

Guidelines for preventing harassment, sexual harassment, retaliation, and victimisation at University West

Decision taken by	Vice Chancellor
Contact	Academic and Management Support
Valid from	24 January 2023
Replaces	2018/175 A 21, 2018/185 A 21, 2018/186 A21

Background

The purpose of having guidelines is to clarify the University's obligation to prevent discrimination and handle cases of harassment, sexual harassment, retaliation, and victimisation in accordance with the demands made by the Discrimination Act (2008:567) and the provisions laid down by the Swedish Work Environment Authority regarding the social and organisational work environment (AFS 2015:4). Guidelines also have the purpose of establishing a framework and legal procedure for dealing with suspected or accused students or employees, including temporary staff and interns. These guidelines replace previous guidelines and routines: 2018/175 A 21, 2018/185 A 21, 2018/186 A21.

1. Introduction

All the activities that take place at University West are grounded in the principle that every human being are equal and that democracy and diversity contribute to everyone's wellbeing, while also ensuring justice for all and sustainable social progress. Equality and the principle that all lives have equal value is self-evident and we know that diversity makes us stronger. University West strives to create a stimulating work and study environment in which all employees and students can thrive, feeling safe and secure. We derive satisfaction from each other's successes and are inclusive and generous with praise, support, and encouragement. University West condemns all forms of discrimination, including harassment, sexual harassment, reprisals and victimisation.

All employees and students are responsible for ensuring a good work and study environment and treating each other with respect. We cannot, however, guarantee that discrimination, harassment, and victimization will never occur. All levels of management are responsible for the work environment and must work on prevention in this area.

2. Responsibility

The University's responsibility for preventing and handling different types of discrimination is regulated by the Discrimination Act. Other forms of abuse, which come under the heading victimization are covered under work environment legislation and its regulatory provisions.

The University must also work on preventing discrimination and abuse by systematically managing the work environment and taking active measures. Taking active measures is a method that maps out risks for discrimination systematically, analyses the identified risks, takes measures, and follows up on them. This is carried out for both employees and students on an annual basis. Responsibility is divided up, based upon the work environment delegation.

If the University in its role as employer or educational institution is made aware of discriminatory behaviour (harassment, including sexual harassment or victimization) targeting a student or employee, the University is obligated to investigate the circumstances and take appropriate measures to prevent such behaviour. Furthermore, in cases that occur, the University is obligated to implement appropriate measures required to prevent harassment, sexual harassment, retaliation, and victimization in the future.

The University can only refrain from implementing further measures linked to the investigation in cases where there is no doubt that any harassment or victimization has taken place.

3. Various forms of discrimination

The Discrimination Act defines various forms of discrimination: direct discrimination, indirect discrimination, harassment, sexual harassment, reprisals, lack of accessibility, and instructions to discriminate.

3.1 Direct discrimination

Direct discrimination involves someone being disadvantaged in that they are not treated as well as someone else or should have been treated in a similar situation. There must be a connection between the disadvantage incurred and one of the grounds for discrimination. Being disadvantaged means that some action or omission has placed someone at a disadvantage, or that unfair treatment can bring about injury or a disadvantage for that person. Anything connected to actual loss, discomfort, or similar can be seen as a disadvantage. Trivial differences in treatment do not constitute being disadvantaged.

3.2 Indirect discrimination

Indirect discrimination involves someone being at a disadvantage due to the way that a rule is applied when a seemingly neutral criterion or procedure can be applied in such a way as to disadvantage someone. It is not indirect discrimination if the rule, criterion, or procedure has a legitimate purpose and the means used to apply it are appropriate or necessary for achieving the aim. There must be a connection between the disadvantage and one of the grounds for discrimination if the case is to be defined as indirect discrimination. Being placed at a disadvantage can occur both consciously and unconsciously.

3.3 Harassment

Harassment involves a physical, verbal, or non-verbal action that violates human dignity and that has a connection to one of the grounds for discrimination. This includes harassment that takes place on the Internet and in social media. Such actions or treatment must involve injury or discomfort and, in that way, violate an individual's human dignity. This action or treatment must be undesired. The target of harassment should make it clear to the person harassing them that the behaviour is abusive and undesired.

3.4 Sexual harassment

Sexual harassment involves behaviour of a sexual nature that violates someone's human dignity.

3.5 Lack of accessibility

Lack of accessibility involves disadvantages that a disabled person experiences because the university has not taken sufficient measures to ensure that this person is able to compare their situation to those without any disability. An overall evaluation of measures that are reasonable is carried out for each individual. Consideration must be taken to duration, scope, as well as economic and practical resources.

3.6 Instructions to discriminate

What is meant by instructions to discriminate is that an order or instruction to discriminate has been given to someone who is in a subordinate or dependent relation to the person who is giving these orders or instructions.

4. Reprisals

There is also a prohibition against reprisals in the Discrimination Act. Reprisals involves someone being subjected to some form of punishment or mistreatment as a

reaction to their drawing attention to or reporting a case of discrimination. Examples of this are actions or utterances that cause harm or discomfort for an individual who has reported or drawn attention to a case of discrimination. This also applies to actions that spoil this person's working conditions or working relationships with coworkers or fellow students.

Victimisation is defined as actions that target one or more students or co-workers causing offense and can lead to poor health or that the person is ostracised. Offending someone involves treating an individual in a demeaning manner, either verbally or physically. To be victimised is to be unjustifiably and unreasonably treated differently than others. Such behaviour and actions are experienced as offensive by the victimised individual. This includes abuse that takes place online and via social media. Bullying is a form of victimisation. The bullying of another student or co-worker means that one or more individuals repeatedly subject one or more other individuals to harassment, abuse, or social exclusion during a relatively long period of time and that those subjected to this bullying are disadvantaged.

6. Reporting

The University has clear, accessible information about to whom students and employees should turn if they experience harassment or victimisation from another student or employee. Students or employees should go to their immediate superior first, and then to another person in a higher leadership position.

If an employee learns of a colleague or student who feels they are being subjected to harassment or victimization, this should be raised with the head of that person's section so that the necessary measures can be taken.

The University is obligated to take the necessary measures to protect the whistleblower's interests as well as the interests of the accused person. The report can be either in writing or oral.

7. Investigating harassment, sexual harassment, and victimisation

7.1 General

The investigation of a harassment or victimisation case is initiated by and owned by the head of the section where it came to light. The investigation is carried out swiftly and according to the rule of law.

The investigation and measures taken as a result of victimisation are handled as soon as possible after the occurrence by the person's immediate superior, the head of the section, or whomever the head of the section appoints.

The head of a section is responsible for contacting the relevant support personnel. Investigations of harassment or victimisation can be carried out internally, by internal resources, or by an external party (consultant).

7.2 The obligation to start an investigation without a report

The University can be held responsible for starting an investigation into harassment or victimisation even if there is no formal report submitted. In this case, the head of the section must put the decision to do so in writing.

7.3 Help and support for students and co-workers

Section heads are responsible for seeing to it that any student or co-worker who feels they have been subjected to harassment or victimisation receives help and support. Even the person who has been pointed out/reported may need support. Information can be found at the student/employee portals.

7.4 Communication, documentation, and confidentiality

Communication and documentation are to be continuous between the parties. The documents that are submitted to the university or that have been drawn up by the university become official documents of which a significant portion will also be available to the general public. Certain material can, however, fall under the provisions for confidentiality and will therefore remain confidential.

7.5 Decisions

After the investigation, the head of the section will come to a decision regarding what has been reported and whether it should be considered harassment or victimisation in the legal sense. If harassment has occurred, there must be a decision regarding measures to be taken.

8 Disciplinary measures

8.1 Students

If a student has harassed another student or employee or subjected them to sexual harassment, the University's Disciplinary Board will take measures to deal with this.

8.2 Co-Workers

If a co-worker has discriminated against, harassed, or victimised a student or another co-worker, the University's Personnel Accountability Board will decide upon disciplinary consequences. Certain cases will be referred to the Swedish State's Disciplinary Offenses Board.

9.Follow-Up

Working proactively and preventatively against discrimination and victimisation is an important part of the University's systematic work environment management. All cases of discrimination and victimisation must therefore be followed up on and handled within the framework for the systematic work environment management.