



UPPSALA
UNIVERSITET

Plan of Action

for the prevention of gender-based
violation (sexual harassment)

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Defining principles

This plan of action deals with gender-based violation (sexual harassment).¹ It is designed for all employees and students at Uppsala University. Victims of gender-based violation are protected by a number of different laws. Students are protected by the Swedish Equal Treatment of Students at Universities Act (2001:1286), while employees' rights are mainly safeguarded by the Swedish Equal Opportunities Act (1991:433). According to these pieces of legislation, employers and universities are obliged to actively promote equal opportunities and prevent discrimination and gender-based violation. Should it come to the university's attention that gender-based violation occurs within the sphere of its operations, it is obliged to investigate each matter and take steps.

In accordance with Uppsala University's Gender Equality Plan 2004-2006, one of the defining principles in the university's equal opportunities project is to ensure that "no student or employee in her/his activities at the university shall be exposed to harassment, discrimination or other offensive treatment on the grounds of their gender".

In broad terms, the university's plan of action for the prevention of gender-based violations is as follows:

- Uppsala University will not under any circumstances tolerate acts of violation or discrimination.
- Uppsala University places special emphasis on preventative measures against violation and discrimination.
- Uppsala University has a set of central procedural rules for handling matters of violation or discrimination.

Responsibility

The University Board and the Vice Chancellor bear the overall responsibility for ensuring that a goal-based policy for the prevention of gender-based violation is in place. Direct responsibility lies with the chairs of each area and faculty board, the heads of department and every manager or supervisor within the university.

Professional approach

A key prerequisite for keeping a work and study environment free from gender-based violations is a professional approach. This means that all employees and students engaged in activities within the university shall treat each other respectfully and without prejudice, regardless of gender. This applies both to formal circumstances (seminars, faculty/department board

¹The general guidelines dealing with victimisation (including non-gender-based) can be found in the university's Handlingsprogram mot kränkande särbehandling [*Plan of Action for the Prevention of Victimisation*].

meetings, teaching staff meetings, tutorials, lectures, etc.) as well as in informal contacts peripheral to work/studies (coffee breaks, faculty/department social events, etc).

Definition

Section 6 of the Swedish Equal Opportunities Act (1991:433) defines sexual harassment as follows:

“Sexual harassment means such unwanted conduct based on sex or unwanted conduct of a sexual nature, that violates the integrity of the employee at work”.

There is an equivalent definition in Section 4 of the Swedish Equal Treatment of Students at Universities Act (2001:1286):

“In this Act, the term harassment means conduct that violates a student’s or an applicant’s dignity in higher education studies, if the conduct is related to sexual orientation (harassment owing to sexual orientation)...sex or is of a sexual nature (sexual harassment)”.

One common misconception is that sexual harassment only involves sexually-motivated incidents and acts. The term “sexual harassment” comes, in fact, from the English phrase in which the word “sex” refers to gender. The Swedish translation is misleading as this not only concerns acts of a sexual nature, but also other types of gender-related violations. The word “harassment” is also problematic as it falsely implies that the act in question is repeated. That is why Uppsala University has, in this plan of action, opted to use the term “gender-based violation” as a synonym for “sexual harassment”.

Examples of gender-based violations

There are different forms of gender-based violations. Sometimes they are sexually based with direct, physical violations, but can often be more subtle. Victims often feel a sense of guilt and shame and, if the violation has continued over a longer period, the victim’s ability to act is often restricted and his/her self-confidence is eroded.

Gender-based violation includes:

- excluding and ignoring people because of their gender, so that they are ignored both in word and deed.
- ostracising or ridiculing a person because of their gender
- withholding information from people because of their gender
- undermining people’s efforts at work or during studies because of their gender
- demeaning comments or jokes about people’s gender

- unwelcome comments or jokes with sexual innuendo
- unwelcome physical contact
- unwelcome comments about people's appearances and their private lives
- pornographic material in the work/study place
- enquiries for sexual favours in exchange for some form of incentive or under threat of punishment
- acts of vengeance motivated by rejected sexual attentions
- pressure to perform sexual acts

Violation is a way of expressing, exercising and preserving power

Gender-based violation is normally about power and stems from gender roles in our society. Men are expected to behave and act in certain ways, while women are expected to behave and act in other ways. In this standardised differentiation of genders, men constitute the norm and are therefore privileged. This phenomenon is normally referred to as the 'gender-based power structure'² and manifests itself in the social interplay between the sexes.

In many cases, power can be exercised in a subtle and seemingly inconspicuous manner. Privileges are also largely invisible to those who possess them. This applies to gender issues as well as those of class and ethnicity. Gender-based violations are therefore not adequately defined in terms of individual acts but should rather be viewed as a whole process. The examples listed in the programme must therefore be interpreted within their contexts and there must be an understanding that we do not live in a gender-neutral society.

Gender-based violation can be used as a means to preserve power, i.e. when a person in a privileged position suspects that her/his position is under threat. This can take the form of a female employee, for example, whose work is undermined because she refuses to accept the subordinate position allocated to her by the perpetrator.

Privileged groups can exercise and preserve their positions of power by excluding those who do not obey the group's unspoken rules. A specific example could be a man or woman who defies stereotypical gender roles and is denied the power of influence by having information withheld from them.

Because of our preconceptions about the way men and women are supposed to behave, it is often the victims of violations who are apportioned the blame (both by others as well as themselves) for failing to adhere to stereotypical gender behavioural patterns. This blame-apportionment thus constitutes an additional violation.

² Swedish Government Report 2002/03:140

The university, which is a part of society, does not automatically constitute a zone free from gender-based violations. In fact, it helps perpetuate the gender-based power structure unless it actively takes steps to prevent it.

On-going initiatives

Gender-based violation constitutes a serious threat to the health, well-being and job satisfaction of employees and students alike. Gender-based violations can lead to a rise in sick leave, people resigning from their jobs and disrupted studies. Uppsala University therefore pursues a deliberate, on-going programme aimed at preventing violations. Whenever gender-based violations arise, it is essential that there is a preparedness to take adequate steps (see also Measures and penalties). It is also essential that faculties/departments or the equivalent contact employees and students who are on sick leave, have resigned from their jobs or who have discontinued their studies, to find out the cause.

In accordance with Section 6 of the Swedish Equal Opportunities Act, the employer is ultimately responsible for counteracting gender-based violation at the workplace: “The employer shall take measures to prevent and preclude an employee being subjected to sexual harassment or harassment resulting from a complaint about sex discrimination”. Section 4 of the Swedish Equal Treatment of Students at Universities Act prescribes that “A university shall take measures to prevent and preclude students or applicants being subjected to harassment”.

People in supervisory/managerial positions are responsible for ensuring that violations do not occur and that all employees and students treat each other in a professional manner. People in managerial positions shall also actively endeavour to prevent gender-based violation occurring. Furthermore, everyone at a workplace or in a study situation is responsible for helping to create a good work and study environment.

The following measures will be included in the on-going programme of initiatives for which heads of department/equivalent are responsible:

- Annual employee progress meetings to find out, among other things, whether the employees perceive any shortcomings in their psycho-social work environment.
- Annual evaluation of the students’ psycho-social work environment.
- Implementation of gender-conscious teaching methods in all university study programmes. This is closely related to the existence of a good study and work environment which is relevant from the perspective of the gender-based violation problem.
- Regular information to all employees and students about what gender-based violation involves and this Plan of Action.

³ See under Responsibility

- Information about the Plan of Action in connection with exchange visits, study visits abroad, and for trainees/student trainees.
- Names of contact people at each faculty/department/equivalent, to which employees and students should be able to turn if they feel that they have been harassed.
- Be attentive to any discriminating elements in slang, people's approach, the allocation of work duties and resources, etc.
- The promotion of an open discussion climate where employees and students are free to express opinions about their work/study environment.

It is important to be perceptive and to stop behaving in a certain way when someone has taken offence. It is also important to respect people's wishes when they 'say no'. There is a stringent legal requirement on victims of harassment to 'say no' and to object to discriminating behaviour. The main goal, however, must be to develop a pattern of behaviour that is not perceived as being offensive regardless of the legal definition.

New students' first contact with Uppsala as a university town is usually through the activities of the welcoming committees run by students' associations (Nations) and societies at the start of each term. It is important that the university and student life are presented in a responsible manner. The university board and department/faculty heads should therefore continuously consult at all levels with these associations or societies that coordinate welcoming committees. Uppsala University's student union, Farmaceutiska Studentkåren (the Swedish National Association of Pharmaceutical Students) and Kuratorskonventet (United Nations of Uppsala) are all expected to take part in those joint consultations to ensure that new students are welcomed in a convivial manner and without violations occurring.

Preventative action can also be necessitated in matters where gender-based violation stems from an initially mutual loving relationship between two people at the workplace (when one of the parties breaks off the relationship, and the other party responds with harassment). As gender-based violation is a way of expressing and exercising power, it becomes particularly problematic when one party in the relationship is the other's superior, e.g. supervisor or tutor. In this context it is essential to inform students/doctoral students that they have the unconditional right to change their tutor. According to the applicable impartiality rules, teachers cannot assess or grade the work of students with whom they have had a relationship. It is the teacher's responsibility to ensure that the impartiality rules are followed. People in supervisory positions are also obliged to abide by the applicable impartiality rules. Superiors are responsible for ensuring that the applicable rules are followed. If a head of department or other supervisor is having or has had a relationship with a subordinate, matters concerning the subordinate party shall be handled by another superior than the person who is prevented for reasons of impartiality from dealing with the matter.

Measures and penalties

Whenever gender-based violation occurs, measures should be taken on two levels: first investigations into individual matters and second the implementation of measures to improve the work/study environment.

Work/study environment measures are crucial for creating a work environment that is free from gender-based violations. Such measures need to be taken regardless of whether or not the investigation of individual matters results in penalties being imposed. Gender-based violation not only affects those individuals who are directly involved.

Whenever violation occurs, it should be dealt with immediately and with discretion. It is important that the parties concerned are treated with respect. Ultimate responsibility at local level rests with the head of department/equivalent.

When *investigating individual matters*, the university's central procedural rules shall be applied. There is no scope for local interpretations.

“To enhance the quality and consistency of this work, the Vice Chancellor has decided that individual matter of discrimination or harassment shall henceforth be handled by the university at a central level.”⁴

Matters should be formally reported to the Vice Chancellor. The report thereby becomes a public document. A handling officer is appointed by the head of the university board's Administrative Office in joint consultation with the head of the Legal Affairs Department. The Gender Equality Officer's expertise should also be used in matters of gender-based violations. Investigations should be conducted swiftly and observe the greatest possible discretion to protect both parties. Support and help should be made available to both the person(s) making the report and the reported perpetrators. People who have been reported should be informed about which accusations have been levelled against them and be given an opportunity to respond to those accusations. The findings of investigations shall be reported to the Vice Chancellor who will then decide which course of action to take.

If an employee is guilty of discrimination or harassment, the matter can, following the decision of the Vice Chancellor, be referred to the university's internal *Personnel Administration Office* or the Swedish National Disciplinary Offences Board. Penalties include warnings, salary deductions or dismissal.

For students, the disciplinary board or Vice Chancellor decides which penalties should be imposed. Disciplinary measures may be implemented for students who

⁴ Uppsala University's central *Procedural Rules* (UFV 2004/489)

- disrupt or obstruct teaching, exams or other activities within the sphere of the university's operations, or in the university library or in other designated facilities at the university or
- subject other students or employees to sexual harassment

Penalties include warnings or temporary suspension.

As regards measures taken to improve *work and study environments*, the person who is responsible for the work environment at a faculty/department/equivalent shall take the necessary steps to create a work and study environment that is free from gender-based violations. It is essential that follow-up meetings are held with the victims; this is to ensure that the violations do not continue. For employees, the manager is responsible for ensuring that such meetings take place. Heads of department are responsible for ensuring that follow-up meetings are arranged for students.

In accordance with the Swedish Equal Opportunities Act and the Equal Treatment of Students at Universities Act, the university is responsible for – and is obliged to – investigate instances of harassment and discrimination whenever they arise within the sphere of the university's operations. Universities also usually pursue student association (Nations) and society activities, etc. which are also associated with the university. When gender-based violation occurs under such circumstances part of the investigation of each instance must be to ascertain whether or not the situation is such that it can be deemed to have arisen within the sphere of the university's operations.

FAQs – answers to frequent questions about gender-based violations

What should I do when it happens to me?

It is not your fault that you've been harassed. You have a right to react and act whenever you think that you are being harassed. Communicate clearly and plainly to the perpetrator(s) – either orally or in writing – that their behaviour is unacceptable/undesirable and you wish them to stop. If you cannot or do not want to do this yourself, you can either contact the head of department/equivalent or the Gender Equality Officer for assistance. It is a good idea to tell a friend or confidant about how you feel and write down exactly what happened and when. If the harassment does not cease, the next step is to report the perpetrator(s) formally.

What should I do when I see it happen to someone else?

Show respect and a sense of responsibility by offering support to those who are being harassed. Talk to the perpetrator while at the same time making it clear that you are opposed to the kind of inappropriate behaviour to which the perpetrator is subjecting the person in question. Do not be passive. Passivity is a silent form of acceptance. The harassment can then continue and may also affect others. Your behaviour is not only a significant weapon in the fight against harassment; it also affects the entire work/study environment.

Offering support

Talk to those who have been harassed. People in a supervisory role should act immediately when it comes to improving the work environment. Both parties should be allowed to tell their versions about what happened, showing respect for both. State clearly that you are opposed to offensive behaviour.

Contacts:

Studenthälsan (Student Health Centre)

www.student.uu.se/sh

Jämställdhetshandläggaren (Gender Equality Officer)

www.jamst.uadm.uu.se

Juridiska avdelningen (Legal Affairs Office)

juravd@uadm.uu.se

Personalkonsulenter (Personnel Welfare Officer)

www.personalavd.uu.se

Uppsala studentkår (Uppsala Student Union)

www.uppsalastudentkar.nu

Farmaceutiska Studentkåren (the Swedish National Association of Pharmaceutical Students)

www.student.uu.se/farmis

Trade union organisations:

ST-ATF/OFR (the Union of Civil Servants at Universities and Colleges/
the Public Employees' Negotiation Council)

www.fackorg.uu.se/tco

SACO (the Swedish Confederation of Professional Associations)

www.fackorg.uu.se/saco/index.htm

SEKO (the Swedish Union of Service and Communication Employees)

www.fackorg.uu.se/seko/index.htm

Appendix 1. Documents of relevance to the plan of action issued by Uppsala University

1.1. Guidelines, etc.

Handling of alcohol and drug-related problems: the university's programme for handling alcohol and drug-related problems.

About ethnic and other kinds of discrimination. Introduction for the students and employees of Uppsala University

Teaching programme for Uppsala University.

Personnel policy programme for Uppsala University.

Work conditions for students at Uppsala University, Guidelines and comments.

Uppsala University's Gender Equality Plan

Uppsala University's Plan for the Non-discriminatory Treatment of Students

Uppsala University's Plan of Action for the Prevention of Victimisation

Procedural rules. Investigations into individual matters of discrimination and sexual or other forms of harassment

2.2. Reports and studies

- 2004 Bondestam, F. and Carstensen, G. *Från sexuella trakasserier till könskränkande processer. Om kön, utsatthet och normalitetens våld*. Sociologiska institutionen.