

## PART E/III: Equality Plan at the University of Klagenfurt

*In response to the proposal from the Equal Opportunities Working Group, Part E/III of the Statutes (Equality Plan, German version) was passed by the Senate (legally binding version), using asterisks in the notation (\*) to take into account the diversity and equality of the sexes in all texts written in German. Since this notation leads to problems when reading via a screen reader, this part of the Statutes is also provided in conventional notation (non-legally binding version) as an alternative) was passed by the Senate (legally binding version), using asterisks in the notation (\*). Since this notation leads to problems when reading via a screen reader, this part of the Statutes is also provided in conventional notation (non-legally binding version) as an alternative. [Go to the German screen reader version](#)*

### Preamble

Guided by its mission statement, the University of Klagenfurt strives for excellence in research and teaching. At the same time, it is committed to providing an environment for work and study in which a fair coexistence is practised in the sense of equal opportunities, diversity and anti-discrimination.

In addition to its research and education mandate, the University of Klagenfurt considers it to be its social obligation to uphold these values and to model them to the wider public. This commitment is the responsibility of all, the University and its members. The University of Klagenfurt also ensures compliance with the obligations laid down in this Equality Plan in cooperative relationships with third parties. The University provides the necessary framework conditions and measures for this; the basis is the Equality Plan. It covers the areas of anti-discrimination, compatibility and diversity with the aim of creating equal opportunities, preventing discrimination and promoting diversity.

The Equality Plan is embedded in a reality of life. Based on the legal requirements, other aspects such as language and context must be taken into account.

Language reveals categories, but can also break with them. True to its motto "we are all" ["*wir sind alle*"], the university is committed to embodying diversity through language. This means, firstly, that this Equality Plan selects the notation \* to take into account the diversity and equality of the sexes in all texts written in German. At the same time, it generally means that the University's goal is not to use language for categorisation, but rather to make the "All" visible through it.

Humans and their behaviour must be considered in context. This plan is also integrated into an organisational environment. Consequently, equal treatment must always be understood against the background of the specific circumstances.

The Equality Plan applies to all members of the University of Klagenfurt. It is intended to implement the constitutional requirements for the actual equality and equal treatment of all members of the University, and therefore reflects, as a "plan", the current legal interpretations. It is also applicable to staff recruitment and student admission procedures.

The Equality Plan focuses on the areas of compatibility, anti-discrimination and diversity, thus setting it apart from the Advancement of Women Plan, the central task of which is to eliminate "existing under-representation of and existing discrimination against women" (Section 11a, Paragraph 3 of the Federal Equal Treatment Act [*Bundes-Gleichbehandlungsgesetz*]). The common feature of both instruments is that they are intended to promote equality of all according to the relevant legal requirements. The measures implemented by the two instruments may vary. The Equality Plan should therefore be regarded as a separate instrument.

## Section 1 Legal bases

The relevant legal bases of the Equality Plan of the University of Klagenfurt are the Federal Constitutional Law [*Bundes-Verfassungsgesetz*] (Article 7), the Federal Equal Treatment Act [*Bundes-Gleichbehandlungsgesetz*] (Sections 4a, 8, 8a, 9, 13a, 16, 16a, 19), the Federal Disability Equality Act [*Bundesbehindertengleichstellungsgesetz*], the Act on the Employment of People with Disabilities [*Behinderteneinstellungsgesetz*] (Sections 7b, 7d) and the Universities Act [*Universitätsgesetz*] (Sections 1, 2, 20b, 41 to 44, 94). In addition, reference must also to be made here to the E-Government Act [*E-Government-Gesetz*].

## Section 2 Diversity

- (1) The University of Klagenfurt understands diversity as a diversity of individual life practices in social and cultural environments, which are recognised on an equal basis, appreciated in their overlaps and valued in their particularities. Diversity is understood in terms of dimensions such as age, disability, ethnicity, gender, religion and ideology, as well as sexual orientation. Diversity management of the University of Klagenfurt aims to implement and develop equality and the recognition of differences, as well as social justice at all levels. In this way, a non-discriminatory and appreciative environment is to be created.
- (2) In the sense of an inclusive post-secondary university system, the University of Klagenfurt endeavours to offer the best possible conditions for its students and members of staff who come from different social environments (countries, cultural areas, social classes), to reduce barriers to access and segregating mechanisms, to take into account target group-specific advancement requirements and to create spaces in which attributions of collective affiliations are critically questioned and discussed.
- (3) At the University of Klagenfurt, an organisational unit is set up to coordinate the tasks linked to equality (currently the University Centre for Women and Gender Studies) and is responsible for diversity management at the University of Klagenfurt. Diversity issues are also addressed by the Equal Opportunities Working Group and other internal service centres.
- (4) At the University of Klagenfurt, a Diversity Council is to be set up that supports the university management in the strategic development of measures to promote equality and diversity within the University of Klagenfurt.
- (5) The working methods and members of the Diversity Council will be announced within the university. Members of the Diversity Council are always representatives of those organisational units or persons responsible for diversity-promoting agendas. These are: University Centre for Women's and Gender Studies; Expert Committee (see Advancement of Women Plan); Family Service; Compatibility Officer; Health Management, Safety and Accessibility Executive Support Office, Equal Opportunities Working Group, student representatives. Respondents will be invited as required.

## Section 3 Anti-discrimination

- (1) The University of Klagenfurt lives by the principle of equal treatment and equality for all members of the university in an environment that must be kept free of discrimination. Discrimination occurs when one person or a group of people is or are unfairly disadvantaged due to personal characteristics or criteria that are neither directly nor indirectly relevant to the university activity. A criterion is considered relevant in this context if the failure to satisfy it has demonstrable and causally detrimental consequences for the university. Discrimination based on reasons not relevant to university activity relates particularly to age, disability, ethnicity, gender, religion and ideology, and sexual orientation.

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- (2) In the sense of anti-discrimination, the guiding principle is:
1. All rulings, decisions, agreements (in particular target agreements) and other measures taken by the university must be kept free of discrimination.
  2. Non-relevant characteristics or criteria within the meaning of Paragraph 1 may not play a role in personnel decisions. This also applies to decisions regarding requests for the allocation of resources (e.g. budget).
  3. No one may be discriminated against due to non-relevant criteria in the admissions procedure for a programme of study or as a student.
  4. No one may be discriminated against on the basis of non-relevant criteria in determining postings to collegial bodies.
  5. Discrimination on the above grounds is impermissible and constitutes a breach of professional obligations.
  6. The University of Klagenfurt organises its job advertisements and face-to-face interviews according to non-discriminatory principles and, in particular, makes reference to equality objectives in all application situations and tenders.
- (3) Discrimination can also arise from bias. This occurs when there are circumstances or information that demonstrably would favour a violation of the principle of equal treatment or equality. In this case, a check must be carried out to ascertain whether the person or group concerned can be excluded from the relevant process due to bias. The University of Klagenfurt develops and uses relevant guidelines to ensure equal opportunities.
- (4) The University of Klagenfurt is part of the globalised knowledge society, in which the different origins and cultural backgrounds of its members are valued.
1. Discrimination based on (attributed) belonging to an ethnic minority, ethnic group or a community of people perceived as "foreign" on the basis of their skin colour, religion, variety, culture or customs is strictly rejected.
  2. In the course of the internationalisation of the university, the University of Klagenfurt offers supportive and helpful conditions for its international students and members of staff, such as the provision of relevant information in English as a *lingua franca*, the expansion of the English-language range of courses and the promotion of the acquisition of the German language.
  3. As part of designing an open university, the University of Klagenfurt is committed to creating equal educational opportunities for all social classes, especially first-generation students, and to breaking down barriers that inhibit the social advancement of students or members of staff.
- (5) The University of Klagenfurt is committed to taking advantage of the chances and opportunities offered by the different stages of life, so that a motivating working environment for all ages is created. The University of Klagenfurt expects its members of staff to be prepared to participate in lifelong learning and personal development, and supports them in this. This includes measures to promote young talent and mentoring programs.
- (6) The University of Klagenfurt respects and protects the sexual orientation of its members.
1. Open or concealed discrimination or hostility against heterosexual, homosexual or bisexual, transsexual or intersexual persons is strictly rejected. No one should be forced to conceal or disclose their own sexual orientation.
  2. Societal developments show that dichotomous views of gender do not fully reflect reality. The University of Klagenfurt respects this diversity of genders and recognises them equally.
- (7) All official bodies and members of the University of Klagenfurt use gender-appropriate and anti-discriminatory language in texts and images, taking into account the group of people being addressed. The contents of all documents and verbal statements comply with the principles of anti-discrimination and equality.

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#### **Section 4 Prohibition of discrimination based on disability**

- (1) The University of Klagenfurt is committed to the equal treatment of people with disabilities and chronic illnesses and to creating framework conditions that ensure equal participation of these people in the all study, teaching, research and administration operations.
- (2) The guidelines for the equal treatment of people with disabilities and chronic illnesses, as set out in Part E/II of the Statutes, apply. In addition to this, people with disabilities are explicitly invited to apply to job advertisements and all applicants with a disability who meet the requirements of the advertisement are invited to interview.
- (3) The University of Klagenfurt does not tolerate any form of discriminatory act or behaviour towards people with disabilities and, irrespective of existing legal prohibitions, acts to ensure that such behaviour is not accepted. Members of the university who violate this obligation must be held responsible in accordance with the legal regulations. The central point of contact for discrimination based on disability is the Disability Representative. In the HR area, the Disability Representative must be consulted as the HR representative of this group.
- (4) Within the framework of internal service facilities, the University of Klagenfurt provides advice and support services to students with disabilities and all lecturers.

#### **Section 5 Harassment as discrimination**

- (1) All members of the university are obliged to refrain from and prevent harassment, sexual harassment, bullying and stalking, and to promote respectful, fair interactions between members of the university.
- (2) Harassment in the sense of Sections 8a and 16 of the Federal Equal Treatment Act and Section 7d of the Act on the Employment of People with Disabilities is present if conduct related to any of the grounds of discrimination referred to in Section 2 affects the dignity of a person or aims to do so, is perceived by the person concerned as undesirable, inappropriate, degrading, insulting, humiliating, intimidating, hostile or offensive and is therefore rejected. Conduct that creates or aims to create such a working or educational environment is also viewed as harassment.
- (3) Sexual or gender-related harassment, as defined in Paragraph 2 and Sections 8 and 8a of the Federal Equal Treatment Act, includes unwanted physical contact, allusions, remarks, sexual comments or jokes about peoples' appearance, displaying and demonstrating of pornographic content and invitations to sexual acts.
- (4) Bullying is a process characterised by negative communicative actions against a person. This process is repeated at regular or irregular intervals and takes place over a longer period of time. The aim of bullying attacks is to degrade and exclude the victim, to bring them into an imbalance of power, to discriminate, to damage their mental, physical and social health or to force them out of the workplace or place of study. A distinction is made between different types of bullying, namely "mobbing" (members of staff are bullied by others of an equal level in the organisational hierarchy), "bossing" (employees are bullied by their superiors) and "staffing" (employees bully their superiors). "Bossing" and "staffing" also apply analogously to the relationship between students and lecturers.
- (5) The term "stalking" is used when one person persistently pursues another in such a way as to threaten their physical and/or psychological integrity and security and cause unreasonable disruption to their way of life.

- (6) When it comes to dealing with any type of harassment, the following applies for members of the University of Klagenfurt:
1. The University of Klagenfurt does not tolerate any forms of harassment, violence, bullying (including "staffing" and "bossing") or stalking and, regardless of existing prohibitions under criminal law, acts to prevent such behaviour from being accepted. Members of the university who violate this obligation must be held responsible in accordance with the legal regulations.
  2. The University of Klagenfurt strongly encourages members of the university who are affected by harassment, violence, bullying in all its forms or stalking to turn to people they trust within the university. All members of the university and university bodies are required to accept the cases brought to them, while maintaining the utmost confidentiality and in agreement with the parties concerned. This applies in particular to people with managerial responsibilities.
  3. The Equal Opportunities Working Group provides assistance in discrimination issues. Other contact points are the advocacy groups within the university (e.g. works councils) and Health Management.
  4. The University of Klagenfurt supports affected members of staff and students and undertakes to provide the necessary organisational and material support. The University of Klagenfurt regularly carries out awareness-raising work and education. It offers specialist continuing education and professional advice.

### **Section 6 Compatibility of family and programme of study/work**

- (1) Studying or working takes up a considerable amount of the time available and thus constitutes a fundamental area of life. The University of Klagenfurt is therefore committed to embodying a culture where family and programme of study/work are compatible.
- (2) The University of Klagenfurt supports members of the university with family commitments to care for children, parents, partners or a close relative in designing their programme of study and working life:
1. In their efforts to run the University of Klagenfurt as an organisation with a focus on equality, the university management team will be advised by various internal bodies such as Family Services, Staff Development, the University Centre for Women's and Gender Studies, the works councils or the relevant representatives, in particular the compatibility officer. The University of Klagenfurt implements measures that promote compatibility, for example within the framework of appropriate audit procedures, and bases its work on the model of the equal opportunity employer.
  2. The University of Klagenfurt provides information, advice, mediation and practical support for members of the university and their families in different situations of life, such as childcare or care obligations.
  3. The University of Klagenfurt provides resources for childcare so as to make it possible to reconcile family life and programme of study/work and aligns the offer to the needs of the individual.
  4. The University of Klagenfurt is working to ensure that pregnancy and parenthood, as well as the provision of support for relatives in need of care, can be reconciled with programmes of study and work.
  5. The University of Klagenfurt is committed to promoting dual careers and has set up a Dual Career Service that helps members of the university and their (life) partners to pursue a suitable career.
  6. The University of Klagenfurt supports students with professional and family commitments. In curriculum planning, this is done through course forms and didactic concepts (e.g. blended learning), which provide the necessary flexibility in terms of time.

- (3) The Rectorate shall appoint a compatibility officer to advise university management on appropriate measures to improve the compatibility of programmes of study and work with family supervision commitments, with the aim of further developing the services for the care of children and adapting them to the needs of members of the university. The support of members of the university with family care tasks is afforded a high priority. The compatibility officer is supported by the operational organisation, the Family Service.
- (4) Where students of Educational Science spend their work experience in the university-owned care and educational institutions, their work and family commitments are taken into account with the aim of supporting the study and career path.
- (5) For students, the care of relatives is considered as grounds for a leave of absence within the meaning of Section 67, Paragraph 1 of the Universities Act.

### **Section 7 Management of the equality activities**

- (1) The common goal of the areas described above is to create an organisational structure and academic culture that is gender-appropriate, appropriate for families and appropriate with regard to diversity. The University of Klagenfurt sees equality principles as the basis for rational university management.
- (2) In order to ensure this understanding, reference is made to the monitoring that results from the reporting requirements of the Knowledge Survey Regulation [*Wissensbilanzverordnung*].

### **Section 8 Evaluation and entry into force**

- (1) Social, university and legal framework conditions are subject to constant change. The Equality Plan will be adapted to current developments at the latest after five years.
- (2) The Equality Plan will enter into force on the day after it is published in the university bulletin.
- (3) Section 2, Paragraphs 2 to 5, Section 3, Paragraph 7 and Section 6, Paragraphs 3 to 5 in the version of the university bulletin dated 17.07.2019, issue 23, no. 131.3, shall enter into force on the day after publication in the university bulletin.