



UMEÅ UNIVERSITET

PROCEDURES FOR MANAGING SUSPECTED IMPROPRIETIES

Type of document:	Procedures ¹
Date:	19 April 2024
Reg. no.:	FS 1.1-770-24
Approved by:	Vice-Chancellor
Validity:	19 April 2024 until further notice
Field:	Decision structure, delegation and organisation
Office in charge:	Legal Affairs Office
Replaces document:	New document

¹ This document has been translated from Swedish into English. If the English version differs from the original, the Swedish version takes precedence.



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1. Description

This procedure is intended to ensure prompt and fair handling of suspected improprieties in cases that lack policy documents or approved procedures that regulate how to handle the situation. The procedure is also intended to support university staff who handle such cases.

2. Background

Fundamental is that the University does not accept any kind of impropriety in its operations. The University is to ensure satisfactory internal management and control and prevent its activities and operations from being exposed to corruption, undue influence, fraud and other improprieties.² This also includes identifying and limiting the consequences of undue influence and crimes.

Nothing in this procedure is to be interpreted as a restriction on the right of individuals to exercise their freedom of expression, to exercise their freedom of communication or to submit a complaint in their own name to supervisory authorities or law enforcement.

3. Definitions

In this procedure, “**improprieties**” refers to an act contrary to statutes, internal policy documents or procedures, which is deliberately done by one or more employees to gain an advantage for the person or persons who decide on the action or for someone else.

In this procedure, “**serious improprieties**” refers to improprieties, as defined above, which may cause significant damage or loss to the University. Damage or loss can refer to financial loss, damage to trust etc.

Examples of improprieties, which can be serious if they cause significant damage or loss to the University, are theft, inflicting damage, fraud, embezzlement, disloyalty to principal, forgery of documents, unlawful threats, data breach, breach of duty, taking or paying bribes, knowingly conducting research without the necessary permits, deliberately not complying with procurement rules, deliberately not complying with the authorisation system and deliberately not reporting secondary employment in accordance with relevant instructions.

Serious improprieties are dealt with in accordance with Section 8 below. Improprieties of a less serious nature are dealt with in accordance with Section 7.

² See Section 2 of the Internal Governance and Control Ordinance (2007:603).



4. Limits

4.1 Matters outside the scope of this procedure

Matters outside the scope of this procedure are those regulated through specific policy documents or procedures. This includes:

- cases of misconduct as per the Whistleblower Act
- cases of research misconduct and other deviations in good research practice
- cases of disciplinary measures involving bachelor's, master's and doctoral students.
- cases of victimisation, harassment and sexual harassment
- cases of work environment issues
- cases concerning violations of the employment contract, so-called mismanagement, that do not include improprieties
- personal data breaches
- IT incidents
- crimes against the University or its employees committed by non-university individuals, including students

4.2 Specific limitations related to the Whistleblower Act

The Act (2021:890) on the protection of persons who report misconduct (hereinafter referred to as the Whistleblower Act) places special requirements on the University's handling of information on suspected misconduct of public interest that emerges in a work-related context and provides special protection for those who raise the alarm about such suspicions. Umeå University has its own procedure for dealing with misconduct that is covered by the Whistleblower Act and this procedure thus does not cover such situations. Suspicions of wrongdoing according to the Whistleblower Act are reported to Umeå University's whistleblower function in accordance with Procedures - Whistleblowing at Umeå University, FS 1.1-764-22.



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However, a complaint of suspected wrongdoing as defined in the Whistleblower Act may be handled as a suspected impropriety according to this procedure if it turns out that the complaint is not covered by the Whistleblower Act when, for example, the matter lacks public interest or the complainant wishes to remain anonymous.³

5. Time limit for assessing a case

Umeå University's assessment of actions as per this procedure should not be based on circumstances older than ten years from initiation of the case, unless there are special reasons for doing so.

6. Reporting suspected improprieties

6.1 Reporting suspected improprieties

All staff are required to immediately report suspected improprieties that they discover, with the exception of staff members subject to a duty of professional secrecy as per the Public Access to Information and Secrecy Act (2009:400), which excludes a mandatory reporting responsibility. No special form is required to submit a report. The report is made in the manner deemed appropriate to call Umeå University's attention to what is suspected of having happened. This can be done by presenting the information to the line manager⁴ or a university legal officer or by submitting a written report to the registrar.

A report may be submitted anonymously. However, the aim of any investigation should be to not be based solely on anonymous information, if possible. If information is provided anonymously, there is a risk that the information cannot be given any greater significance, which makes it difficult to take any measures.

6.2 Initial assessment

Once a report has been received, an assessment is made, *on the one hand*, as to whether the reported information can be regarded as such an impropriety that it is to be handled according to this procedure, or whether what has been reported falls under separate policy documents or applicable procedures and thus is handled according to a different procedure, and *on the other*, if there is reasonable suspicion that an impropriety has been committed.

³ The Whistleblower Act includes specific conditions for the University's administration of suspected violations of Union law and misconduct in the public interest that arises in work-related contexts (so-called whistleblowing). As a rule, it is not in the public interest for a complainant to report something that only concerns their own work or employment conditions. This can only be of public interest if it is about aspects that are completely unacceptable from a wider societal perspective. The assessment is also forward-looking, which means that the purpose of bringing the misconduct to light is for the authority to be able to address it. If the abuse occurs often, the public interest increases. Violations of laws and regulations have greater public interest than violations of internal regulations (Bill 2020/21:193, p. 41 ff.). In these contexts, the complainant is an employee but can also be a former employee, job candidate, volunteer, trainee, consultant, contractor or other person at the authority's disposal or that performs work at the authority. Such misconduct can therefore be considered as a separate category of improprieties which are addressed in accordance with the specific conditions as defined by legislation. An individual intending to report suspected wrongdoing and who wants to be protected by the Whistleblower Act as the process advances cannot submit a complaint anonymously.

⁴ If the report concerns someone who, according to these guidelines, would normally be responsible for receiving the information, the report is to be submitted to that person's line manager. Manager here means a manager with personnel and work environment responsibilities.



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If the report has been submitted to the manager, the manager makes this assessment. Managers can contact the Legal Affairs Office for help in this initial assessment. If the report is regarding a potentially serious impropriety, the manager is to contact the Legal Affairs Office for advice in assessing whether the suspected impropriety could be serious.

If the report has been received by another function at the University,⁵ the Legal Affairs Office conducts the assessment. In that case, the Legal Affairs Office decides whether the suspected impropriety is serious or not.

If it is judged that what has been reported should be handled using a different procedure, i.e. according to other applicable policy documents or procedures than this procedure, the manager or the Legal Affairs Office refer the information to the appropriate function for continued handling.

6.3 Decision on continued investigation

Serious improprieties are to be investigated under the direction of an investigator appointed by the University Director on a proposal by the Legal Affairs Office – see Section 8.

Improprieties of a less serious nature are normally investigated by the manager – see Section 7.

7. Improprieties

7.1 Assessment of improprieties of a less serious nature

The manager investigates a matter to the extent required by its nature. The investigation is to be conducted quickly, in part in consideration of those individuals involved and in part in consideration of the fact that any potential measures as defined in the Employment Protection Act (1982:80) must be possible.⁶

When needed, the manager seeks support from the relevant administrative office during the investigation, primarily the Legal Affairs Office and the Property Management Office. The Financial Office and the Human Resources Office can also be contacted as needed.

If, during an ongoing investigation, the manager determines that the impropriety may be serious, the manager is to contact the Legal Affairs Office for advice on how to handle the case moving forward. An investigator appointed as per Section 6.3 can assume responsibility for the investigation if there are reasons for doing so. From that point, the matter is handled as per Section 8.

⁵ For example, the registrar or other reporting channel.

⁶ There are very short statutes of limitations for measures like termination and dismissal.



7.2 Decision on measures for less serious improprieties

When the assessment is completed, the manager decides on one or more of the following:

1. Whether to take no further action.
2. Whether to submit a complaint to the police. Any complaints submitted to the police are to be in writing. The next University Staff Disciplinary Board meeting is to be informed that a complaint has been filed and a report made on the circumstances leading to filing of the complaint.⁷
3. Whether the matter should be referred to the Human Resource Director. The Human Resource Director assess whether to recommend that the Vice-Chancellor refer the matter to the Staff Disciplinary Board (PAN) or to the Government Disciplinary Board for Higher Officials (SAN) for consideration of legal measures related to employment.
4. Assess whether any employment related measures other than those decided by PAN or SAN should be taken, such as to conduct a meeting with those involved to clarify the situation.
5. Other measures, such as to instruct the relevant administrative unit to review policy documents or to remedy deficiencies in procedures or in organisational conditions. Information may also need to be clarified or communicated online.

7.3 Communication about less serious improprieties

The manager decides who to inform about the incident – such as the University Director, the head of the Communications Office or the head of security – and provides the relevant information. This should occur when the manager begins an investigation or alternatively refers the matter to the Human Resources Director for potential referral to PAN or SAN.

When the investigation has been completed, the manager ensures that those affected by the incident receive information.

The manager informs the suspect or suspects of the complaint as soon as possible after the decision on how the matter will be investigated, if this will not damage any future police investigation or the internal investigation.

8. Serious improprieties

8.1 Investigative resources for serious improprieties

The Legal Affairs Office has specifically designated staff for investigations that can, where appropriate, be called upon for investigation of serious improprieties. In addition to these designated resources, the investigation may need other expertise, such as within finance, IT and HR, which then can be included after separate agreement with the manager for these

⁷ The Public Employment Act (1994:260) specifies the conditions under which a criminal complaint must be filed. If there are grounds for filing a criminal complaint, this action is to be reported at the next University Staff Disciplinary Board meeting.



resources. The Legal Affairs Office is in charge of designated investigative staff (the Investigation Team) and directs and assigns the work of the lead investigator.

8.2 Investigating serious improprieties

The Investigation Team examines the case to the extent required by its nature. The lead investigator leads and assigns work within the Investigation Team. The investigation is to be conducted quickly, in part in consideration of those individuals involved and in part in consideration of the fact that any potential measures as defined in the Employment Protection Act (1982:80) must be possible.⁸

8.3 Decision on measures for serious improprieties

When the Investigation Team has completed its investigation and the lead investigator has reported its findings to the University Director, the University Director decides on one or more of the following measures:

1. Whether to take no further action.
2. Whether to submit a complaint to the police. Any complaints submitted to the police are to be in writing. The next University Staff Disciplinary Board meeting is to be informed that a complaint has been filed and a report made on the circumstances leading to filing the criminal complaint.⁹
3. Whether the matter should be referred to the Human Resource Director. The Human Resource Director assess whether to recommend that the Vice-Chancellor refer the matter to the Staff Disciplinary Board (PAN) or to the Government Disciplinary Board for Higher Officials (SAN) for consideration of legal measures related to employment.
4. Task the line manager to assess whether any employment related measures other than those decided by PAN or SAN should be taken, such as to conduct a meeting with those involved to clarify the situation.
5. Other measures, such as reviewing policy documents or remedying deficiencies in procedures or in organisational conditions. Information may also need to be clarified or communicated online.

8.4 Communication about serious improprieties

The Legal Affairs Office, in consultation with the University Director, determines who to keep informed about the incident, such as the Vice-Chancellor, the Dean, head of the Communications Office, and the head of the organisation impacted by the incident, keeps them informed and ensures that the Investigation Team knows who has received such information. This should occur in connection with the University Director appointing a lead

⁸ There are very short statutes of limitations for measures like termination and dismissal.

⁹ The Public Employment Act (1994:260) specifies the conditions under which a criminal complaint must be filed. If there are grounds for filing a criminal complaint, this action is to be reported at the next University Staff Disciplinary Board meeting.



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investigator and an investigation team. Also consider whether to activate the University's Crisis Management Team.

Once the investigation has been completed, the University Director ensures that those affected by the incident are informed. In the event of serious improprieties, the University Director can also provide information to the chief internal auditor about the incident.

The University Director ensures the suspect or suspects of the complaint are informed as soon as possible after the decision on how the matter will be investigated, if this will not damage any future police investigation or the internal investigation.

9. Documentation, registration and secrecy

Information and documents in a case handled using this procedure are to be documented, registered and archived according to standard rules on case management and the retention and deletion plan. Note that information from the case may be subject to secrecy rules.

10. Specifically about filing a complaint with the police

If an act has been reported to the police, the person who was responsible for the complaint in the name of Umeå University is responsible for following up what measures are taken by the police. First and foremost, the complaint is to be made by the individual who has the best knowledge of the matter or that individual's manager. The individual with the best knowledge of the matter should be listed as the contact person at Umeå University.

The complainant should note that Umeå University expects follow-up about the case, that it be informed if the complaint is dismissed and that the contact person can provide information on the case.