



UMEÅ UNIVERSITY

# **POLICY AGAINST CORRUPTION**

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## 1. Description

This policy clarifies how applicable legislation concerning corruption is applied at Umeå University. The policy offers guidance to staff and is intended to maintain the standards of objectivity and impartiality that apply to all employees working in public administration.

## 2. Background

The term corruption refers to the exploitation of public office for the purpose of obtaining undue gain for oneself or others. The following actions are generally considered to be corruption:

- Taking and offering bribes.
- Failure to report a conflict of interest or exercising undue influence.
- Secondary employment that may undermine confidence in the impartiality or harm the reputation of the employer.
- Benefitting oneself or others at the expense of the employer.
- Theft, fraud, embezzlement.

Just like any other civil servant, employees of Umeå University have a specific responsibility to maintain standards of objectivity and impartiality while performing their duties. The public must have confidence in the University not to make decisions on improper grounds.

Collaboration and sustainability perspectives have been integrated into this policy. Due to the content and nature of this document, the international, student and accessibility perspectives have not been integrated. The policy document is not expected to have any consequences for gender equality at Umeå University.

This policy document is also to be made available in English.

## 3. Legislation

Swedish public authorities and their employees have a duty to act in accordance with the principle of objectivity and impartiality. This principle is stated in Chapter 1 Section 9 of the Swedish Instrument of Government (SFS 1974:152) and Section 5 second paragraph of the Swedish Administrative Procedure Act (SFS 2017:900); its purpose is to ensure that the public can trust public authorities to act objectively and impartially and not to base decisions on extraneous considerations.



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Provisions concerning corruption are mainly found in Chapter 10 of the Swedish Criminal Code (SFS 1962:700).

Provisions on conflicts of interest for civil servants can be found in the Administrative Procedure Act. These rules clarify when an employee or elected representative can be deemed to have an interest in a matter that calls into question their impartiality.

Furthermore, the Swedish Ordinance (SFS 2007:603) on Internal Governance and Control states that public authorities shall have a process in place to prevent corruption, undue influence, fraud and other irregularities.

The Swedish Public Employment Act (SFS 1994:260) also contains provisions regarding the employer's obligation to inform against anyone they have reason to suspect may have committed bribery.

### 4. Bribery

#### 4.1 Taking and offering bribes and the responsibility of employees

All employees and contractors of a public authority may be convicted of bribery offences. No manager or other superior may permit an employee to accept benefits in the form of bribery. Criminal liability always rests with the individual employee who accepts a bribe.

The crime of taking a bribe is committed when an employee or contractor receives, accepts a promise of or requests an undue benefit for the performance of their duties or an assignment. A bribery offence may be committed even if no bribe is forthcoming, simply by the act of requesting a consideration.

The offence of offering a bribe is committed when someone gives or offers an undue benefit to an employee or contractor for the performance of their duties. To be considered a bribe, the benefit must be undue. The offence of offering a bribe is still committed, even if the intended recipient refuses the offer.

#### 4.2 General assessment criteria

There is no legal definition of an undue benefit. Whether or not a benefit is considered undue depends on the circumstances of the individual case, such as how strong the link is between the benefit in question and the performance of duties, the value of the benefit and other considerations. Particular consideration should be given to the position held by the



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recipient of the benefit and whether a personal relationship is involved. A benefit can be money, a discount on goods or services, travel or an award.

Below are a few questions employees should ask themselves when offered benefits by external parties. These can assist you in determining whether or not the offer is appropriate.

- Why am I being offered this benefit? If the benefit is linked to the performance of your duties, it should be refused.
- Does the benefit have a high value or is it offered frequently? If the benefit is of significant value, or it is offered frequently, it should be refused.
- Does the benefit have an operational use? If the answer is yes, it should be paid for by the public authority; if the answer is no, the offer should be refused.
- If I accept this offer, is there a risk that it will affect my work? If the answer is yes, the offer should be refused.
- If I accept this offer, is there a risk that public confidence in the University will be undermined? Here, a general risk assessment must be conducted. It is sufficient that a risk of such damage exists for the offer to be refused.

It should be noted that employees who exercise public authority in matters such as admissions and procurement are especially vulnerable to offers of inappropriate benefits. Personal relationships are also a highly sensitive issue.

### 4.3 Examples of prohibited undue benefits

The following examples are by no means exhaustive; undue benefits take far more forms than are listed here. A benefit is undue if it is linked to the performance of one's duties or official position at Umeå University.

- Gifts before or after an examination or decision.
- Cash, gift cards, stocks, shares, bonds, etc.
- Loans at interest below market rates.
- The waiving of a purchase price, receivable, debt repayment or interest payment.



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- Side deliveries of goods or services from the employer's suppliers, such as building materials, transport, services of tradespeople, office supplies, etc.
- Private use of vehicles, boats, holiday homes or other accommodation.
- Partial or full payment of pleasure trips or holidays.
- Bonuses earned when travelling on business, such as air miles, free tickets, free hotel nights and similar that accrue to and are used privately by the employee rather than the employer.
- Invitations or tickets to parties and dinners, the theatre, sporting events, cultural events and similar that are unrelated to work.

### 4.4 Examples of benefits that are normally permitted

The following examples must not be assumed to be always permitted; the employee must make their own judgement in each case.

Approved (due) benefits: Benefits that are a natural part of the performance of the recipient's duties are normally considered due, such as:

- working meals of an everyday nature in conjunction with meetings;
- marking of major birthdays and other personal anniversaries or flowers in the event of illness, provided that these are modest given the circumstances of each individual case;
- small samples of goods and promotional items presented during visits or comparable events; and
- ornamental objects without significant market value and comparable, modest gifts to commemorate anniversaries, collaborations, etc.

See also the University's rules on gifts and entertainment.

The cardinal rule is: when in doubt, refuse benefits. Gifts that it would be impolite to refuse must be immediately handed over to the responsible manager for a decision on how the University should deal with them.



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### 5. Conflict of interest and undue influence

Decision-makers and administrators at the University must observe objectivity when dealing with official matters. The term conflict of interest refers to any circumstances that may undermine confidence in a given decision-maker's or administrator's objectivity and impartiality when dealing with or assessing a matter; for example, a conflict of interest may arise due to a family relationship, friendship or financial ties to a person the matter concerns. It is not necessary for an official to be biased for a conflict of interest to exist; it is sufficient for the situation to be such that it might give rise to a suspicion of bias.

No one with a conflict of interest in a matter may decide on or participate in the administration of the matter in question. Anyone who is aware that they have a potential conflict of interest is therefore dutybound to immediately inform the University, for example their immediate manager.

If a decision is to be made by a group of people, the person with a conflict of interest must leave the room; they must not be present while the decision is being reached.

When a decision rests with a single decision-maker – for example, a head of department, director, dean or equivalent – who has a conflict of interest in the matter, as a general rule the decision should be escalated to the next decision-maker according to the University's decision-making and delegation procedures. If it is not appropriate for the superior decision-maker to take over the matter, and a deputy (*ställföreträdande*) head of department with decision-making authority or a director, etc. has been appointed, then they may take over the matter; however, such delegation is not possible to a deputy (*biträdande*) head of department, etc.

Situations may arise in which, although it is not clear or easy to assess whether there is a conflict of interest, the circumstances may be questionable. In this grey zone of various relationships, ties and interests between employees and a party to a matter, circumstances may be such that confidence in the University may be undermined, even if there is no conflict of interests in a legal sense. In such cases, it may well be better to err on the side of caution and excuse oneself from dealing with the matter in question.

The term undue influence refers to an interaction between an employee and an external party in which inappropriate attempts are made to persuade the official to take a course of action more beneficial to that party. This may include changing a decision that has already been made. Undue influence includes bribery (see Section 4), violence, threats, intimidation or other types of reprisal.



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### 6. Compromising secondary employment

Secondary employment refers to any job an employer may have in addition to their employment at the University. Certain types of secondary employment are permitted, while others are not. Prohibited secondary employment includes anything that may undermine confidence in the objectivity and impartiality of the person in question or that might damage the University's reputation. A secondary job is also prohibited if it involves the employee using their official status to benefit themselves or others.

See also the University's rules on secondary employment.

### 7. Benefitting oneself or others at the expense of the employer

It is not permitted for an employee to wrongly utilise the University's equipment and other resources to benefit themselves or others when doing so leads to a direct or indirect cost to the University.

There may be benefits in rules and agreements that permit the use of the University's resources.

Teachers and researchers may also be deemed to be benefitting themselves or others at the expense of the employer within the framework of education by, for example, unjustifiably choosing course literature and dealing with research results in order to unduly influence business or equivalent interests.