspace (also displayed on a computer monitor)
- Pornographic images at the workplace (also on the monitor or mousepad)
- · Staring, appraising glances
- · Sexually suggestive remarks or jokes, whistling, or catcalling
- Suggestive, intrusive remarks and offensive comments about an individual's figure or sexual behavior in private life
- Questions with sexual content, for example about private life or intimate matters
- Explicit verbal sexual comments
- · Sexually ambiguous comments
- Unsolicited invitations with a clear (named) intention
- Unsolicited telephone calls, letters, emails, or text messages with sexual innuendo
- · Sending unsolicited photos or videos with sexual content
- Inappropriate or intrusive advances on social networks
- Unwanted gifts
- Any unwanted touching (patting, stroking, pinching, hugging, kissing), even if the touching appears to be accidental
- · Promise of professional benefits in return for sexual favors
- · Threat of professional disadvantages in the event of sexual refusal
- · Accidental/targeted physical touching (e.g. butt pinching and slapping)
- Incitement to intimate or sexual acts

⁶ The selected examples are only a summary and were taken from the following sources: <u>Was ist sexuelle Belästigung am Arbeitsplatz?</u> (oesterreich.gv.at); <u>Sexual Harassment folder 2018 (univie.ac.at)</u>



· Exhibitionist acts

In its <u>guidelines on sexual harassment</u>, the University of Vienna lists examples of sexualized harassment as an abuse of power in the university context:⁷

- An examiner takes advantage of an examination setting to make ambiguous innuendos or get physically too close to the student.
- A professor books one double room when attending a conference together with his assistant, allegedly to save on expenses.
- A professor accompanies the assistant to her room uninvited after dinner during a joint conference visit.
- The supervisor of a bachelor's or master's thesis asks inappropriately intimate questions about the candidate's relationships and sex life during the supervision interview.
- A supervisor or co-worker makes unwanted advances during a "working lunch."
- A student tells fellow students about his sexual fantasies and preferences without being asked.

2.3 Legal framework

The <u>Equal Treatment Act</u> (*Gleichbehandlungsgesetz*. <u>GIBG</u>) applies to FWF-funded projects in a private sector context. In § 6 (2), sexual harassment is treated/regulated as a form of discrimination based on gender. In the context of public institutions (such as universities) and state-adjacent institutions (such as the Österreichische Nationalbank, OeNB), discrimination and sexual harassment are regulated under the provisions of the <u>Federal Equal Treatment Act</u> (*Bundesgleichbehandlungsgesetz* B-GIBG; §§ 8 and 8a).

Discrimination on the grounds of disability is not covered by the Equal Treatment Act, but is regulated in the Federal Disability Equality Act (*Bundes-Behindertengleichstellungsgesetz*, BGStG), the Disabled Persons Employment Act (*Behinderteneinstellungsgesetz*, BEinstG) and the Federal Disabilities Act (*Bundesbehindertengesetz*, BBG).

The Equal Treatment Act prohibits discrimination in the workplace. Sexual harassment also constitutes discrimination and is a breach of duty under employment law. The Equal

See also: Sexuelle Belästigung an Universitäten | TU Wien and Sexualisierte Belästigung: Gegenstrategien und Verhaltensvorschläge | University of Graz



Treatment Act is also directed against employers who do not protect employees from sexual harassment by co-workers or customers. Sexual harassment outside the workplace (e.g. at a professional seminar, field trip, or conference) can also have legal consequences.⁸ Due to this legal relevance, the FWF has integrated these laws and the corresponding obligations into its grant agreements (see <u>section 6</u> "Consequences at the FWF").

Sexual harassment is also a separate criminal offense under the Criminal Code⁹ if the harassment is in the form of a sexual act (e.g. indecent touching). In these cases, a criminal complaint can be filed with the police. Verbal insults or harassment can only be prosecuted as private prosecution offenses (e.g. § 115 StGB - insult). However, this does not mean that such behavior does not have consequences under employment law. Services and resources providing information, advice, and support are listed in section 7.

Sexual harassment, as a form of discrimination based on gender, can include:

- Unwanted sexual advances
- Requests for sexual favors
- Other verbal, nonverbal, or physical behavior of a sexual nature that creates a hostile or intimidating environment

Violence begins where people are restricted in their personal freedom, where they are forced to avoid situations and environments in order not to be insulted, harassed, or threatened. Specifically, sexual harassment occurs when a person engages in behavior that is sexual in nature, violates a person's dignity or is intended to do so, and is unwanted, inappropriate, or offensive to the individual concerned. In legal proceedings, sexual harassment must be made credible. It is up to the alleged perpetrator to prove that no sexual harassment has taken place. However, other people are generally not present when sexual harassment takes place, only the harasser and the person being harassed. This is why there are very few witnesses and only very rarely evidence such as chat messages, emails, or pictures. For this reason, the burden of proof is eased for the harassed person. This means: Victims only have to make the sexual harassment credible. On the other hand, pursuant to the Equal Treatment Act, the harasser must prove that "...on consideration of all the circumstances, it is more likely than not that the facts they have credibly asserted are true." 10

3 Data on discrimination and sexual harassment

The effects of discrimination can be severe, including physical and psychological harm, economic insecurity, social isolation, and a loss of trust in institutions. In Austria, women experience high levels of discrimination in various areas of their lives, including employment,

Allgemeines zur Gleichbehandlung (oesterreich.gv.at)

⁹ RIS - Strafgesetzbuch § 218 - tagesaktuelle Fassung (bka.gv.at)

University of Vienna 2018, p. 9, and Chamber of Labor 2019, p. 12



education, healthcare, public services, and personal relationships. Discrimination takes many forms, including sexual harassment, gender-based violence, unequal pay and promotion opportunities, and exclusion from decision-making positions. Representative study results¹¹ make it clear that women are disproportionately more often affected by discrimination and sexual harassment.

According to a study¹² by the SORA Institute, women's experiences of discrimination can vary widely, as intersectionality (the interplay of different experiences of discrimination) plays a role: Women with disabilities, migrant women, women of color or who speak with an accent, Muslim women, and LGBTQI+ women are more affected by discrimination. Age is also important: Girls and women between the ages of 14 and 25 are discriminated against more frequently, especially in education. Furthermore, there is a clear correlation between subjective class affiliation and the frequency of reported discrimination: Women who perceive themselves as lower in society report discrimination more frequently, while women who perceive themselves as higher in society report discrimination less frequently. Respondents who belong to the social majority¹³ (people without a migration background, of Christian faith, and without physical limitations) are more likely to question the prevalence of everyday discrimination.¹⁴

In Austria, three out of four women have already experienced sexual harassment. The most common forms include inappropriate staring or suggestive looks, sexual jokes, or offensive comments about the woman's body or private life, as well as unwanted physical contact. In addition, one in three women in Austria has experienced sexual violence and more than one in four women (26.59%) have been sexually harassed at work. The perpetrators of sexual harassment are predominantly male, even in cases where men themselves are the victims.¹⁵

According to a study by the EU Commission, ¹⁶ women in the European research sector are affected by sexual harassment significantly more often than men. 48% of women and 14% of men stated that they had been sexually harassed in some form at their workplace in the last 12 months. Women were more likely than men to report that they had experienced unwanted sexual attention, sexist comments or jokes, sexist behavior, or sexist bullying.

Austrian Institute for Family Studies (2011) Statistics Austria (2021) See also: https://www.statistik.at/statist

¹² Schönherr D., Leibetseder B., Moser W., Hofinger C. (2019)

The term "social majority" refers to the part of a society that defines and can represent the cultural norm of a community due to the size of its share of the total population. In Austria, the "social majority" in the context described includes white people without disabilities who speak German as their mother tongue and who belong to the Christian faith; in other words, people who make up the majority in Austria.

¹⁴ Schönherr D., Leibetseder B., Moser W., Hofinger C. (2019)

¹⁵ Statistics Austria (2021)

¹⁶ Standing Working Group on Gender in Research and Innovation (2019)



In a survey conducted as part of the Horizon 2020 research project UniSAFE¹⁷ on gender-based violence at European universities and research institutions, a third (31%) of respondents stated that they had experienced sexual harassment. Most frequently, one or more men were named as perpetrators. Women (66%) and non-binary individuals (74%) were more likely to have experienced at least one form of gender-based violence.

4 Why is sexual harassment so widespread?

According to scientific findings, ¹⁸ a number of different factors contribute to the fact that sexual harassment is widespread in many areas of society:

Organizations and their cultures are not per se gender-neutral: Universities and research have historically been male-dominated fields, often resulting in a masculine culture. This is reflected in the values and symbols of organizations, their institutional procedures, rules, and practices, and in the way members of the university community interact with each other. The organizational structure and characteristics attributed to individual positions are linked to gender-specific expectations. Although the stereotypical representation of researchers as old, white, heterosexual men is slowly fading from the collective imagination, research culture still tends to emphasize values such as competition, aggressiveness, and assertiveness, which are stereotypically associated with masculinity.²¹

In 2018, women accounted for only a quarter (26%) of full professorships in the EU and associated countries.²² In Austria, the percentage of women professors in the 2023 fall semester was 30.6%. The majority of rectors/university presidents (72.7%) in Austria were still men in 2020/2021. Although women made up more than half (56.6%) of vice-rectors/vice-presidents, they only accounted for 36.4% of university board chairs.²³ The "leaky pipeline" phenomenon associated with these inequalities²⁴ (the proportion of women decreases over the course of an academic career: the higher the hierarchical level, the lower the proportion of women) contributes to a lack of diversity within universities and research institutions and to maintaining the status quo.²⁵

UniSAFE consortium (2022) UniSAFE D8.3 Policy Brief 1. Zenodo https://doi.org/10.5281/zenodo.7333222

Cortina, L. M., & Berdahl, J. L. (2008); Fitzgerald, L. F., Gelfand, M. J., & Drasgow, F. (1995); Gutek, B. A., & Koss, M. P. (1993); Hebl, M. R., King, E. B., Glick, P., Singletary, S. L., & Kazama, S. (2007); National Academies of Sciences, Engineering, and Medicine (2018); Fredrickson, B. L., & Roberts, T.-A. (1997)

¹⁹ Acker (1990)

²⁰ UNESCO (2019)

²¹ Linková et al. (2023)

²² European Commission (2021)

²³ Federal Chancellery (2021): f

²⁴ Dubois-Shaik et al. (2015)

²⁵ Linková et al. (2023)



The background or cause of sexual harassment is rarely sexuality, but rather an **imbalance of power** in **hierarchical structures** or a demonstration of superiority. It is often a case of people in a position of power, for example superiors or teachers, exploiting their position. Hierarchical structures and dependencies can be found in every working environment. In the academic context, power imbalances manifest themselves in the structure and organization of careers (with organizational and knowledge-based dependencies) and in the relationships between (older) teaching staff and (younger) students, in which power is an integral part of interactions.²⁶ It is still mainly men who are in higher hierarchical or management positions.^{27, 28}

This allows men to benefit from the prevailing structures in universities and research institutions as professors and teachers, but also as superiors and co-workers.²⁹ In organizations with strict hierarchies, which are characterized by strong relationships of dependency, sexualized harassment can also be seen as a deliberate form of discrimination and violence, intended to intimidate and hinder the progress of qualified colleagues. In a research context, this could lead to women in particular turning their backs on science or to research being a less attractive working environment for women.^{30, 31, 32}

Central factors

- Social attitudes towards gender and sexuality (gender stereotypes and prejudices) also
 contribute to the persistence of sexual harassment. For example, a culture³³ or an
 environment in which women are objectified or portrayed as inferior to men can create a
 climate in which sexual harassment is more likely to occur and less likely to be taken
 seriously.
- Lack of awareness: Not everyone knows exactly what sexual harassment is, and many people are unaware of the impact such behavior can have on others.
- A lack of consequences can lead to sexual harassment continuing unchecked. When
 people discriminate or commit sexual harassment and are not held accountable for it, the
 message is sent to others around them that this behavior is acceptable.

²⁶ Strid et al. (2021) and Linková et al. (2023)

Around 46.1% of the work force in the European Union were women in 2021. Women are clearly underrepresented in management positions in the EU: Only around one in three managers (34.7%) were women in 2021: Frauen in Führungs-positionen in der EU - Federal Statistical Office (destatis.de)

In the research context: In the 2019/2020 winter semester, 53.5% of the students at Austrian universities were women. Among professors, on the other hand, the proportion was only 26%: <a href="Anteil der Frauen im Universitätsbereich in Österreich nach universitäter Qualifizierungsebene und Karrierestufe im Wintersemester 2019/2020 | Statista; ProfessorInnen im Hochschulsektor nach Wissenschaftsfeldern - FEMtech

²⁹ University of Vienna (2018)

University of Vienna (2018)

³¹ Großmaß (1995)

³² Holzbecher 1996

The term culture is used here in the sociological sense of the word, referring to a wide variety of cultures that are not based exclusively on a specific geographical or religious classification, but also include norms and values within an area of a society, such as "scientific culture" or "corporate culture."



Individuals facing sexual harassment may fear retaliation or disadvantages for their
career if they report the harassment, defend themselves, talk about it with co-workers, or
confront the perpetrator. This fear can be particularly great if the perpetrator is in a
position of power or influence and/or if there is a relationship of dependency.

Sexual harassment is therefore the result of a complex interplay of many factors, such as power imbalances, social attitudes, lack of consequences, fear of disadvantages and retaliation, as well as a lack of awareness and education. But it is clearly defined and definitively prohibited by (criminal) law. It can be recognized based on certain behavioral patterns, and is subject to sanctions and penalties. Numerous resources are available for individuals affected by sexual harassment.

5 Correct behavior

Language, statements, and behavior should always be respectful and appropriate in any work context. Expressing yourself appropriately, respectfully, and neutrally or in a gender-equitable way contributes to positive cooperation and a pleasant working environment where everyone can feel safe.³⁴

5.1 If you are experiencing sexual harassment

If you are the target of sexual harassment yourself, the first step is to take your own feelings seriously and then clearly state that boundaries have been crossed and that sexual harassment has taken place. If possible in your particular situation, immediate action and a self-confident attitude can help. Keeping quiet about what has happened, on the other hand, will not. In addition, it may also help you to talk about it with someone you trust, co-workers, and/or your organization's equal opportunities office. It is important to address how you feel about the person and possibly put it in writing. It is advisable to document the assaults in writing (save emails or keep a log, if possible with a witness). If you feel unsafe, you can seek advice and help within or outside your institution (for resources, see section 8). With professional support, immediate measures can be taken to restore mental stability if necessary. It is also important to clarify whether further interventions are needed and what form these might take. Legal options can be explored with the relevant consulting services.

5.2 If you witness sexual harassment

If you witness an incident of discrimination or sexual harassment, it is important not to look away, not to play down what has happened, and not to doubt the credibility of what you have seen/heard. Instead, you can help by taking responsibility as a witness supporting the individual faced with discrimination or sexual harassment wherever possible, and

The following recommendations are based on <u>Sexuelle Belästigung an Universitäten | TU Wien</u> and <u>Sexualisierte Belästigung:</u>
Gegenstrategien und Verhaltensvorschläge | University of Graz.



encouraging them to seek help. It is particularly important not to do anything against their wishes. The incident should be documented in writing (time, place, description of the situation). Counseling services are also available for witnesses who are unsure of what to do.

Overall, it is important to respond to harassment, take action to protect yourself and others, and ensure that the harasser is held accountable for their behavior. The Individuals affected by sexual harassment are often ashamed or, as previously mentioned, are sometimes afraid of negative consequences (e.g. losing their job), which is why they often do not report the incidents. When pressing charges, the accusation must be made to various authorities (police, public prosecutor's office, judges, etc.) several times without contradiction. Compensation payments are very low. For these reasons, the likelihood of being falsely accused in Austria can be classified as low.

6 Consequences at the FWF

As declared in its mission statement, the FWF is committed to supporting equal opportunities and diversity in research funding, and makes it clear in its grant agreements that research institutions, as funding recipients, are required by law to guarantee a workplace free from discrimination. This includes protecting the integrity of the individual and providing protection against sexual harassment and bullying. Pursuant to their grant agreements with the FWF,³⁵ funding recipients are required to take effective measures to prevent and penalize discrimination of any kind.

Research institutions and principal investigators are also obliged to comply with all applicable labor and social law regulations when carrying out FWF-funded research projects. Specifically, the Equal Treatment Act, the Federal Equal Treatment Act, and the Federal Disability Equality Act apply, as well as the employer's resulting duty of care.³⁶

Failure to comply with the statutory provisions may result in the funding being reclaimed and the funding agreement being terminated prematurely.³⁷ If sexual harassment and/or discrimination in FWF-funded projects is reported to the FWF (by email or anonymously through the whistleblowing system), the FWF will try to contact the individuals involved confidentially to provide the information contained in these guidelines, inform them of available services and resources (see section 7), and encourage them to turn to these contacts. The FWF will also monitor cases anonymously using the whistleblowing system and keep records in compliance with the GDPR. The FWF reserves the right to investigate any allegations made against a particular research institution. The research institution is

³⁵ General obligations of the grant recipient, item 6.1.4.

The following applies to the employer's duty of care: Appropriate remedial action must be taken as soon as the employer becomes aware of harassment. Remedial actions can include issuing a warning, transferring the individuals involved, termination, or dismissal. Measures taken must be proportionate to the harassment that has occurred, meaning that the individual is protected from further harassment. If employers do not intervene, they will also be liable for damages.

³⁷ PAT grant agreement item 9.3: Suspension of grant payment and recovery of funding



required to ensure compliance with the law and the employer's resulting duty of care, as dictated by the individual case. The provisions of the GDPR always apply.

In the event of incidents of discrimination or sexual harassment as described above among the FWF staff, the relevant contacts for FWF employees are the Organization and Human Resources office and the FWF Staff Council.



7 Services and resources

7.1 Contacts at research institutions and universities

- · Staff council members
- Human resources departments (trusted staff members)
- · Equal opportunities working groups, equal opportunities officers
- Supervisors: Managers, supervisors, and employers are subject to a duty of care towards their employees pursuant to the Federal Equal Treatment Act and § 18 of the Salaried Employees Act (*Angestelltengesetz*, AngG) and are obligated to take measures to uphold moral standards as dictated by the age and gender of the employees.
- Austrian Students' Union (ÖH): Feminist Office, Office for Queer Affairs ÖH Uni Vienna (univie.ac.at)

7.2 Higher-ranking contacts

Ombud for Equal Treatment
Homepage - Ombud for Equal Treatment

<u>Bundes-Gleichbehandlungskommission (B-GBK) - Federal Chancellery of Austria</u> Department III/3 Minoritenplatz 3, 1010 Vienna Email: gleichbehandlung@bka.gv.at

- Provides expert opinions
- Determines whether sexual harassment and discrimination are given
- Provides relevant information and issues an order to end the discrimination

7.3 Further information

- Website of the Federal Chancellery
- University of Vienna (2018). Combatting Sexual Harassment at the University
- Sexualisierte Belästigung: Gegenstrategien und Verhaltensvorschläge | University of Graz
- Ombud for Equal Treatment. Stop discrimination! The Ombud for Equal Treatment offers free and confidential advice and support.
- Ombud for Equal Treatment. Abhilfe gegen sexuelle Belästigung. Ein Leitfaden für Arbeitgeber:innen



- <u>Fact Sheet: Sexuelle Belästigung nach dem Gleichbehandlungsgesetz und dem Strafgesetzbuch</u>
- ETH Zurich: Respect Code of Conduct
- Guidelines on inadmissible behavior, discrimination, bullying Scene Ch
- Sexuelle Belästigung an Universitäten Thematisieren statt Tabuisieren | TU Wien
- Page "Gender-Based and Sexualized Violence in Higher Education," Center of Excellence Women and Science (CEWS), GESIS Leibniz Institute for the Social Sciences
- Three-year European-wide research project "Gender-based Violence, Stalking and Fear of Crime" (2009 - 2011), focusing on students in higher education in five countries, project part Germany: Ruhr University Bochum

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Benachteiligung und Herabwürdigung in den Bereichen Arbeit, Wohnen, medizinische
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Ombud for Equal Treatment: Sexuelle und geschlechtsbezogene Belästigung Das können Sie dagegen tun!

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