

Sexual Harassment

Definitions, consequences,
and responsibilities.

Working Group On Equal Opportunities
Webster Vienna Private University



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Introduction

At Webster Vienna Private University, we value inclusivity, equity, diversity, and respect¹. We are strongly committed to maintaining safe learning and working environments free from discrimination, harassment, and all forms of sexual misconduct, which undermine the University's educational mission.



The aim of this booklet is to provide you with information on sexual harassment and sex/gender discrimination by outlining:

- Definitions;
- the legal framework of worker and student rights;
- the physical and psychological effects;
- advice on how to stop sexual harassment.

Members of the WVPU community can expect that their rights will be preserved and unhindered by harassment and discrimination on campus. These rights include:

¹ See also: WVPU's Affirmative Action Plan & Student Code of Conduct

1. The right to work and learn without being harassed or otherwise discriminated against.
2. The right to freely assert personal boundaries and trust they will not be crossed.
3. The right to feel safe on campus and at WVPU events.
4. The right to report harassment without fear of retribution.
5. The right to seek free, confidential psychological support provided by WVPU.
6. The right to due process during an investigation into misconduct.

Definitions

Sexual harassment, harassment based on sex/gender identity, and sexual assault are all illegal under Austrian law and are not tolerated at Webster Vienna.

What is Sexual Harassment?

Austrian labor law defines sexual harassment as “...behavior belonging to the sexual nature that affects or aims to impair the dignity of a person and is undesirable, inappropriate or offensive for the person concerned...”² The “person concerned” could be the person being harassed or even someone observing the harassment.

² Bundesgesetz über die Gleichbehandlung (Gleichbehandlungsgesetz – GIBG), 66/2004 §6 (2004)
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003395>

There are generally three categories of behavior that fall under the umbrella of sexual harassment³:

1. Unwanted sexual attention, up to and including sexual assault
2. Gender harassment (see definition)
3. Sexual coercion (favorable treatment conditioned on sexual activity)

Sexual misconduct⁴ is a broad term that can encompass all of the above categories of sexual harassment and includes sexual violence. Sexual misconduct also refers to behaviors that are not considered harassment, or even illegal, but that go against a university's Code of Conduct and values. In that sense, sexual misconduct occurs, for example, when the professional boundaries between employees and students is blurred. The term is often used to define a range of sexualized and predatory behaviors of staff/faculty towards students.⁵

³National Academies of Sciences, Engineering, and Medicine. 2018. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. Washington, DC: The National Academies Press, p.28 doi: <https://doi.org/10.17226/24994>.

⁴RAINN (2021, January 29). *Sexual Harassment*. <https://www.rainn.org/articles/sexual-harassment>

⁵ National Union of Students. (2018). *Power in the academy: staff sexual misconduct in UK higher education*. <https://1752group.com/power-in-the-academy-report/>

What is Unwanted Sexual Attention?

Unwanted sexual attention includes a range of undesirable advances of a sexual nature, up to and including sexual violence (see below). Other examples include repeated requests for dates and other persistent attempts to establish a sexual relationship despite rejection.⁶

What is Gender-based Harassment?

Harassment based on Sex/Gender Identity is distinguished from sexual harassment under Austrian law and occurs when behavior related to gender is used in a way that affects or aims to impair the dignity of a person, is undesirable, and creates a hostile working environment.⁷

This type of harassment is often based on excluding members of one gender or perceiving them as having second-class status, and includes use of language that denigrates a group or individuals in gendered terms.

Both sexual and gender-related harassment also apply in situations where one is given instructions to harass someone else, or if a person is harassed based on their relationship with another person because of their gender. Both forms of harassment aim to create an “intimidating,

⁶ National Academies of Sciences, Engineering, and Medicine. 2018. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. Washington, DC: The National Academies Press, p.29 doi: <https://doi.org/10.17226/24994>.

⁷ Bundesgesetz über die Gleichbehandlung (Gleichbehandlungsgesetz – GIBG), 66/2004§7(2004)
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003395>

hostile or humiliating” environment, and are considered illegal when perpetrated within the context of work or school.⁸

What is Sexual Violence?

Sexual violence refers to inappropriate action defined by criminal law and the Austrian Violence Protection Act⁹. This covers actions more violent in nature such as sexual assault, stalking, intimate partner violence, sexual exploitation, and sexual coercion. These serious crimes are under no circumstances tolerated on campus or by WVPU students and employees off campus.

Sexual Assault: This term refers to sexual contact **without explicit consent** including sexual touching, groping, or (date) rape. A person is unable to consent to sexual activity if they are incapacitated for any reason. Any rape, regardless of the nature of the relationship between the perpetrator and the victim, is a criminal offense.¹⁰ The term “assault” refers to use of force, but force does not always refer to physical pressure. It can include psychological or emotional coercion, or other type of

⁸ Bundesgesetz über die Gleichbehandlung (Gleichbehandlungsgesetz – GIBG), 66/2004§6&7(2004)
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003395>

⁹ Stadt Wien (2021, January 29). Rechtsinformationen zu Gewalt in der Beziehung - Dein Körper. Dein Recht.
<https://www.wien.gv.at/menschen/frauen/stichwort/gesundheit/dein-koerper-dein-recht/rechtsinformationen-gewalt.html>

¹⁰ § 201 StGB, idF BGBl 242/1989

manipulation to pressure someone into performing sexual acts.¹¹¹²

Consent is NOT:

Not taking 'No' for an answer ☹️ *A disengaged or unresponsive partner* ☹️
What someone is/is not wearing ☹️ *Being incapacitated due to drugs or alcohol* ☹️ *Based on a previous physical relationship*
A strong and enthusiastic 'YES' is consent

Stalking: Behavior pattern directed at a specific person that causes serious emotional distress or fear for physical safety for the affected person. Such behaviors include monitoring, pursuing contact through calls or emails, sending unwanted gifts or items, posting threatening or personal information about the victim online, and showing up at a victim's home, workplace, or class.¹³

Dating and Intimate Partner Violence: This comprises a single act or ongoing pattern of abusive behaviors that exert control and power over a significant other. This can include forms of physical, sexual, emotional, or economic abuse.¹⁴

¹¹ RAINN (2021, January 29). Sexual Assault.

<https://www.rainn.org/articles/sexual-assault>

¹² RAINN (2021, May 4). What Consent Looks Like.

<https://www.rainn.org/articles/what-is-consent>

¹³ RAINN (2021, January 29). *Stalking*. <https://www.rainn.org/articles/stalking>

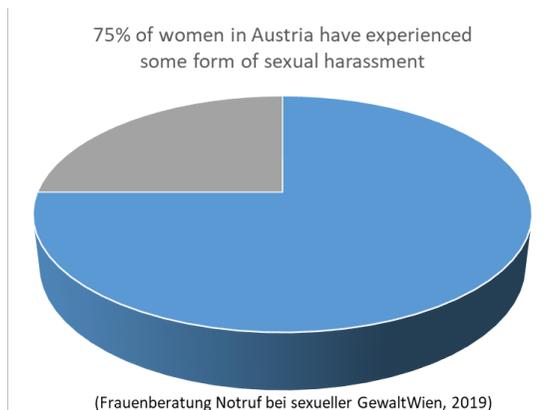
¹⁴ Stadt Wien (2021, January 29). *Rechtsinformationen zu Gewalt in der Beziehung - Dein Körper. Dein Recht*.

<https://www.wien.gv.at/menschen/frauen/stichwort/gesundheit/dein-koerper-dein-recht/rechtsinformationen-gewalt.html>

What do Sexual Harassment and Sexual Violence Look Like?

Sexual Harassment and Gender-based Harassment

It is not always easy to identify instances of harassment. If you are uncomfortable in a situation either as a witness or the person being targeted, something is probably wrong. Remember, the law is on your side: This kind of harassment is “undesirable, inappropriate or offensive **for the person concerned**”¹⁵



¹⁵ Bundesgesetz über die Gleichbehandlung (Gleichbehandlungsgesetz – GIBG), 66/2004§6(2004)
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003395>

Harassment can be overt¹⁶:

- explicit verbal remarks of a sexual nature
- quid pro quo (i.e. grading or professional advantage for sexual favors)
- deliberate physical contact
- invitation to sexual acts
- exposure to materials of a sexual nature
- unwanted and repeated attempts to establish an intimate relationship

Or more difficult to spot¹⁷:

- staring or appraising looks
- inappropriate “jokes” of a sexual nature
- denigrating comments based on gender
- calls, letters, emails, or texts with sexual innuendo
- suggestive remarks about a person’s appearance or sex life

It does not matter how obvious the harassment is, the result is the same: a work and study environment comprised of fear, discomfort, and humiliation.

Sexual Violence

Anyone can become a victim of sexual violence, though it is most commonly experienced by women at the hands of a person known to them or within the context of a romantic

¹⁶ Arbeiterkammer (2021, January 29). *Sexuelle Belästigung am Arbeitsplatz*. https://www.arbeiterkammer.at/beratung/arbeitundrecht/Arbeitsklima/Sexuelle_Belaestigung.html

¹⁷ Arbeiterkammer (2021, January 29). *Sexuelle Belästigung am Arbeitsplatz*. https://www.arbeiterkammer.at/beratung/arbeitundrecht/Arbeitsklima/Sexuelle_Belaestigung.html

relationship.¹⁸ It has serious physical and psychological consequences for the survivors and concerns should not be dismissed or ignored. There is never a legitimate reason to abuse others.

Abusers are commonly¹⁹:

- jealous and possessive
- emotionally abusive and try to humiliate their partner or person of concern
- manipulative
- intimidating and threatening
- physically and sexually abusive
- controlling (i.e. will transfer to victim's class to monitor them, keep them from class, or check on their grades)

¹⁸ RAINN (2021, January 29). *Sexual Assault*.
<https://www.rainn.org/articles/sexual-assault>

¹⁹ University of Wisconsin-Madison Office of Compliance (2021, February 10). *Student Support Information - Getting Started*. <https://portal.webster.ac.at/app-sessions?session=6ea71b9e-b988-4196-be0a-3c8d7e983512&app=79>

Common signs and symptoms of being abused or harassed and witnessing abuse or harassment:²⁰

Emotional Effects

- **Anger**
- **Fear**
- **Humiliation**
- **Shame/Guilt**
- **Powerlessness and loss of control**

Mental Health Effects

- **Anxiety and/or depression**
- **Post-traumatic Stress Disorder – hyper-vigilance, flashbacks, intrusive memories, or nightmares**
- **Difficulty concentrating**
- **Loss of motivation**
- **Substance abuse**

Physical Effects

- **Fatigue**
- **Sleep disturbances**
- **Eating disturbances**

Furthermore, sexual assault and harassment negatively affect the educational progression of students and often lead to increased turnover among staff and faculty²¹.

²⁰ RAINN (2021, January 29). *Sexual Harassment*.
<https://www.rainn.org/articles/sexual-harassment>

²¹ National Academies of Sciences, Engineering, and Medicine. 2018. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. Washington, DC: The National Academies Press. doi: <https://doi.org/10.17226/24994>.

Help Stop Sexual Harassment and Sexual Violence.

Many who experience harassment cope by ignoring or appeasing the harasser instead of reporting the problem. We also cannot rely solely on the legal system to reduce and prevent harassment²². It is up to all of us to combat sexual harassment directly.

If you are a witness



Pay attention to the situation at hand; do not look away or assume that the person concerned is managing the situation on their own.



Listen to the person concerned and discuss how you can help – *do not act on their behalf without their consent*.



Believe the person concerned when they come to you for support.



Support the person concerned by serving as witness, if able.



Help the person concerned contact the appropriate resources.

²² National Academies of Sciences, Engineering, and Medicine. 2018. Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine. Washington, DC: The National Academies Press, p.174 doi: [https:// doi.org/10.17226/24994](https://doi.org/10.17226/24994).

There is no place for sexual assault or sexual harassment at WVPU.

If you're being harassed

Assess the situation for your personal safety. If the harasser(s) is with a group who seem against you, it might be the wrong time and place to address the harassment directly. If the situation is unsafe, try to get away quickly.

Call out the harasser, if you feel safe doing so, by firmly stating that the behavior is undesirable and that they have crossed your boundaries. Identify the harasser clearly, so that bystanders know whom you are calling out.

Tell others. Talk about the event(s) with friends, confidants, and colleagues and let them know how or whether they should help.

Document harassment. As soon as you can, write as much as you can remember about the incident including the time and place, who was present, what was said. Save any harassing emails, text messages, and other evidence.

Reporting and Resources

Within WVPU

Webster Vienna Private University has several points of contact that can help if you or someone you know has experienced sexual harassment or assault. Further information on reporting incidents can be found in the university's Code of Conduct and Sexual Harassment Policy.

For All Community Members

- Working Group for Equal Opportunities (wgeo@webster.ac.at)
- Counseling services (counseling@webster.ac.at)

For Employees

- Human Resources Office (hrdepartment@webster.ac.at)
- Works Council (betriebsrat@webster.ac.at)
- Supervisor

For Students

- Student Resource Center

External

Several resources in Vienna offer support and guidance to those who have experienced or witnessed sexual harassment or assault. These offices will likely be able to help in English or other languages.

- The Frauennotruf, an emergency telephone number for women, is available 24 hours a day: 01 71719; frauennotruf@wien.at. In violent cases, they will accompany you to the police, hospital or courts and stick by you through the whole process.
- The Gleichbehandlungsanwaltschaft, the Equal Treatment Advocacy Office, is a service of the Austrian government.
<https://www.gleichbehandlungsanwaltschaft.gv.at/>
You can report cases on the website or download their app which contains both information and an interactive reporting service.
- Employees of Webster Vienna can also turn to the Arbeiterkammer
https://www.arbeiterkammer.at/beratung/arbeitsrecht/Arbeitsklima/Sexuelle_Belaestigung.html
- Employees can also seek advice via phone from Act4Respect: 0670 600 70 80;
<https://sprungbrett.or.at/act4respect/>
- Students can call the ÖH Hotline, 01 585 33 33 Check their website for opening hours
<https://www.oeh.ac.at/helpline>

WVPU policy is that any form of sexual harassment is grounds for university disciplinary action, including dismissal for students and termination for employees.

All victims of sexual harassment and assault have legal recourse according to Austrian Law.