Guidelines for Dealing with Cases of Harassment under the Discrimination Act

Adopted by the Vice Chancellor 2011-05-31
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Introduction

Uppsala University actively pursues work for equal opportunities and against discrimination. This work is guided by the Discrimination Act and the University’s Programme for Equal Opportunity and the University’s Gender Equality Plan, Diversity Plan, Accessibility Plan, Plan for Equality regarding Sexual Orientation and Gender Identity and/or Gender Expression, and Plan for Equal Treatment of Students.

This document constitutes guidelines for how the University deals with harassment and sexual harassment of an employee and/or a student at the University. The point of departure is the requirement in the Discrimination Act that harassment cases must be investigated and that measures must be taken.


The Discrimination Act took force on 1 January 2009. The purpose of the Act is to promote equal rights and opportunities and to combat discrimination related to sex, ethnicity, religion or other belief, sexual orientation, disability, transgender identity or expression, and age. The Act comprehends in principle all social spheres, including working life and educational activities.

Obligation to investigate and take measures

The Vice Chancellor has the ultimate responsibility for ensuring that the University complies with the Discrimination Act. Each manager and foreman at the University is obligated to see to it that any cases of harassment or sexual harassment are investigated and that measures are taken. All employees and students at Uppsala University are obligated to maintain a work environment free of all kinds of discrimination.

In the Act harassment means conduct that violates a person’s dignity and that is related to any of the grounds of discrimination: sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation, or age.

In the Act sexual harassment means conduct of a sexual nature that violates a person’s dignity.

In the Act employee means any employee or any person applying for or carrying out a traineeship or performing work as temporary or borrowed labour.

In the Act student means a person participating in or applying for an education provider’s activities.

Regulations regarding the obligation to investigate are found in Chapter 2 Section 3 of the Discrimination Act regarding employees and Ch. 2 Sec. 7 regarding students. When an employee in connection with work or a student in connection with her/his education within the University perceives that she/he has been subjected to harassment or sexual harassment, the University is obligated to investigate the matter. The obligation to investigate comprehends harassment relating to any of the grounds of discrimination: sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation, or age.

The following situations are comprehended by the obligation to investigate:

- a student or applicant to a programme is harassed by an employee
- a student is harassed by another student at the University
- a student is harassed by a teacher or another student from another higher-education institution who is participating in the University’s activities
- an employee is harassed by another employee
• an employee is harassed by a student

Under the Discrimination Act, the University is obligated to initiate a preliminary investigation even if no formal complaint has been submitted. If the investigation indicates that harassment or sexual harassment has occurred, the University is obligated to take measures that may reasonably be required to prevent harassment in future. Only in cases in which it is certain that no harassment has occurred may the University refrain from further investigative measures.

Failure to investigate or take measures in such cases as those comprehended by the Discrimination Act may lead to damages against the University.

Measures

An employee who perceives that he/she has been subjected to harassment or sexual harassment must first of all turn to her/his immediate superior. A student in the same situation should turn to the head of department/equivalent, some other employee at the department, or one of the student unions. Any employee who learns of the harassment or sexual harassment of a student must immediately inform the head of department/equivalent at the student’s department about the case.

In a situation when an employee perceives that she/he has been subjected to harassment or sexual harassment by her/his immediate superior, then she/he must turn to the superior’s superior. Other measures are described under the Support heading.

A student or employee may choose to report harassment or sexual harassment to the Vice Chancellor.

Any director/head of department/equivalent who receives information about a possible case of harassment or sexual harassment within her/his sphere of responsibility must without delay, and with the support of the Equalities Office at the Human Resources Division, carry out a preliminary investigation of the circumstances. The purpose of this preliminary investigation is, among other things, to explore the possibility of dealing locally with the case at hand. Any case that cannot be dealt with locally can be reported by the subjected party, and, when needed, with the support of the relevant director/head of department/equivalent, to the Vice Chancellor, who will determine whether, an investigation is called for. The director/head of department/equivalent in charge must, if necessary, support the subjected party in her/his reporting of the case to the Vice Chancellor. This referral of the case to the Vice Chancellor must always be done with the approval of the person perceiving that he/she has been subjected to harassment or sexual harassment.

The Legal Affairs Division leads an investigation at the behest of the Vice Chancellor. The investigation is performed in accordance with the procedural regulations for investigating harassment cases. When the investigation is completed, the Vice Chancellor makes a decision about the case.

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1 This situation is not comprehended by the Discrimination Act but rather by the Higher Education Ordinance, Ch. 10 Sec. 1 p. 4. Uppsala University has chosen to investigate and, if necessary, take measures regarding this type of harassment on the strength of the guidelines in this document.
Reporting and registering

There are no formal requirements regarding how a report should be constituted. However, to facilitate investigation it is desirable for a report to contain information about the names of the parties involved, a description of the course of events, and a statement that the person being reported is accused of sexual harassment or harassment because of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation, and/or age. The description should make it clear in what context and in what manner harassment or sexual harassment occurred and what person(s) was involved.

Only when a written report has been received or an oral report has been taken down and approved by the person making the report can the Vice Chancellor decide to investigate the case. Such incoming or recorded documents are public. The fact that they are public entails that the general public may access them unless there are special grounds for confidentiality that prohibit the information from being disclosed. Public documents must be logged. It is important that these documents should be of a quality commensurate with their purpose.

Anonymous cases

No investigation with possible sanctions for the individual accused of harassment or sexual harassment may be initiated if the employee or student who perceives that he/she has been subjected to this harassment wishes to remain anonymous. On the other hand, the University can take general measures of a preventive nature. This may only be done in consultation with the relevant director/head of department/equivalent.

Support

All parties involved in a harassment case can seek support from the following functions, both during initial phases and if the case is under investigation.

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<thead>
<tr>
<th>Employee</th>
<th>Student</th>
<th>Employer</th>
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<tbody>
<tr>
<td>• Union representative</td>
<td>• Student unions</td>
<td>• Human Resources Division</td>
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<tr>
<td>• Safety representative</td>
<td>• Student Health Service</td>
<td>• Legal Affairs Division</td>
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<tr>
<td>• Occupational Health Service</td>
<td>• Equality Officer at Uppsala Student Union</td>
<td>• Student Affairs and Academic Registry Division</td>
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<tr>
<td>• Human Resources Division</td>
<td>• Human Resources Division</td>
<td>• Occupational Health Service</td>
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Decision to take measures

Following a final presentation of the case, the Vice Chancellor decides about possible measures to be taken in the case. If the investigation does not indicate grounds for measures targeting any individual, the investigation may warrant general measures to address the problem at the entity involved in the case. Examples of such measures are information about the Discrimination Act, the University’s governing documents, and work to create equal opportunities for employees and students, training in practical work against discrimination, etc.

The Vice Chancellor may decide to:

a) close the case without taking measures against any individual,
b) refer the case to the University’s Disciplinary Board for Personnel or the State Disciplinary Board if it is an employee who has been accused of harassment or sexual harassment,
c) refer the case to the Disciplinary Board for Students if it is a student who has been accused,
d) and/or report the case to the police, regardless of it is an employee or a student who has been accused of harassment or sexual harassment.