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## Section 3 Plan for the Advancement of Women and Equality Plan

For the sake of readability and to avoid redundancy, this section combines the Plan for the Advancement of Women (Section A) and the Equality Plan (Section B). Section C contains regulations governing the composition, term of office and tasks of the Equal Opportunities Board (*Arbeitskreis für Gleichbehandlungsfragen, further referred to as AfG*), as well as procedural regulations.

In drafting this section of the Statutes (*Satzung*), an effort was made to incorporate as many perspectives as possible from Academy members and external experts from various disciplines; nevertheless, continuous additions will be necessary. In view of the dynamic nature of social transformation, contradictions may arise despite careful review.

Therefore, the Academy believes it is essential to emphasize the process-driven nature of the documents and to call for uncertainties and tensions in their implementation to be addressed constructively.

In addition to the Equality Plan and Plan for the Advancement of Women, an agreement on anti-discrimination in the workplace (*antidiskrimatorische Betriebsvereinbarung*) has been concluded as an additional instrument for combating discrimination and disadvantage mechanisms.

Definitions of terms can be found in the explanatory notes (Appendix 3).

### I. General provisions

#### § 1 Legal basis regarding the Plan for the Advancement of Women and Equality Plan

(1) The legal basis for the Plan for the Advancement of Women of the Academy of Fine Arts Vienna (Academy) is Article 7 of the Federal Constitutional Law (B-VG - Bundes-Verfassungsgesetz), the Federal Act on Equal Treatment (hereinafter B-GIBG - Bundesgleichbehandlungsgesetz) and the University Act 2002 (UG - Universitätsgesetz 2002).

(2) The legal basis for the Academy's Equality Plan are Articles 7 and 8 of the Federal Constitutional Law (B-VG), the Federal Act on Equal Treatment (B-GIBG), the University Act 2002, the Federal Disability Equality Act (BGStG - Bundes-Behindertengleichstellungsgesetz), the Federal Law on Employment of People with Disabilities (BEinstG - Behinderteneinstellungsgesetz) and the Collective Agreement for University Employees 2019 (KV - Kollektivvertrag für die ArbeitnehmerInnen der Universitäten 2019).

(3) The Academy is guided by the United Nations Convention of 13 December 2006 on the Rights of Persons with Disabilities (Federal Law Gazette 2008 II p. 1419 et seq) and the Optional Protocol of 13 December 2006 to the United Nations Convention on the Rights of Persons with Disabilities (Federal Law Gazette 2008 II p. 1419, 1453).

(4) In accordance with § 19 para 2 cif 6 UG, the Plan for the Advancement of Women and the Equality Plan are part of the Statutes of the Academy of Fine Arts Vienna (*Satzung* der Akademie der bildenden Künste Wien).

(5) In the event of violations of the requirement to promote women or of the Plan for the Advancement of Women and the Equality Plan, the Working Group on Equal Opportunities (AfG) is entitled to refer the matter to the Arbitration Committee in accordance with Section 42 para 8 UG.

## § 2 Scope

The Plan for the Advancement of Women and Equality Plan apply to all members and bodies of the Academy and to all applicants for employment or for study at the Academy.

## § 3 Scope and period of validity

The Plan for the Advancement of Women and Equality Plan shall be adapted to current developments every four years. In the event of a change of the legal basis or in the event of an urgent need for adjustment, individual sections or paragraphs may be amended.

## § 4 Publication and duty to provide information

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- (1) The section of the Statutes entitled 'Plan for the Advancement of Women and Equality Plan' is published in its currently valid version in German and in English translation on the Academy's website and in its bulletin.
- (2) Students are provided with a welcome folder upon admission to the Academy. This folder introduces the Academy's existing bodies dealing with equal treatment, anti-discrimination and the advancement of women, and provides information on the Equality Plan and the Plan for the Advancement of Women as well as the agreement on anti-discrimination in the workplace .
- (3) All employees receive an information folder upon commencement of duties, which is also made available online. This folder presents the bodies at the Academy that deal with equal treatment, anti-discrimination and the advancement of women, and shall provide information on the Equality Plan and Plan for the Advancement of Women and the agreement on anti-discrimination in the workplace .

## § 5 Entry into force

The section of the Statutes on the Advancement of Women Plan and Equality Plan was adopted by the Senate on 28 January 2025. The present version takes effect upon publication in bulletin No. 30 on 13 March 2025.

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## Section A Plan for the Advancement of Women

### I. Preamble

The Academy views the advancement of women as a core institutional priority, with the aim of achieving comprehensive equality and eliminating discrimination against women at all levels. When implementing the measures, the different social positions and multiple forms of discrimination faced by women must be taken into account in order to implement an intersectional policy for the advancement of women. In this sense, measures for the advancement of women in the Equality Plan are supplemented by anti-discriminatory and supportive measures.

Gender within the meaning of the B-GIBG encompasses gender characteristics, gender identity, gender expression and gender roles. Against the backdrop of this broad concept of gender, the measures in the Academy's Plan for the Advancement of Women are expressly aimed at all persons who identify as women, regardless of their gender entry in the civil register (*Personenstandsregister*).

— By promoting (queer) feminist topics in teaching and research as well as in the development and advancement of the arts, gender-related dominance relations and exclusions, patriarchal authorship and concepts of art, and cis- and heteronormative gender orders are questioned and reflected upon.

### II. Advancement of women

#### § 6 Requirement to promote women

(1) The measures of the Academy's Plan for the Advancement of Women are expressly aimed at all persons who identify as women<sup>1</sup>, regardless of their gender entry in the civil register (*Personenstandsregister*).

(2) A central goal of the women's advancement measures (within the meaning of § 11 B-GIBG) at the Academy is to increase the proportion of women in all organizational units, at all hierarchical levels, in all categories of employment law and in all functions and activities, both in fixed-term and permanent employment and training relationships, to at least 50% or to maintain a higher proportion of women.

(3) Measures to advance women shall be integrated into personnel planning and personnel development.

(4) In all job advertisements, the advertising organizational unit shall take measures to encourage qualified women to apply (see Section C II.).

(5) All university members, and in particular management bodies are required within their sphere of influence, to

- a) work towards eliminating the existing underrepresentation of women in the total number of employees and within the various organizational units, hierarchical levels, employment groups and functions,
- b) work towards eliminating existing disadvantages for women in connection with their employment relationship, and
- c) maintain a 50% quota for women already achieved.

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<sup>1</sup> When making use of statutory measures to advance women, it is assumed that there is an existing female identification, as the aim is to eliminate structural disadvantages. Identification that is spontaneously formulated in the course of the constitution of collegial bodies or on the occasion of an application or similar cannot therefore be taken into account.

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(6) Women shall be given priority in applications, career advancement, training and further education (cf. §§ 11b to 11d B-GIBG) if they have the same qualifications as the most suitable male candidate until a 50% quota is reached in the respective personnel category.

## § 7 Advancement of artistic and scientific activities

(1) The Academy promotes the development and advancement of the arts as well as scientific and artistic research led by women.

(2) Leave requests related to the development and advancement of the arts must comply with the requirement to promote women.

(3) If Academy members or bodies are called upon to decide on the allocation of third-party funding at the Academy, they must observe the legally prescribed quota for women, provided that the applications are of equal quality.

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## § 8 Employment law duties

When defining employment law duties, no discriminatory, career-inhibiting task assignments based on a traditional, binary understanding of gender may be made. For artistic and scientific staff, it is essential to ensure a balanced distribution of tasks across the development and advancement of the arts, research, teaching, organizational duties, and committee work. The distribution of tasks in the institutes must be such that part-time employees with care or support responsibilities are also able to acquire further qualifications through artistic and scientific achievements.

## § 9 Training programs

(1) When participating in training and further education programs, attention must be paid to the representation of women. Supervisors are responsible for taking appropriate measures to encourage women's participation in these programs.

(2) In particular, persons with fixed-term contracts, part-time employees and those on parental leave shall be granted changes to their working hours or working time to enable them to participate in training and further education events, provided that this does not conflict with compelling work-related interests.

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## § 10 Career advancement

(1) During development and employee appraisals, attention shall be paid to structural disadvantages in careers that may arise due to gender attributions and traditional, binary role concepts, etc. Where appropriate, measures to avoid such disadvantages shall be identified and supported.

(2) Women shall be given special consideration in terms of professional development opportunities and career advancement. This includes the possibility of further employment and, where appropriate, review of classification in a higher employment group.

## § 11 Gender-balanced composition of collegial bodies

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- (1) When appointing collegial bodies, the requirements of § 20a UG on gender-balanced composition must be observed. All curias shall strive to achieve a balanced gender ratio in their delegations. The AfG shall be informed immediately of the composition of a collegial body upon its appointment.
- (2) If the proportion of women falls below the statutory requirement, this must be justified to the AfG. The AfG has the right to submit a statement on the composition or to raise an objection to the Arbitration Commission regarding the inadequate composition (§ 42 para 8a-8b UG) or the inadequate election proposal (§ 42 para 8d UG).
- (3) In the event of the resignation and subsequent nomination of a member, efforts must be made to ensure that the requirements of § 20a UG continue to be met. If there is a change in the context of subsequent nominations of individual members, the AfG must be informed immediately.

### § 12 Gender-balanced composition of other committees and commissions

When composing other committees and commissions (e.g. admission, examination and selection committees), it must be ensured that the composition is largely gender-balanced, in line with the legal provisions governing the composition of collegial bodies. The body responsible for appointing the committee is responsible for this.

### § 13 Equality Council and women's advancement goals

An Equality Council (*Gleichstellungsrat*) has been established at the Academy. For details, see § 14 of the Equality Plan.

## Section B Equality Plan

### I. Preamble

The Academy considers equality and the fight against discrimination and disadvantage to be central institutional concerns. In addition to the Plan for the Advancement of Women, the Equality Plan serves to implement the relevant constitutional and legal requirements in order to counteract discrimination and exclusion mechanisms at the Academy. The definition of equality goals and the specification of measures contribute to creating a positive working and studying environment. The Academy also pursues a diversity strategy in order to attract more applicants from socially disadvantaged groups to study and work at the Academy.

Within the Academy, no one may be discriminated against or harassed, either directly, indirectly or through assumptions. This applies in particular to personnel procedures, admission procedures, the filling of (management) positions, secondment to collegial bodies, the determination of remuneration in individual employment contracts, the type, duration and scope of employment, classification in collective agreement employment groups, promotions and re-classifications, the granting of financial support, the granting of compensatory measures, the allocation of space and all forms of communication.

Provisions on equality and equal treatment are enshrined in various forms in Austrian law (including Art. 7 of the Federal Constitutional Law, the Federal Equal Treatment Act, the University Act, the Federal Disability Equality Act, the Federal Law on Employment of People with Disabilities, etc., as well as Art. 14 of the European Convention on Human Rights, the UN Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UN Convention on the Elimination of All Forms of Racial Discrimination, etc.). Reference to the protected categories of gender, sexual orientation, ethnicity, religion or belief, age and disability is necessary in order to ensure legal protection against discrimination. However, these categories are also structurally and socio-politically located as modes of action within sexist, cis- and heteronormative, binary, racializing, anti-Semitic, classist and ableist social structures. As an educational institution that is critical of discrimination and oriented towards diversity, the Academy is committed to implementing measures that go beyond the minimum legal requirements.

With its Equality Plan, the Academy is committed to taking the intersectional interweaving of discrimination and forms of multiple discrimination into account. An intersectionally oriented institutional policy recognizes that certain individuals and groups of people may be affected by discrimination in different and/or multiple ways, for example due to their age, disabilities, sexual orientation, (perceived) origin or socio-economic position. Discriminatory references are frowned upon, whether they correspond to the self-identification of the individuals concerned or are based on mere assumptions.

#### *Gender-sensitive study and working environment*

A gender-sensitive institution recognizes gender diversity and aims to systematically take into account the realities of life and needs of individuals (and groups) regardless of their gender identity. The Academy is committed to creating a gender-sensitive environment in which all Academy members can move and thrive freely, without any gender-based discrimination or disadvantage.

The registration of gender is regulated in Austria by the Civil Status Act (*Personenstandsgesetz*): the so-called 'third gender' is differentiated into four options: 'inter', 'diverse', 'open' and 'not specified (in

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the civil status register). There are no suitable options for trans, non-binary and/or genderqueer persons who are not intersex. In addition, access to the relevant expert opinions and diagnoses is still difficult and costly. The Academy recognizes that such bureaucratic challenges can lead to discrimination and is committed to proactively counteracting this within the institution.

The idea of a binary gender order, which implies that there are no genders outside the binary construction of 'woman' and 'man' and that the gender assigned at birth is automatically 'correct' for all people and will not change over the course of their lives, is still widespread. In order to create a gender-reflective environment at the Academy, it is therefore necessary to question cis- and heteronormative, binary gender roles and norms that have a discriminatory impact on trans, inter\*, non-binary and genderqueer individuals.

## *Recognition of sexual diversity*

— The Academy recognizes sexual diversity and speaks out against overt and subtle discrimination, hostility and harassment of individuals on the basis of their sexual orientation. The Academy is committed to the equal treatment of parents in queer family models and partnerships. When granting leave and parental leave for parenthood and the care of spouses / partners, Academy members shall be treated equally regardless of gender identity and sexual orientation.

## *Ethnical discrimination*

At the Academy, racializing and anti-Semitic attributions are understood as discrimination on the basis of ethnicity.

Racializing and anti-Semitic attributions as well as so-called race theories are historically based on continuities of colonialism, Orientalism, National Socialism, anti-Judaism, border and migration regimes, and must be considered in their specific historicities, modes of operation, and effects.

Racism and anti-Semitism are inscribed in society and its institutions as systems of knowledge, standardization and order. In this sense, they are also (re)produced at the Academy and must be questioned in their structural dimension.

## *Freedom of religion and belief*

— As a secular educational institution, the Academy is committed to neither favoring nor discriminating against Academy members on the basis of their religion or beliefs. The Academy is aware that freedom of religion extends into the working environment in many ways.

## *Accessible study and working environment*

The term 'disability' is understood as a cultural and social construct. The Academy is committed to questioning and breaking down the prevailing norms of able-bodiedness, able-mindedness and disability.

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Within its sphere of influence, the Academy is committed to equality and the advancement of persons who 'have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full, effective and equal participation in society'<sup>2</sup>.

In recent years, the proportion of employees with disabilities at the Academy has increased. In addition, the aim is to reduce compensation payments to zero and to remain active in accordance with the quota regulations of the BEinstG. With regard to the creation of barrier-free access, the Academy is committed to improving accessibility beyond the legal requirements.

## *Class as a social position*

Class is a social mechanism that manifests itself in social and economic status, educational status and cultural status. Class always creates a relational and hierarchical relationship between those who are privileged and those who are less privileged or not privileged at all. Educational institutions play a key role in the (re)production of classes and in the assignment of privileged and less or non-privileged class positions.

The Academy strives to ensure equal opportunities for all university members and applicants, regardless of their educational, socio-cultural and economic background. In doing so, it engages with social theory positions that deal with class structures as forms of social action and their cultural reproduction.

## *Compatibility*

Family comes in many forms. At the Academy, this term encompasses all forms of private cohabitation in which responsibility is taken for other people, regardless of gender and sexual orientation. In this sense, the Academy provides appropriate services to help balance pregnancy and family care responsibilities with professional life and studies.

## *Anti-discriminatory language and imagery*

Social power and discrimination as well as gender relations are inscribed in language, imagery and representation policies. The Academy therefore considers it mandatory to reflect on the use of language and imagery and to continuously work on discrimination-critical language use.

Language and its content and connotations are shaped by social norms and values. At the same time, norms are reproduced through language. Anti-discriminatory language use, on the other hand, attempts to reflect these social norms and avoid discriminatory terms, metaphors and connotations.

## II. Equality, anti-discrimination and diversity promotion

### § 14 Equality Council and equality objectives

An Equality Council has been established at the Academy, which meets once per semester. The AfG, FGD Coordination Office, ÖH, Rectorate and Senate each send one representative and one substitute. Depending on the occasion, internal and external experts and guests may be invited to discuss specific topics. This committee has the following tasks:

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<sup>2</sup> UN Convention on the Rights of Persons with Disabilities, Art. 1

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- (1) Setting equality goals, priorities and key topics critical to discrimination on the basis of the Plan for the Advancement of Women and Equality Plan; the equality goals consist of a description of the goals, the measures to be taken and the designation of the responsible departments and organizational units.
- (2) Developing suitable measures and time frames for their implementation; these measures may be both quantitative and qualitative in nature and are based, among other things, on the gender monitoring report and other surveys relating to equality.
- (3) Providing strategic support for the Academy's internal implementation processes for equality goals and key issues relating to discrimination in consultation with the relevant committees and departments.
- (4) Report once per academic year at a Senate meeting.

## — § 15 Monitoring and information policy

- (1) The Rectorate, in cooperation with the Quality Development Department, develops appropriate monitoring strategies to reflect on and, if necessary, adapt the measures for equality and their implementation.
- (2) The Rectorate informs the institute's chairs at least once per semester about the equality goals and supports them in their implementation. This process is reported on once per academic year in the Equality Council.
- (3) The Academy develops a brochure on non-discriminatory language and image use.

## § 16 General protection against discrimination and harassment

- (1) No one may be directly or indirectly discriminated against with regard to an employment or training at the Academy on the basis of gender, ethnic origin, religion or belief, age or sexual orientation – in particular with regard to marital status or whether someone has children.
- (2) Direct discrimination occurs when a person is treated less favorably than another person is, has been or would be treated in a comparable situation for one or more of the reasons specified in this Equality Plan.
- (3) Indirect discrimination occurs when apparently neutral regulations, criteria or procedures may disadvantage persons who have one or more grounds for discrimination in a particular way compared to persons who are not affected by them, unless the regulations, criteria or procedures in question are objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
- (4) Harassment occurs when a behavior related to gender or ethnicity, sexual orientation, age, religion or belief (in accordance with § 13 para 1 B-GIBG) or disability (in accordance with § 5 para 4 BGStG) which affects or aims to affect the dignity of a person, is unwanted, inappropriate, degrading, offensive or objectionable to the person concerned, and creates or aims to create an intimidating, hostile, humiliating or disadvantageous working or study environment for the person concerned. Such harassment is considered discrimination within the meaning of the Equality Plan.
- (5) Any form of discriminatory behavior or any instruction to discriminate or harass constitutes a breach of duties under employment law and will be sanctioned by the relevant management bodies in

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accordance with the provisions of employment and disciplinary law. The articulation or support of a complaint of discrimination or harassment must not lead to discrimination.

(6) In the event of (suspected) discrimination on the basis of gender, sexual orientation, ethnicity, religion or belief, or age, the AfG offers support and is the point of contact for any concerns in this regard. Bullying, bossing and conflicts within the work situation that do not fall within the remit of the AfG are to be dealt with by the relevant works councils.

(7) In cases of discrimination on the grounds of disability or chronic physical or mental illness, protection against discrimination applies in accordance with § 4 BGSt and §§ 3, 7b para 4 and 5, 7c, 7d and 24b BEinstG. There are two points of contact for this:

- a) The Contact Person for Accessible Studies is responsible for students.
- b) The Disability Representatives on the works council are responsible for employees.

(8) Discriminatory and harassing behavior within the Academy that is relevant under criminal law will be reported to the authorities.

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### § 17 Personnel development

The Academy is committed to an equal opportunity learning, teaching, research and working environment and works to eliminate discrimination and structural barriers. With this in mind, the following areas of action are addressed:

(1) In personnel development, the focus is on increasing employee diversity. The Academy therefore expressly welcomes applications from qualified individuals who are structurally disadvantaged on the basis of their gender, sexual orientation, ethnicity, religion or belief, or age. Particular consideration shall be given to individuals who are subject to multiple forms of discrimination (intersectional approach).

(2) The Academy regularly offers further training programs and awareness-raising measures for all Academy members, especially those in management positions, to develop or expand an understanding of discrimination. This focuses in particular on reflecting on unconscious discrimination based on stereotypical assumptions or unconscious biases. In the event of systematic discriminatory behavior, further training of management bodies may be mandated.

### § 18 Composition of the student body

The Academy is committed to increasing the diversity of its students. In order to achieve this, the following measures are being implemented:

(1) Expansion of support structures for applicants and students from non-EEA countries and/or with a migration background and/or refugee experience – with particular emphasis on an intersectional approach; This includes support scholarships, multilingual and discrimination-sensitive counselling services, and the proactive encouragement of educationally disadvantaged young people to pursue studies at the Academy.

(2) Development of guidelines for admission procedures that are as free of discrimination as possible.

### § 19 Composition of committees and commissions

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Committees and commissions (e.g. admissions, examination and selection committees) should be composed of diverse members. In particular, persons who are structurally affected by (multiple) discrimination should be represented.

## § 20 Diversity-sensitive research and teaching as well as development and advancement of the arts

The Academy views research and teaching as essential tools of anti-discriminatory practice.

(1) Curricula are reviewed by the relevant committees with a view to intersectionally entwined systems of discrimination and revised as necessary.

(2) Diversity-sensitive research and the development and advancement of the arts are promoted.

When awarding scholarships, research funds and teaching assignments, particular support is given to research and teaching on the dimensions of knowledge, standardization and discrimination mentioned in the preamble, as well as to scientists and artists who have relevant situated knowledge.

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## § 21 Additional gender- and diversity-related courses

(1) For each academic year, courses with (queer) feminist gender-specific content amounting to at least 12 semester hours per week shall be advertised.

(2) In addition, courses on the history and structure of class societies as well as content from decolonial and postcolonial studies, critical disability studies, critical race and critical whiteness studies, and related fields of teaching and research must be advertised for each academic year, amounting to at least 6 semester hours per week.

(3) These gender- and diversity-related courses may pursue a disciplinary perspective or may be interdisciplinary and/or intersectional in nature.

(4) The courses are open to students of all disciplines and can be credited as elective or free elective courses in the respective study programs.

## § 22 Selection committee for gender- and diversity-related teaching

(1) The FGD Coordination Office (see Section C § 68) is responsible for advertising teaching positions, organizing and reviewing the correct composition of the selection committee in accordance with § 20a UG.

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(2) The selection committee comprises a total of 10 persons, each with one vote. The institute's chairs shall each nominate one representative per field of study (six persons in total). It is important to ensure that these individuals have access to and knowledge of gender and discrimination-critical discourses. The ÖH shall nominate two representatives with relevant expertise. In addition, one representative each from the FGD Coordination Office and the AfG shall be members of the committee.

(3) The tasks of the selection committee include:

- a) the selection of teaching assignments for an additional (elective) course offering to promote content in accordance with § 21 on the basis of content discussions in a meeting. The members of the committee are independent in their decisions from any agendas of the institutes and make these decisions based on the following criteria:
  - Topicality of the relevant socio-political discourses in the respective field;

- Relevance to artistic subjects and positions in theory and/or practice;
- Complementarity to the academy's course offerings (avoiding redundancies);
- Applicants' fundamental understanding of discrimination issues.

b) Cooperative support for commissioned teaching staff in the organizational implementation of teaching, especially for individuals without teaching experience (in consultation and organizational cooperation with the institute managers).

## III. Discrimination on the basis of gender

### § 23 Creation of a gender-sensitive environment

The Academy recognizes the right to self-determined expression of gender and supports individuals who do not identify with the gender assigned to them at birth, as well as individuals whose identity does not correspond to the binary genders of male or female. Unwanted references to a person's gender identity that are perceived by the person concerned as derogatory constitute discrimination on the basis of gender. The Academy is committed to implementing the following measures:

- (1) All Academy members, especially those in management positions, must ensure that all persons at the Academy can live their gender identity openly and without fear of negative consequences.
- (2) Questioning or not recognizing gender identities, as well as unwanted outing of a person to or in front of third parties, must be avoided. If it is necessary to obtain information about the officially registered name or gender entry in the context of administrative study organization or duties, confidentiality and non-discrimination must be maintained.
- (3) All members of the Academy shall ensure that staff and students are addressed in everyday communication (correspondence, course lists, oral address, examination situations, forms, website, etc.) with the name and personal pronouns that correspond to their self-determined expression of gender (regardless of their gender entry in the civil register). Consciously addressing or commenting on a person with a personal pronoun or name that contradicts their self-definition, or publicly asking about a person's birth name or official first name, is considered discrimination. The guidelines on gender-neutral wording and gender-sensitive communication (Leitfaden geschlechtergerechtes Formulieren und geschlechtersensible Kommunikation) must be observed.<sup>3</sup>
- (4) Notwithstanding the requirements regarding quotas for women pursuant to § 20a UG, the Academy undertakes to improve opportunities for trans, inter\* and non-binary persons to participate in the various organizational units, hierarchical levels, employment groups and functions, as well as in research and teaching. As promotional measures beyond the binary gender paradigm, additional offers are being developed for trans, inter\* and non-binary persons, as they are structurally particularly disadvantaged in patriarchal or hetero- and cisnormative social orders.

### § 24 Change of gender entry or recognition or adjustment of gender<sup>4</sup>

- (1) Employees and students, as well as former employees and graduates, may have a change in their civil status or official first and/or last name changed in the Academy's data records and documents by submitting the relevant documents in a transparent and easily accessible procedure. Official documents (such as certificates, study confirmations, student ID cards, service certificates,

<sup>3</sup> See also information brochure: "trans, inter\*, non-binary. Designing gender-reflective teaching and learning spaces at universities."

<sup>4</sup> See also the information brochure "Non-Binary Universities – A Guide to Gender-Equal Universities."

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notices) will be reissued accordingly. The duplicate will have the same external form as the original document and will not be recognizable as a reissue. All changes will be made with sensitivity and strict confidentiality.

(2) Information about previous first names, surnames, gender, health status and similar information shall be treated with sensitivity and confidentiality.

(3) Academy members who make their change of gender entry, gender recognition or adjustment public (at work) have the option of seeking support from the AfG.

## § 25 Gender-related data collection

In quantitative surveys of gender-related data in accordance with legal provisions, the categories recognized and registered by the legal system

‘female’, ‘male’, ‘diverse’, ‘inter’, “open” and ‘no information’ are recorded. Self-determined gender (i.e. independent of civil status) and self-determined name (i.e. independent of the official first and last name) are not currently considered. In order to create a gender-sensitive working and study environment, the following measures are being implemented at the Academy:

(1) The Academy is committed to actively participating in projects aimed at implementing preferred names and to introducing appropriate technical and organizational solutions. This applies both to internal Academy data (e.g. Academy Online, Moodle platforms, course lists, etc.) and to publicly visible data (e.g. on the website, in Academy Online, email addresses, etc.).

(2) Online profiles of employees and students, as well as employment contracts and study documents, will be issued in a gender-neutral manner wherever possible. The Academy records acquired titles in accordance with the official regulations of the Austrian Federal Ministry for Women, Science and Research (*Bundesministerium für Frauen, Wissenschaft und Forschung, BMFWF*) in SAP. Academy members can decide whether they wish to gender their title differently in email signatures or when mentioned on the website, compared to the designation in SAP.

(3) Experiences of discrimination based on gender identity are collected by the Quality Development Department (e.g. in course evaluations, graduation surveys, etc.).

## § 26 Sanitary facilities

(1) The Academy shall set up all-gender toilets and sanitary facilities at all locations. Appropriate privacy must be ensured in the design of these facilities.

(2) The Academy shall implement awareness-raising measures to counter gender-based harassment, in particular of trans, inter\*, non-binary and genderqueer persons when using toilets and sanitary facilities (e.g. posters, brochures, etc.).

## § 27 Gender-based harassment and violence

(1) Gender-based harassment and violence will be sanctioned in accordance with the relevant legal provisions. Such behavior constitutes a breach of duty in any case.

(2) According to the B-GIBG, gender-based harassment occurs when gender-based behavior is exhibited that impairs a person’s dignity or aims to do so, and is unwanted, inappropriate, degrading, offensive or objectionable to the person affected, and

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- a) creates or aims at creating an intimidating, hostile or humiliating working environment for the person affected, or
- b) the fact that the person affected rejects or tolerates gender-related behavior by a representative of the employer or a colleague is used – explicitly or implicitly – as a basis for a decision affecting that person's access to training and further education, employment, continuation of employment, promotion or remuneration, or any other decision concerning the employment or training relationship.

## § 28 Gender-related, sexualized (sexual) harassment or violence

(1) Gender-related, sexualized (sexual) harassment and violence shall be sanctioned in accordance with the relevant legal provisions. Such behavior constitutes a breach of duty in any case.

(2) According to the B-GIBG, sexualized (sexual) harassment occurs when behavior of a sexual nature is engaged which violates or aims at violating a person's dignity, is unwanted, inappropriate, degrading, offensive or objectionable to the person affected, and

- a) creates or aims at creating an intimidating, hostile or humiliating working environment for the person affected, or
- b) the fact that the person affected rejects or tolerates behavior of a sexual nature by a representative of the employer or a colleague is used – explicitly or implicitly – as a basis for a decision affecting that person's access to training and further education, employment, continuation of employment, promotion or remuneration, or any other decision concerning the employment or training relationship.

## IV. Discrimination on the grounds of sexual orientation

### § 29 Recognition of sexual diversity

The Academy recognizes sexual diversity and is committed to implementing the following measures:

(1) All Academy members, especially those in management positions, shall do everything in their power to ensure that all persons at the Academy can live their sexual orientation openly and without fear of negative consequences.

(2) Questioning or non-recognition of sexual orientation or unwanted outing of Academy members to or in front of third parties is to be avoided.

### § 30 Harassment and violence based on sexual orientation

Harassment and violence based on sexual orientation will be sanctioned in accordance with the relevant legal provisions. Such behavior constitutes a breach of duty in any case.

## V. Discrimination on the basis of ethnic origin

### § 31. Discrimination on the basis of ethnic origin

The Academy undertakes to implement the following measures:

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- (1) All Academy members, especially those in management positions, shall do everything in their power to protect persons at the Academy who are affected by discrimination on the basis of attributions relating to their ethnic origin.
- (2) The Academy shall support initiatives by Academy members who are subjected to discrimination on the basis of their (attributed) ethnicity.

## § 32 Harassment on the basis of ethnicity

Harassment on the basis of ethnicity shall be sanctioned in accordance with the relevant legal provisions. Such behavior constitutes a breach of duty in any case.

## VI. Discrimination on the grounds of religion or belief

### § 33 Consideration of public holidays of recognized religions and religious communities

The Academy takes into account the public holidays of recognized religions and religious communities in accordance with operational possibilities and requirements with the following measure: Employees who belong to a state-recognized religious or belief community are entitled to take time off for the holidays specified in their religious regulations, in addition to the public holidays applicable in Austria, with continued payment of their remuneration for a maximum of 2 working days per calendar year. These holidays must be notified by the employees immediately after conclusion of the employment contract. These holidays may be changed once per calendar year, stating the reasons for the change (cf. § 16 para 7 KV). In addition, persons who do not belong to a state-recognized religious or faith community may also notify and claim these additional days off under the same conditions.

### § 34 Harassment on the basis of religion or belief

Harassment on the basis of religion or belief will be sanctioned in accordance with the relevant legal provisions. Such behavior constitutes a breach of duty in any case.

## VII. Discrimination on the grounds of age

### § 35 Positive conditions for persons of all age groups

The Academy ensures that Academy members and applicants are not prevented from participating appropriately in working or studying life on the grounds of age by creating an appreciative and motivating study, research and working environment for all age groups. The following measures are being implemented to this end:

- (1) Applicants for a study, research or work position may not be disadvantaged on the basis of age.
- (2) Career opportunities and professional development opportunities as well as further training shall be offered regardless of age until the statutory retirement age.
- (3) Where necessary and within the framework of the statutory provisions, the Academy shall create appropriate conditions for remaining in work life (e.g. part-time work).
- (4) The Academy promotes preventive health measures for all age groups.

## VIII. Discrimination on the grounds of disability and chronic illness

§ 36 The Academy recognizes the right of persons with disabilities, impairments or chronic physical or mental illnesses to participate on an equal footing in all teaching, research, study and administrative activities and shall ensure:

- (1) the appointment of a qualified contact person in the relevant Vice-Rectorate;
- (2) the creation and evaluation of accessible entrance, application, work and study conditions within the framework of existing laws and standards;
- (3) the improvement of career opportunities;
- (4) the implementation of structural measures to open up the Academy to students with disabilities, e.g. the establishment of low-threshold information formats;
- (5) the stimulation of discourse on the normativity of non-disability (ableism) in research and teaching.

### § 37 Disability Representatives

The Disability Representatives (*Behindertenvertrauenspersonen*) for general and artistic-scientific staff, elected by the employees with disabilities working at the academy, represent the economic, social and health interests of employees and applicants with disabilities or chronic illnesses in relation to the workplace (and working conditions) and are available as contact persons for advice. They are assigned to the works council.

### § 38 Contact Person for Accessible Studies for students and prospective students

The Contact Person for Accessible Studies (*Behindertenbeauftragte\_r*) appointed by the Rectorate is responsible for supporting, advising and assisting students with disabilities, impairments or chronic illnesses. The disability officer is assigned to the Vice-Rectorate for Teaching. The Rectorate provides the necessary resources (space, personnel and material expenses) for the Disability Officer to perform their duties.

Their duties are:

- (1) Providing advice and information on everyday student life, the application process and all questions relating to disability and chronic illness during studies;
- (2) Developing and expanding the range of advisory services for affected students;
- (3) Exchanging information and networking with colleagues from other Austrian universities, teacher training colleges and universities of applied sciences.

### § 39 Joint tasks of Disability Representatives and Contact Person for Accessible Studies

- (1) Communicating the services offered and implementing measures to raise awareness and promote understanding of issues relating to people with disabilities or chronic illnesses at universities and colleges in all areas and organizational units;

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- (2) Providing advice on issues relating to barrier-free accessibility and the equipment of buildings and infrastructure, e.g. when planning new buildings and renovations;
- (3) Active participation and involvement in the permanent working group 'Accessible Working and Studying' established at the Academy (§ 40).

## § 40 Working group 'Accessible Working and Studying'

The working group on Accessible Working and Studying is established at the Academy for the purpose of networking and pooling concerns, experiences, skills and ideas. The working group consists of two representatives of the Disability Representatives, the Contact Person for Accessible Studies, two representatives of the AfG, two representatives of the ÖH, one representative each from the BfÖ, GTB and ZID, and one person responsible for personnel development. Other interested Academy members may attend the meetings. The working group meets at least once per semester. The tasks of the working group are to discuss and prepare:

- (1) proposals for infrastructure purchases and facilities (e.g. accessible media production stations, tactile guidance systems, inductive hearing systems, regeneration rooms, etc.);
- (2) guidelines for the accessible design of events;
- (3) recommendations for the preparation of accessible teaching materials and e-accessibility;
- (4) recommendations for internal training as well as awareness-raising and reflective measures in the area of participation;
- (5) an annual [accessibility report](#) (*Barrierefreiheitsbericht*), which is published on the Academy's website. The necessary information for this must be provided by departments and institutes upon request.

## § 41 Inclusive personnel and admission procedures

The Academy commits to making personnel and admission procedures inclusive and accessible and offers appropriate support services for this purpose:

- (1) Job applicants have the opportunity to contact the Human Resources Department and/or the disability representatives in advance of job interviews.
- (2) Applicants for study programs have the opportunity to consult the Contact Person for Accessible Studies in advance of admission procedures or examinations.
- (3) The Academy's website and general communications refer to [accessibility services and the relevant contact persons](#).

## § 42 Personnel policy and development

The Academy commits to meeting the statutory quota for the admission of persons with disabilities and to promote employees with disabilities or chronic illnesses. To this end, it implements the following measures:

- (1) All job advertisements are published on relevant job boards and websites and in publications by disability organizations or interest groups.

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- (2) Participation in support programs (e.g. PromoLi), creation of dedicated positions, opportunities for speculative applications and active recruiting;
- (3) Evaluation of vacant positions with regard to accessible and inclusive working conditions (e.g. flexible working hours, opportunities for workplace adaptation and working from home, etc.) and publication of positions that meet these conditions on relevant job portals;
- (4) All further training opportunities for employees must be designed in such a way that people with disabilities or chronic illnesses can participate without restriction.
- (5) Additional costs for accessible business trips must be taken into account in the travel expense budgets. According to the Rectorate's mobility guidelines (Mobilitätsrichtlinie), (potentially restrictive) regulations on business trips for persons with disabilities are not to be applied in order to take their individual needs into account.

## — § 43 Alternative examination modalities for students

- (1) There is a legal right to an alternative examination procedure.
- (2) Students and applicants with chronic physical or mental impairments or with sensory or learning impairments have the opportunity to consult with the Contact Person for Accessible Studies about necessary support services and alternative examination modalities. The type of support and alternative examination modalities depend on the impact of the disability or illness on the subject or course content, the courses or admission procedures, and serve as reasonable accommodation to offset disadvantages.
- (3) The alternative examination method shall be determined in consultation with the person concerned, the respective course instructor or admission committee, and the Contact Person for Accessible Studies.

## § 44 Design of accessible teaching

- (1) Teachers shall make course content and materials available as early as possible on accessible learning platforms in an accessible form (e.g. documentation as accessible PDF files).
- (2) The Academy supports lecturers in designing courses and examinations to be accessible and inclusive. The guide to accessible teaching (Leitfaden barrierefreie Lehre) offers assistance in creating accessible documents and designing accessible teaching. In particular, advice is offered by the Contact Person for Accessible Studies .
- (3) The Rectorate provides funds for the establishment of an equipment pool. The relevant equipment is defined in the Accessible Events Guide and purchased in accordance with financial and technical feasibility (e.g. induction devices, recording devices, media production instruments).
- (4) The Academy regularly offers continuing education courses on the topic of accessibility and inclusion in teaching.

## § 45 Public events

- (1) At public events, appropriate measures shall be taken to ensure unrestricted access for people with disabilities or chronic illnesses. The guidelines for accessible event design must be complied with.

(2) Financial resources for measures to make events as accessible as possible are provided by the Rectorate.

#### § 46 Structural and infrastructural measures

- (1) In all structural measures and infrastructural changes, special consideration is given to persons with disabilities or chronic illnesses.
- (2) Measures shall be taken to remove (infra)structural barriers in academic premises and to expand a supportive infrastructure for people with disabilities or chronic illnesses.

#### § 47 Information policy

- (1) In order to make information on the website accessible, it shall be continuously checked, adapted and expanded for accessibility. The currently valid WCAG criteria must be met.
- (2) The website and every event announcement must provide comprehensive information about step-free access to academy premises as well as guiding systems, ramp gradients, automatic door opening, lifts, accessible sanitary facilities and EuroKey locations.
- (3) The website and every event announcement must provide information about the available equipment pool to support the accessible design of (teaching) events.

#### § 48 Harassment in connection with disability or chronic illness

Harassment on the grounds of disability or chronic (physical or mental) illness will be sanctioned in accordance with the relevant legal provisions. Such behavior constitutes a breach of duty in any case.

### IX. Class and classism

#### § 49 Advancement of equal opportunities among staff

- (1) The Academy develops measures to increase the proportion of employees from marginalized social and economic backgrounds in all areas and at all hierarchical levels.
- (2) In order to promote equal opportunities and enable professional development, Academy employees have the right to appropriate training and further education measures, especially if they come from underprivileged socio-economic backgrounds.
- (3) The Academy is committed to reducing employment relationships that lead to precarious working conditions.
- (4) The Academy strives to reduce the commissioning of external companies for services such as building cleaning and porter services as far as possible and to replace them with employment relationships with the Academy.

#### § 50 Advancement of equal opportunities for students

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- (1) The Academy develops and supports measures to increase the proportion of students from marginalized social and economic backgrounds (e.g. cooperation with educational institutions, associations and art institutions).
- (2) The Academy provides sufficient funds to offer target group-specific counselling services in selected schools and educational institutions.<sup>5</sup>
- (3) Advisory and information services for prospective students consciously take into account the needs of individuals from marginalized social and economic backgrounds.<sup>6</sup>
- (4) In order to support the academic success of students from marginalized social and economic backgrounds, a dedicated service has been established (e.g. the information platform *Kiosk*). This service provides students, especially at the beginning of their studies, with comprehensive resources and practical advice to help them become familiar with the structures of the academy, the respective institute and the degree program in general, and to gain access to information from which they might otherwise be excluded due to structural disadvantages or potential comprehension difficulties (e.g. related to language or institutional codes).

## § 51 Work-study balance

- (1) In order to help working students to better balance their studies and employment, relevant academic dates are announced in advance. This particularly applies to the electronic course catalogue. (cf. § 76 UG).
- (2) The Academy offers numerous scholarships to promote study activities and support students from marginalized social and economic backgrounds.

## § 52 Classist discrimination and harassment

Indirect or direct classist hostility and harassment must be prevented and sanctioned in accordance with University employment law and labor law.

## X. Compatibility of studies or career with care responsibilities

### § 53 Equal treatment of different family models

- (1) All parenting individuals are treated equally, regardless of their gender identity and sexual orientation, when it comes to granting leave of absence or parental leave in the context of family care and support responsibilities.
- (2) The Academy is committed to granting prospective foster parents protection against dismissal from the time the foster care approval is granted until the placement of the foster child, or for a maximum of one year from the date of approval. The end date of a fixed-term employment contract shall be postponed from the date the foster care approval is granted until the start of the foster child's placement, for a maximum of one year.

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<sup>5</sup> See the coordination office for *Akademie geht in die Schule* (Academy Goes to School): [https://www.akbild.ac.at/en/studies/academy-goes-to-school?set\\_language=en](https://www.akbild.ac.at/en/studies/academy-goes-to-school?set_language=en)

<sup>6</sup> See the study information platform *Kiosk*: <https://kiosk.akbild.ac.at/en?q=/>

## § 54 Working hours

(1) The Academy supports flexible working hours (time off in lieu, flexitime, mobile working (Mobiles Arbeiten)). Particular consideration shall be given to the needs of single parents with care or caregiving responsibilities. Opportunities for flexible working hours shall be discussed in all development and employee appraisals. Research work, development and advancement of the arts, and family commitments shall be taken into account when determining working hours, in particular when determining lecture, examination and meeting times.

(2) When planning appointments within departments and institutes, care must be taken to ensure that these are compatible with the care responsibilities of employees.

(3) Employees must be provided with information about the legal and (collective) contractual options for reducing weekly working hours (part-time employment) and for arranging flexible working hours or taking care leave, special leave and parental leave for family reasons.

(4) Academy members shall not be disadvantaged in their career development due to a reduction in weekly working hours, part-time employment, parental leave and special leave to fulfil family obligations, or pregnancy.

## § 55 Special leave and parental leave

The following principles apply to all employees when taking special leave and parental leave for family reasons and for care leave:

(1) The utilization of part-time employment and parental leave options to fulfil family responsibilities must not lead to direct or indirect discrimination against employees in connection with their employment or training relationship.

(2) Parental leave replacements must be arranged as early as possible. An appropriate overlap period must be planned for the handover and training of the care leave replacement. The Rectorate is responsible for covering the costs of the (parental leave) replacement during the period of maternity protection as well as during parental leave and part-time employment due to parenthood.

## § 56 Care leave for employees

(1) The Academy grants employees the option of taking leave to provide necessary care and/or support for close relatives (§ 76 BDG – Beamtenstetengesetz [Law of Public Officials], § 29f VBG – Vertragsbedienstetengesetz [Contract Public Officials Law], §§ 16 to 18 Urlaubsgesetz [Holiday Leave Act]).

(2) Paid care leave may be taken for necessary care or support (e.g. shopping, accompanying relatives to doctors' appointments, etc.) or for urgent administrative matters relating to close relatives. A person is considered to be in need of care if, due to the nature and severity of their illness or age, they cannot be left to their own devices, i.e. they require assistance or medical care.

(3) Close relatives are biological children, adopted children and foster children, children of spouses, registered partners or cohabiting partners living in the same household, grandchildren and great-grandchildren, spouses, registered partners and cohabiting partners, parents (including adoptive and foster parents), grandparents and great-grandparents.

§ 57 Balancing studies with family caregiving or care responsibilities

The Academy implements the following measures to enable students to combine studies and graduation with pregnancy, parenthood, and the care for dependent relatives:

- (1) If students can prove that they are unable to take exams due to caregiving or care responsibilities, they are entitled to arrange an alternative exam date with the teacher.
- (2) When scheduling study-related appointments, students' caregiving responsibilities must be taken into account.

§ 58 Childcare

- (1) The Academy supports the existing childcare facilities for children of Academy members with appropriate resources.
- (2) The Academy is committed to developing suitable childcare services for larger events.
- (3) The Academy shall set up social areas (e.g. for eating, breastfeeding, nappy changing, resting, etc.) at all locations within the limits of its budget and space.

## Section C Facilities for equal treatment and the advancement of women

### I. Working Group on Equal Opportunities (*Arbeitskreis für Gleichbehandlungsfragen*, AfG)

§ 59 Composition, term of office and tasks of the AfG

(1) The AfG at the Academy has 12 members and the same number of deputy members. The composition of the AfG is as follows:

- a) artistic and academic staff: 6 members and 6 deputy members,
- b) general university staff: 3 members and 3 deputy members,
- c) students: 2 members and 2 deputy members
- d) one additional member and one deputy member from one of the aforementioned groups.
- e) In the area of artistic-scientific staff, at least one person must be represented from each of the following groups: university professors, university lecturers, and artistic-scientific staff in research, art and teaching.

(2) The university members represented in the Senate shall delegate members to the AfG on the recommendation of the AfG, whereby these recommendations are not binding. When selecting AfG members, their experience or willingness to engage in equal treatment issues as well as in (queer) feminist and anti-discrimination matters shall be taken into account.

(3) The term of office of the AfG is three years and begins on October 1. Simultaneous membership of the Senate and the AfG is not permitted (cf. § 42 para 2 UG).

(4) The members and deputy members of the AfG are not bound by any instructions or directives in the exercise of their functions. They may not be hindered in the exercise of their duties, nor disadvantaged in their professional advancement on account of this activity.

(5) The fulfilment of duties as a member or deputy member of the AfG shall be counted towards working or service time.

(6) Information made available to the AfG is to be treated as confidential. The members and deputy members of the AfG are bound to secrecy.

(7) The Rectorate shall provide administrative support for the AfG and the necessary resources (staff, space and material expenses as well as its own budget).

(8) After serving as chair or deputy chair, compensation shall be granted in accordance with the guideline Special provisions for chairs/deputy chairs of the Working Group on Equal Opportunities (Sonderbestimmungen für Vorsitzende/Stellvertretende Vorsitzende des Arbeitskreises für Gleichbehandlungsfragen).

(9) Members and deputy members of the AfG shall be given the opportunity to participate in relevant training courses and information events.

(10) If an AfG member's engagement requires traveling, this shall be reimbursed as a business trip in accordance with the regulations for the settlement of travel expenses.

### II. Procedural regulations

§ 60 Job advertisements

(1) Vacancy announcements shall be written in accordance with the Academy's guidelines on gender-neutral wording and gender-sensitive communication (Leitfaden geschlechtergerechtes Formulieren und geschlechtersensible Kommunikation) and shall not be discriminatory on the basis of gender, sexual orientation, ethnicity, religion or belief, or age.

(2) Vacancy announcements must be written in such a way that they serve as the basis for decision-making in the admission procedure. They must contain all admission requirements and a comprehensive description of the areas of responsibility.

(3) Advertisements that are too general to provide an objective basis for decision-making are not legitimate. The same applies to over-specified advertisements if there is reasonable suspicion that the potential pool of applicants is to be restricted in favor or to the detriment of a particular person.

(4) All announcements must contain the following wording:

- a) A basic understanding of discrimination and a willingness to undergo further training in this area are prerequisites for employment.
- b) The Academy is committed to an equal opportunity learning, teaching, research and working environment and works to break down discrimination and structural barriers. The Academy therefore explicitly welcomes applications from qualified individuals who are structurally disadvantaged on the basis of their gender, sexual orientation, ethnicity, religion or belief, or age. Particular consideration shall be given to individuals who are subject to multiple forms of discrimination (intersectional approach).
- c) The Academy strives to increase the proportion of women and strongly encourages applications from qualified women. [If equally qualified, women will be given priority until a 50% quota has been reached in the respective personnel category].<sup>7</sup>
- d) Furthermore, the Academy endeavors to create application and working conditions that are as accessible as possible. In this context, the Academy actively supports applications from people with disabilities. Applicants can contact the Human Resources and Legal Department or the Academy's Disability Representatives prior to application.
- e) Reference to a public hearing, if one is planned.

(5) All vacancy announcements for positions and functions must be brought to the attention of the AfG immediately prior to publication. The AfG has the right to comment on the announcement within two weeks of delivery (cf. § 42 para 6 cif 1 UG).

#### — § 61 Publication of advertisements

(1) In accordance with the UG, vacant positions shall be advertised publicly by the Rectorate and announced in a suitable form. Positions for artistic and scientific staff shall be advertised internationally, at least throughout the EU, as far as possible. The application period shall be at least 10 days, but at least 3 weeks for employment pursuant to § 94 para 2 cif 1 UG (cf. § 107 UG).

(2) In the case of appointments for which no advertisement is required under the UG, as well as appointments under § 99 UG, the selection procedures shall be transparent and designed in such a way that the selection is based on objective criteria and there is no discrimination on the grounds of gender, sexual orientation, ethnicity, religion or belief, or age.

(3) In line with the Academy's anti-discrimination institutional policy, measures shall be developed to encourage applications from qualified persons who are structurally disadvantaged on the basis of

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<sup>7</sup> This addition is then mentioned in the job advertisement if less than 50% of the positions are filled by women.

their gender, sexual orientation, ethnicity, religion or belief, or age. Particular consideration shall be given to persons who are subject to multiple forms of discrimination (intersectional approach).

(4) If women are underrepresented in accordance with § 11 para 2 B-GIBG and § 6 of the Plan for the Advancement of Women, the vacancy must be advertised in such a way that potential applicants are specifically addressed. This must be documented.

## § 62 Repetition of the advertisement

If no applications from women qualified in the sense of the advertisement have been received by the application deadline, the AfG must be informed of the measures that have been taken to encourage women's applications. In the case of the AfG's justified request, the advertisement must be repeated. If, in the course of the new advertisement, no applications from women are received, the selection procedure must be pursued.

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## § 63 Application procedure and interviews or hearings

(1) The AfG must be notified of the applications list immediately upon expiration of the application deadline.

(2) The complete application documents must be made available to the AfG.

(3) If interviews or hearings are conducted in the course of the application process for a vacant position, the list of invited applicants must be brought to the attention of the AfG immediately.

(4) After reviewing the application documents, the AfG has the right to nominate additional applicants for interviews if there is reasonable suspicion of discrimination within the meaning of the Plan for the Advancement of Women and Equality Plan.

(5) The AfG must be invited to interviews in writing at least 6 working days in advance.

(6) The invitation to the interviews, the personnel selection decision or the appointment proposal must be communicated to the AfG immediately by email.

(7) A comprehensible selection justification must be written for each personnel decision. The AfG has the right to ask questions about this written justification. If no member of the AfG is able to attend the interviews, or if interviews are not held, the advertising organizational unit shall additionally write a short report for the AfG. This report shall include, in particular:

- a) which applicants were shortlisted for the position;
- b) how the qualifications of the respective applicants are assessed with regard to the individual admission requirements, taking into account all the requirements specified in the advertisement;
- c) how the selection decision for the selected applicant is justified;
- d) (if applicable) the reasons why interviews were not conducted.

(8) For professorships pursuant to § 99 UG that are appointed for more than three semesters, a public hearing must be held. The AfG must be invited in writing to the meeting at which the appointment proposal is made at least six working days in advance.

## § 64 Professorships in accordance with § 98 UG

In the case of appointment procedures in accordance with § 98 UG, the section of the statutes entitled Appointment Procedures for University Professors in accordance with § 98 UG 2002 (Berufungsverfahren für Universitätsprofessor innen gemäß § 98 UG 2002) must be observed.

## § 65 Extensions of fixed-term contracts for university professors

The Rectorate's guidelines on the extension of fixed-term contracts for university professors (Verlängerung von befristeten Vertragsverhältnissen von Universitätsprofessor innen) must be observed for the completion of these procedures. The AfG must be involved as follows:

- (1) The AfG must be informed of applications for permanent contracts from university professors in accordance with § 98 UG by the Rectorate.
- (2) For this purpose, the AfG shall provide information on whether any complaints have been lodged with the AfG. Complainants shall not be named. If complaints have been lodged, a statement shall be obtained from the applicant.
- (3) The AfG has the right to inspect the reports of the external experts appointed, as well as those of the Senate, the ÖH and the institute's chairs.

## § 66 Personnel selection decisions

- (1) The selection decision must be based on the requirements for the future job responsibilities. Admission criteria not mentioned in the vacancy announcement may not be taken into account.
- (2) The applicants invited for interview shall be assessed on the basis of their qualifications in accordance with the criteria specified in the announcement. In assessing suitability, discriminatory attributions based on gender, sexual orientation, ethnic origin or age, as well as religion or belief, are not permitted.
- (3) If women are underrepresented in accordance with § 11 para 2 B-GIBG and § 6 of the Plan for the Advancement of Women and no women have been proposed for the position, the selecting body must explain the reasons for not considering each invited female applicant in detail and with reference to the criteria in the vacancy announcement.
- (4) Career delays due to childcare or caring for relatives in need of care must be taken into account in the selection process so as not to disadvantage applicants.
- (5) Non-university research practice comparable to university research experience and qualifications acquired in the course of such practice must be given appropriate consideration.
- (6) If the AfG has reason to believe that applicants with disabilities and/or chronic illnesses have been discriminated against in a personnel decision or have not been selected despite having the same qualifications, the responsible Disability Representative must be notified. The representative will inform the applicants of their rights under the Federal Disability Equality Act (BGStG) and the Federal Law on Employment of People with Disabilities (BEinstG).
- (7) If there is suspicion that applicants who exhibit legally defined characteristics of discrimination were not selected despite having the same qualifications, the AfG has the right to request additional justification for their non-selection.
- (8) If the AfG lodges a complaint with the Arbitration Commission (pursuant to § 42 para 8 UG) on the basis of a justified suspicion of (multiple) discrimination in a personnel decision within the statutory

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period, the AfG must immediately inform the Rectorate, the organizational unit concerned and the Human Resources Department. The AfG must be notified immediately of any revision of the personnel decision.

## § 67 Collegial bodies

- (1) Collegial bodies must comply with gender equality requirements in accordance with § 20a UG (see also § 11 Advancement of Women Plan).
- (2) The AfG has the right to participate in meetings of collegial bodies (appointment, habilitation and curriculum committees) with up to two members in an advisory capacity and must be invited at least six working days in advance.
- (3) If the invitation is not issued or if the AfG members are unable to attend the meeting due to its late arrival, the collegial body must hold a new meeting with the proper involvement of the AfG members and repeat the deliberations and decision-making process.
- (4) The representatives of the AfG have the right to submit motions during meetings, to have dissenting opinions recorded in the minutes and to have certain contributions to the discussion included in the minutes.
- (5) All minutes must be forwarded to the AfG in due time. The AfG has the right to comment on the minutes or to have them corrected.
- (6) The AfG has the right to access all documents, in particular application materials, expert reports and minutes.
- (7) If expert reports on the suitability of applicants or academy members are obtained (e.g. by appointment or habilitation committees), the AfG has the right to comment on them.

## III. Advancement of Women | Gender Studies | Diversity

### § 68 Coordination Office for the Advancement of Women | Gender Studies | Diversity

At the Academy, the Coordination Office for the Advancement of Women | Gender Studies | Diversity (FGD) performs the functions of the organizational unit responsible for coordinating the tasks of equality, the promotion of women and gender studies in accordance with § 19 para 2 UG. The responsibilities of the FGD Coordination Office include providing information, advice and support in the area of gender mainstreaming, contributing to gender-sensitive personnel and structural development, developing measures to promote women, coordinating research and teaching activities within the framework of interdisciplinary women's and gender studies, and establishing inter-university and internal networks. The FGD Coordination Office shall be provided with the necessary human and material resources.

### § 69 Gender Monitoring

- (1) The gender distribution shall be surveyed by the FGD Coordination Office every two years and published in the form of a gender monitoring report (*Gender Monitoring Bericht*) in the bulletin.
- (2) The report serves as a monitoring tool for the objectives regarding the Plan for the Advancement of Women and as a basis for reviewing the effectiveness of the measures and, if necessary, adjusting

them. Every two years, a strategy meeting is held between the Rectorate, the FGD Coordination Office and the AfG, at which the report is presented in summary form.

(3) The report on gender distribution contains:

- a) the legally prescribed quota of women, both in terms of persons and full-time equivalents, for the university as a whole and for the individual organizational units, separately for the groups of persons specified in § 94 UG according to all existing personnel categories/employment groups, with the exception of § 94 para 1 cif 7 UG. If fewer than 5 persons belong to the respective categories, they shall not be taken into account for data protection reasons;
- b) the gender pay gap of general and artistic-scientific staff as recorded in the intellectual capital report;
- c) the proportion of first-year students and graduates in the individual fields of study;
- d) the legally mandated female quota and the gender-related quotas for new hires as of January 1, separately for the personnel groups specified in § 94 para 1 cif 2 and 4-6 UG, by remuneration group, functions, as well as the allocation of funds for artistic and scientific projects to employees and the awarding of scholarships and honors to students by the Academy;
- e) a section on the visibility of trans, inter\* and non-binary persons among academy members who are not included in the statistics for data protection reasons;
- f) a survey and evaluation of the difference between the gender as entered in the Central Register of Civil Status and the lived gender identity among Academy members.

## Explanatory notes on Section 3 of the Statutes: Plan for the Advancement of Women and Equality Plan

*ableist, ableism* – derived from the English word ‘ability’. Ableism refers to discrimination against people who are considered ‘disabled’. Ableism also questions how exclusion based on physical and mental abilities comes about.

*able-bodiedness* – bodies that are perceived by society as bodies without disabilities.

*able-mindedness* – mental states that are perceived by society as ‘healthy’.

*anti-Semitism* – is changeable and, even if often racist in nature, is not identical with racist discrimination. Anti-Semitism is based on the world-explaining idea of the superiority of Jewish people and, in all its historically developed forms, aims at the elimination of Jewish people. Anti-Semitism is a certain perception of Jewish people that can express itself as hatred. In the process, anti-Jewish language patterns and anti-Semitic codes are reproduced and anti-Semitic Nazi vocabulary is used.

*harassment* – occurs when behavior related to gender, ethnicity, sexual orientation, age, religion or worldview, or disability is used in a way that affects or aims to affect a person's dignity, is unwanted by the person concerned, inappropriate, degrading, insulting or offensive, and creates or aims to create an intimidating, hostile, humiliating or disadvantageous working or studying environment for the person concerned. Physical assaults are generally considered harassment.

Examples of gender-based harassment include:

- verbal comments and gestures based on gender-discriminatory assumptions, e.g. regarding abilities, clothing, appearance or behavior;
- gender-discriminatory comments, jokes and insults;
- the allocation of work tasks based on gender stereotypes;
- writing, distributing and/or displaying gender-discriminatory texts or images with the intention of harassing individuals on the basis of their gender;
- invasive questions about a person's anatomy or medical procedures or treatments;
- deliberately questioning or not recognizing a person's gender or gender expression, in particular intrusive questions about a person's (former) appearance, (former) first name or official first name.

Sexualized (sexual) harassment includes, for example:

- unwanted sexualized comments, jokes, anecdotes or illustrations;
- the unwanted display or presentation of pornographic images and content;
- degrading and/or suggestive remarks about a person's appearance, body or (sexual) private life, as well as suggestive insinuations, ‘staring’, whistling;
- derogatory, provocative, sexualized gestures and exhibitionist behavior;
- sexual advances, unwanted physical contact, ‘accidental’ targeted physical touching;
- unwanted invitations and/or gifts;
- requests for physical advances and sexual acts, sexual or sexualized offers or invitations that are linked to promises of advantages or threats of disadvantages in relation to work or study.

Harassment based on sexual orientation includes, for example:

- insults, comments, jokes or remarks relating to a person's sexual orientation;
- invasive questions or comments about a person's sexual orientation;

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- inappropriate comments about a person's appearance or behavior that are associated with sexual orientation.

Examples of racialized harassment include:

- racialized insults, comments or jokes;
- verbal statements and gestures towards individuals or groups based on racialized, essentializing stereotypes, e.g. regarding their abilities, clothing, appearance, body, skin color, behavior, culture, religion and/or origin;
- unwanted touching, e.g. touching someone's hair;
- writing, distributing and/or displaying racialized performances (e.g. blackfacing), images or texts with the intention of harassing people on the basis of their (attributed) ethnicity;
- invasive, repeated comments regarding proficiency in the German or English language;
- invasive, repeated questions about a person's name and/or origin, their residence status and/or length of stay.

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Anti-Semitic harassment includes, for example:

- Holocaust denial and Holocaust relativization;
- the use of anti-Semitic language patterns;
- the use of terms of Hebrew or Yiddish origin in an exclusively negative sense;
- the use of anti-Semitic codes;
- the continued use of anti-Semitic Nazi vocabulary.

Harassment based on religion or belief includes, for example:

- insults, comments or jokes relating to religion or belief;
- verbal statements and gestures towards individuals or groups based on essentializing stereotypes, e.g. concerning clothing, appearance or behavior;
- writing, distributing and/or displaying images or texts with the intention of harassing people on the basis of their religion or worldview.

Classist harassment includes, for example:

- derogatory remarks about a person's level of education or knowledge;
- derogatory comments about a dialect or sociolect or a person's (lack of) proficiency in the language of instruction or work;
- verbal statements, visual representations and gestures based on classist stereotypes, e.g. regarding abilities, clothing, appearance or behavior.

Harassment in connection with a disability or chronic illness includes, for example:

- ableist slurs, insults, comments or jokes;
- degrading remarks in connection with a disability and/or state of health;
- repeated, intrusive questions about a person's physical condition or state of health;
- repeated, invasive and/or degrading questions about the body, physical abilities, sexuality, behavior, diagnoses and (supposed) causes of disabilities and/or chronic illnesses;
- deliberate prevention of the participation of people with disabilities or chronic illnesses.

*cisnormative* – the assumption that all people live according to the gender assigned to them at birth and that this is socially 'normal'.

*decolonial* – refers to an approach or perspective that deals with the examination and overcoming of colonial structures and their effects on societies, cultures and knowledge systems; the term encompasses both the rejection of colonial hierarchies and inequalities and the attempt to promote and focus on alternative, non-Western perspectives and knowledge systems.

*diversity* – social diversity (in terms of origin, gender, class, age, etc.).

*genderqueer* – an umbrella term for people who do not fit into the gender binary norm; however, it can also describe the gender identity of people who identify as both woman and man (simultaneously or alternately) or neither woman nor man<sup>8</sup>.

*gender-sensitive* – taking gender diversity into account.

*border and migration regime* – refers to the legal basis and practices of Austria and the EU with regard to migration; the term critically points out that migrants and refugees are not sufficiently protected (their lives, their rights, their dignity) but are treated like criminals.

— *heteronormative* – the assumption that all people are heterosexual and that this is ‘normal’.

*inter\** – self-designation of people whose gender characteristics deviate from the medical norm of ‘female’ or ‘male’ bodies.

*intersectional, intersectionality* – a perspective that takes into account that different characteristics of discrimination can overlap, e.g. a trans person in a wheelchair.

*classism* – discrimination against people who have little money and little formal education.

*classist* – derogatory towards people with little money and/or little formal education.

*colonialism* – violent appropriation of large parts of the world by European kingdoms and states or European settlers since the 16th century. This was accompanied by the expropriation, murder, oppression, economic exploitation and dehumanization of the local population, e.g. in the form of slavery.

*multiple discrimination* – refers to the experiences of people who experience discrimination (i.e. exclusion or disadvantage) on more than one ground.

*non-binary* – a self-designation used by people who do not identify as either ‘male’ or ‘female’.

*standardization, standardization system* – what is understood as ‘normal’ in society and thereby orders society (e.g. laws, but also ideas such as: ‘people are either male or female’, ‘Austrians are white’, etc.).

*orientalism* – Europe’s racialized view of ‘the (Near and Far) East’, especially Arab countries and Islam as a religion, but also India and other countries/population groups.

*outing* – when a person’s gender and/or desire (sexual orientation) is involuntarily made public by another person or institution.

*postcolonial* – a perspective that takes into account the effects of colonialism that continue to this day.

*queer* – a self-designation used by people who do not fit into conventional social notions of gender and/or desire (sexual orientation) and who question these notions.

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<sup>8</sup> <https://queer-lexikon.net/2017/06/15/genderqueer/>

*queer feminism* – a form of feminism that belongs to the third wave of feminism. Queer feminism opposes both heteronormativity and the binary gender order.

*racializing* – when people with a supposedly ‘different’ origin or ‘culture’ are declared to be fundamentally ‘different’ (in character, behavior, etc.) and are generally devalued.

*racism* – when structurally disadvantaged groups or individuals are generally devalued and marginalized on the basis of actual or perceived physical or cultural characteristics (e.g. skin color, origin, language, religion). In classic racism, inequality and unequal value are asserted on the basis of supposed biological differences. In cultural racism, inequality and unequal value are attempted to be justified by alleged differences between ‘cultures’. Racism is usually divided into individual, institutional and structural racism<sup>9</sup>.

- anti-Muslim racism – the term is used to describe hostility, violence or racializing practices and rhetoric towards Muslims. Defamation of Muslims by means of slander as anti-Semitic, terrorist threats/terrorist sympathizers or opposed to democratic values.
- anti-Palestinian racism – is a form of anti-Arab racism towards Palestinians. Anti-Palestinian racism takes various forms: denial of the Nakba and justification of violence against Palestinians; non-recognition of Palestinians as an indigenous people with a collective identity, belonging and rights; defaming Palestinians by slandering them as anti-Semitic, terrorist threats/terrorist sympathizers or opposed to democratic values.
- anti-Roma racism – see Gadjé racism, gadjé racist.
- Gadjé racism, gadjé racist – term for racism against Romani people, Sinti, Yenish, etc. The word ‘Gadjé’ comes from Romani and refers to non-Roma/Sinti people.
- anti-Asian racism – refers to a form of discrimination, prejudice and hostility towards people who appear to be Asian and people of Asian origin. This form of racism is often downplayed because Asian migrants are portrayed as prime examples of ‘successful integration’.

*sexist* – hostile or derogatory towards people based on their gender or gender identity.

*trans* – Self-designation of people whose gender does not or only partially corresponds to the gender assigned to them at birth.

*low/non-privileged class positions* – social positions in which there is little financial support and/or no connections to higher class positions.

*attribution* – conscious or unconscious classification of a person into a social group based on certain characteristics.

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<sup>9</sup> <https://glossar.neuemedienmacher.de/glossar/rassismus/>