



# **Procedure for Handling Discrimination, Harassment, Sexual Harassment, and Offenses**

This procedural document has been approved by the Vice-Chancellor and is effective from the same date, 3 October, 2023.

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# 1 Introduction

Equal treatment for everyone is an expression of democracy and equality. Discrimination, harassment, sexual harassment, and offensive treatment are against human rights and are not accepted in any way at the University of Skövde (the University). The purpose of this procedural document is to provide support and guidance in handling situations where someone feels discriminated against, harassed, or offended.

The document is based on national regulations in the Discrimination Act (2008:567), the Work Environment Act (1977:1160), as well as the Swedish Work Environment Authority's regulations on systematic work environment management (AFS 2001:1) and organizational and social work environment (AFS 2015:4). Local regulations are also found in the policy documents for equal conditions and systematic work environment management.

The Discrimination Act uses the terms "discrimination," "harassment," and "sexual harassment," while the Work Environment Act uses the term "offensive treatment." The legislation distinguishes offenses related to discrimination grounds, regulated in the Discrimination Act, and other offenses regulated in the Work Environment Act.

The University must not subject an employee or student to reprisals for reporting or addressing an act related to discrimination, harassment, sexual harassment, or offenses. The prohibition of reprisals is clarified in the Discrimination Act. This procedural document applies to all employees and students at the University. It also applies, in applicable parts, to applicants for education, employment, or internships and individuals doing internships or working as hired labor.

## 2 Discrimination, Harassment, Sexual Harassment, and Offenses

**Discrimination** involves disadvantage related to one of the discrimination grounds: gender, gender identity or expression, ethnic origin, religion or other belief, sexual orientation, disability, or age. The discrimination grounds are described in more detail in the Guidelines for Equal Conditions.

**Harassment** is behaviour that violates a person's dignity and can be linked to the discrimination grounds. The actions or treatment should result in harm or discomfort and thus violate a person's dignity. Trivial differences in treatment should not be considered as harm and thus harassment. It should involve noticeable and clear violations.

To be classified as discrimination in the sense of the Discrimination Act, it must be possible to establish that harassment is directed at a specific person because the person, for example, has a disability, a certain gender, or a specific sexual orientation, etc.

**Sexual harassment** is behaviour of a sexual nature that violates someone's dignity. In addition to comments and words, it may involve, for example, touching or giving suggestive looks. It can also involve unwelcome compliments, invitations, or insinuations.

**Offensive treatment** refers to actions directed at one or more employees in an offensive manner that can lead to ill health or exclusion from the workplace community (Swedish Work Environment Authority's regulations on organizational and social work environment, AFS 2015:4).

According to the Work Environment Act, students are equated with employees in this regard. Often, several underlying factors enable offensive treatment to take hold in a workplace. This may include organizational deficiencies, weak leadership, constant changes, stress, or unresolved conflicts. Both managers and employees in a workgroup can discriminate against an individual or themselves be subjected to discrimination. Sometimes offensive treatment can also be caused by the actions of individual employees.

Offensive treatment does not necessarily have to be related to the discrimination grounds. It is the victim who determines whether the behaviour or action is perceived as unwanted and causes discomfort. At the same time, the harasser or offender must become aware that their behaviour is perceived in this way.

This means that the person being harassed or offended needs to clarify that the behaviour is unwanted. However, harassment or offenses can sometimes be obvious, and in such cases, no specific comments from the person feeling victimized are needed. Temporary disagreements, conflicts, and issues in general collaboration relationships can be seen as normal occurrences. These can be resolved through dialogues, listening, acceptance and through respect for other individuals' rights to their own opinion.

### **3 Responsibility for Matters Related to Discrimination, Harassment, Sexual Harassment, and Offenses**

The Vice-Chancellor has the overall responsibility for the University's operations and, together with the rest of the university management, is to actively and purposefully work towards equal opportunities and to prevent and counteract discrimination, harassment, sexual

harassment, and offenses. The Vice-Chancellor <sup>1</sup> has delegated the direct responsibility for this work to subordinate managers. The Heads of Schools<sup>2</sup> and the University Director<sup>3</sup>, in turn, have further delegated the responsibility to Heads of Divisions and Office Directors. The responsibility for issues related to discrimination, harassment, sexual harassment, and offenses is considered part of the occupational health and safety responsibility that is included in the managerial role. Managers are to strive for the integration of these issues into regular operations. They are also responsible for investigations, actions, and preventive work related to discrimination, harassment, sexual harassment, and offenses (see section 4). Heads of Divisions at the schools have, in addition to the responsibility for employees, also the responsibility for students within the courses and programs provided by the department. **The functions of HR Specialist and Coordinator for Equal Conditions for Students** provide various forms of support in cases related to discrimination, harassment, sexual harassment, and offenses. The HR Specialist offers support and advice in cases involving employees, while the Coordinator offers support and advice in cases involving students. These functions provide support to both the affected party and responsible managers concerning investigations, actions, and preventive work.

Additionally, all **employees** and **students** at the University have a responsibility to contribute to creating a good working and studying environment where equal conditions prevail.

## 4 Investigation of Cases

### 4.1 Obligation to Investigate

If the University becomes aware that an employee or student believes they have been subjected to discrimination, harassment, sexual harassment, or offenses, the circumstances surrounding this should be investigated, and preventive measures should be taken. This applies even in cases where suspicion is solely based on rumours, anonymous oral or written claims, or other circumstances. The obligation to investigate is regulated by antidiscrimination laws and the regulations of the Swedish Work Environment Authority.

It is the responsibility of the University to, as far as possible, observe the discretion required out of consideration for the wishes of the

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<sup>1</sup> The Vice Chancellor has responsibility for directly subordinated managers

<sup>2</sup> The Heads of Schools have responsibility for their directly subordinated managers and any administrative staff who not belong to any division.

<sup>3</sup> The University Director is responsible for the directly subordinated managers, the Office Directors within support service

affected student or employee regarding the ongoing investigation of the case.

The objective is to stop the unwelcome behaviour as soon as possible.

## **4.2 Responsibility for the Investigation**

### *Students*

In cases where the affected individual is a student, the responsibility normally lies with the manager responsible for the course or program, i.e., the relevant Head of Division. If the information about unwelcome behaviour concerns the immediate manager/the manager responsible for the course or program, the case is referred to the superior of the manager in question. If necessary, the support function assists the manager in various ways, such as through investigative support and identification of appropriate measures to stop the unwelcome behaviour. Legal consultation is sought if needed.

### *Employees*

The responsibility for the investigation normally lies with the manager who is the closest supervisor of the affected employee. If necessary, the HR specialist assists the manager in various ways, such as with risk assessment, investigative support, and identification of appropriate measures to stop the unwelcome behaviour. Legal consultation is sought if needed.

### *Employees in Managerial Positions*

The responsibility for the investigation normally lies with the manager who is the closest supervisor of the affected employee. In cases involving one or more employees in managerial positions, a lawyer is engaged to assist in handling and investigating the case.

## **4.3 Commencement of Investigation**

### *Contact with Manager or Support Functions*

An employee or student who believes they have been subjected to discrimination, harassment, sexual harassment, or mistreatment can contact their immediate supervisor or the Head of Division where the course or program is provided. Contact can also be made with a support function (HR specialist or coordinator), who in turn contacts the manager responsible. The manager can then, in consultation with the support function, initiate an investigation. Colleagues and classmates can also contact these functions for advice regarding observations of another person who has been subjected. However, only the affected individual can determine whether they consider themselves subjected to unwelcome behaviour or not. Measures, therefore, require direct contact with the person considered to be affected by someone else.

### *Notification via Registrar*

An employee or student who believes they have been subjected to discrimination, harassment, sexual harassment, or mistreatment can also submit a report to the University through the registrar. The report is made in writing. The affected individual can turn to the support functions for information on how to submit a report. If someone other than the complainant assists in formulating the report, it is ultimately the complainant who is responsible for the content.

### *Account of the Incident*

The report should include an account of what has happened and the time or period when the events occurred. If there are specific individuals whom the complainant believes have engaged in harassment, sexual harassment, or offensive treatment, the name of the person or persons identified should be provided. The connection that the identified individuals have to the University should also be specified. Relevant supporting documents should be attached to the report.

### *Information to the Parties Concerned*

As soon as a report is received, the accused party and the accused party's manager are informed, unless this has already taken place. If the affected individual or the accused party is an employee, the HR manager is informed. If the affected individual or the accused party is a student, the Office Director of Academic Affairs and Student Support is informed. Other functions and/or individuals may also be informed if necessary.

## **4.4 Support Persons**

The investigation should typically commence by informing the affected individual and the accused party about the possibility of having a support person, who can be a colleague or a student. The support person's role is to act as a compassionate companion for someone in a vulnerable situation—not as a representative for those involved. Only someone who is not part of the investigation can be appointed as a support person.

An employee who is affected chooses their support person in consultation with the manager responsible for the investigation. If the affected employee wishes, the support person can be a safety representative or a union representative. A student who is affected chooses their support person. If the affected student wishes, they can have a support person appointed by Office Director of Academic Affairs and Student Support.

## 4.5 The Investigation Process

The investigative work should be conducted objectively, impartially, and in a legally secure manner.

Legality requires that the person identified in the investigation is considered innocent as long as the investigation is ongoing. The investigation should be carried out promptly and with great discretion. All details of significance that emerge during the investigation are communicated to those individuals directly involved in the matter, and they should be given an opportunity to express their views.

The investigation is based on voluntary participation from the individuals concerned. The investigation can proceed in two ways, since the Discrimination Act itself does not contain exact requirements outlining how an investigation should be conducted. Regardless of the approach, the investigation should always be factual, objective, and legally sound.

### *Limited Investigation*

Depending on what has occurred and its extent, incidents can be handled within the framework of what is called ongoing operations, i.e., daily work. Managing cases within ongoing operations means that the manager responsible, in consultation with support functions, conducts a limited investigation. For example, individual discussions can be held with the parties involved, after which the manager responsible assesses and takes measures within the framework of the employer's management rights. Such measures could include work-related discussions with employees, reminders of employment obligations, or a joint discussion about the incident with the parties involved.

### *Formal Investigation*

When the combined assessment of an incident indicates that a limited investigation is not sufficient or appropriate, a formal investigation should be initiated. Such an investigation should be considered an administrative matter. However, an investigation into discrimination or offensive treatment does not affect the legal status of the employees involved in such a way that they would be viewed as parties in a legal case as per definitions in the Administrative Procedure Act.<sup>4</sup>

External expertise can be used if needed in the investigation process.

## 4.6 Decision

### *Limited Investigation*

A limited investigation is handled by the manager responsible within the framework of employer's management rights and is not officially terminated. The measures taken by the manager should be documented in a memorandum.

#### *A formal investigation*

A formal investigation concludes with a decision by the relevant manager responsible. If the manager involved is implicated in the investigation, the manager's superior makes the decision. If necessary, the relevant support function may also assist with writing support and documentation of details which have been agreed upon. In the decision, the manager responsible must ascertain whether there has been discrimination, harassment, sexual harassment, or offensive treatment.

The decision should also outline the measures that have been taken or will be taken based on what has emerged during the investigation, excluding labor-related or disciplinary measures. Information about when a planned follow-up on the measures will occur should also be included.

## **4.7 Actions**

The actions that may be considered after an investigation into discrimination or offensive treatment should not be handled within the framework of the investigation. Instead, it is the responsibility of the accountable authority to take the necessary actions based on the findings. In some cases, this may involve initiating a case in the Staff Disciplinary Board or the Government Disciplinary Board for Higher Officials (for employees) or the Student Disciplinary Board (for students). In such cases, the processes applicable to these matters are followed, and the investigation conducted serves as the basis for a new case, e.g., disciplinary violations. In other cases, corrective measures may be taken within the framework of the university's employer management rights, such as corrective discussions or interventions from occupational health services. For students, there is the option to contact student health services when needed. The university can also facilitate this contact. The case may also be concluded without further actions.

#### *Staff Disciplinary Boards*

The Staff Disciplinary Board can decide on disciplinary penalties, warnings, or salary deductions. Furthermore, the Staff Disciplinary Board and the Government Disciplinary Board for Higher Officials can also consider other labor law consequences, such as termination for personal reasons or dismissal.

#### *The Student Disciplinary Board*

The Student Disciplinary Board can decide on warnings or suspensions of up to six months. A student who is suspended may not participate in teaching, examinations, or other activities within the framework of the university's courses and programs. The suspension means that the student loses the right to study allowances for university studies during the suspension period.

#### *Criminal Report*

If, during the investigation, there is suspicion that someone has committed a crime, this matter can be referred to the police authorities and prosecutor for assessment. If an employee is suspected of committing a crime in the course of duty, the authority, in certain cases, is obligated to make a report, as per Section 22 of the Public Employment Act (1994:260). An employee or student who believes they have been the victim of a crime can also personally report this to the police. It is the prosecutor who decides whether charges should be filed, and it is the general court that determines if a crime has been committed.

#### *Appealing Decisions*

An employee or student who is dissatisfied with the university's handling of a matter concerning discrimination or harassment can turn to the Discrimination Ombudsman (DO) or their trade union. The complainant can also request discrimination compensation by bringing a case to court if they believe that the university has not fulfilled its obligations under the Discrimination Act.

## **4.8 Follow-Up**

After concluding a case, the manager of the relevant department should assess the need for measures to prevent similar incidents from recurring. This may involve training courses for employees, safety inspections concerning organizational and social work environment, or a review of the handling of cases related to discrimination, harassment, sexual harassment, or violations. It is also essential to continuously monitor and ensure that unwelcome behaviour has ceased. The manager of the respective department is responsible for ensuring that follow-ups are conducted.

## **4.9 Public Records and Public Documents**

The documents received or prepared by the University are considered public records. Information in investigations concerning discrimination and offensive treatment is subject to confidentiality provisions, and the university must conduct a confidentiality review before disclosing information from an investigation to external parties. Relevant confidentiality provisions may include, among others, Chapter 21, Section 1 of the Public Access to Information and

Secrecy Act (2009:400) (OSL) for information about health and sexual life, Chapter 23, Section 5(2) OSL for information in student matters, and Chapter 39, Section 1 OSL for information in personnel matters.

The University's decision on information being confidential can be appealed to the Administrative Court of Appeal, meaning that the university cannot guarantee confidentiality for the information even if it assesses that the information is covered by confidentiality.

## **5 Archiving and Disposal**

Investigations are stored in the registry, and archiving and disposal occur in accordance with applicable legislation<sup>4</sup>. When handling matters in the ongoing operations, documentation is stored and managed like other personnel management issues with the manager responsible. At the completion of an assignment, the manager responsible assesses whether a case needs to be handed over to the new manager or whether information needs to be transmitted to this party.

If a case is dealt with in the Staff Disciplinary Board, the Student Disciplinary Board, or the Government Disciplinary Board for Higher Officials, documents are stored and disposed of according to the applicable routines of the respective boards.

## **6 Document Effective Date**

This document is effective from 3 October, 2023, and replaces the "Handling Procedure for Discrimination, Harassment, and Offenses" (registration number HS 2018/193).

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<sup>4</sup> The Archives Act