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PROCEDURES TO SUPPORT MANAGERS WHEN HANDLING VICTIMISATION, HARASSMENT OR SEXUAL HARASSMENT

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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

At Umeå University, managers with staff and work environment responsibilities must act without delay if they are informed of undesirable behaviour suspected to be victimisation, harassment or sexual harassment. These procedures support managers in the handling of such cases that involve staff or students and are hence also aimed primarily at managers. The HR Guide on the staff website provides further support for managers regarding how to handle and process cases of victimisation, harassment and sexual harassment. Information for staff and students can be found on the staff and student websites respectively.

2. Checklist for processing

Managers with staff and work environment responsibilities must act without delay if they are informed of victimisation, harassment or sexual harassment. Managers must process such cases in accordance with these procedures:

1. Investigate: In case a person feel they have been subjected to undesirable behaviour, find out what has taken place by contact the parties involved without delay.
2. Prevent continued victimisation, harassment or sexual harassment from carrying on: If the investigation shows that victimisation, harassment or sexual harassment has taken place, the manager must take actions without delay. Such actions could involve correcting conversations, relocation or a warning, depending on what has occurred. Anyone exposed to such behaviour is to be offered support – from the occupation health service or the Student Health Service, for instance.
3. Follow up to ensure that the victimisation, harassment or sexual harassment has ceased: If the undesirable behaviour continues, measures have not been sufficient. This warrants further actions to be introduced to stop the behaviour.
4. Prevent: A manager with staff and work environment responsibilities must work with systematic work environment management and take active measures to prevent victimisation, harassment and sexual harassment.

These procedures describe how step 1–3 should be accomplished. Preventive work stipulated in step 4 is described in the HR Guide on the staff website.



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3. Background and fundamentals

As an employer and education provider, Umeå University has a zero tolerance against discrimination, victimisation, harassment, sexual harassment and bullying. All students and staff must feel safe and secure in their studies and at work.² The manager with staff and work environment responsibilities is responsible for handling any suspicions, even if these arise through rumours or observations, of someone feeling exposed to undesirable behaviour.

Procedures regarding victimisation are regulated in the Swedish Work Environment Authority's provisions Systematic Work Environment Management (AFS 2001:1) and Organisational and Social Work Environment (AFS 2015:4). Victimisation constitutes a work environment case that must be prevented, handled and investigated by the manager with staff and work environment responsibilities.

Harassment and sexual harassment are regulated in the Discrimination Act. In their roles as employers and education providers, managers with staff and work environment responsibilities are tasked with preventing, handling and taking measures against harassment and sexual harassment. Investigations of cases of harassment and sexual harassment are generally conducted by a university-wide group at the University Administration.

In this document, the term 'manager with staff and work environment responsibilities' (Sw. *personal- och arbetsmiljöansvarig chef*) refers to a manager who has been delegated work environment duties in accordance with the University's rules for the distribution of work environment tasks.

Fundamentals

- Investigations must clarify the circumstances of the situation to stop undesirable behaviour and prevent victimisation, harassment or sexual harassment from taking place in the future. Investigations must be initiated and conducted with urgency based on the principles of factuality, objectivity and respect for all parties involved.
- The manager with staff and work environment responsibilities must ensure that a student or member of staff, who has reported or called attention to harassment or sexual harassment, is not subjected to reprisals by the employer or the education provider. Reprisals in working life could be to receive an unreasonable workload, be removed from work tasks, be promised benefits that are later removed, be

² Umeå University's Work environment and equal opportunities policy



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appointed tasks that do not equate with the person's level of qualifications, or be exposed to threatening or harassing treatment.

- These procedures specify the legal processing of the case. Furthermore, work environment measures and preventive actions must always be introduced.
- Managers with staff and work environment responsibilities are tasked with taking preventive actions against victimisation, harassment and sexual harassment. Support regarding how to conduct preventive work can be found in other documents and on Umeå University's websites.

4. Initial handling, support in and assessment of a case

If a manager with staff and work environment responsibilities is made aware of a student or member of staff feeling exposed to victimisation, harassment or sexual harassment, the manager must act without delay to stop the undesirable behaviour and get a clear picture of what has happened by investigating the situation according to these procedures. A manager with staff and work environment responsibilities must ensure that parties involved are offered counselling by the occupational health service or the Student Health Service.

The manager with staff and work environment responsibilities must introduce remedial measures promptly. It is important that everyone involved receives support and that measures are introduced to simplify for the involved parties' study or work situation. For example, measures can be taken ensuring that the parties involved must not meet during the ongoing investigation. It is also important that the measures do not run ahead of the investigation and indirectly establish guilt before the alleged behaviour has been investigated. Before any measures are taken, the manager with staff and work environment responsibilities should consult their nearest HR support function, and, if necessary, the university-wide support at the Human Resources Office.

At this point, an employee or a student may only be suspended or excluded from the workplace or their studies if there are special circumstances to do so. If needs for such actions arise, the manager with staff and work environment responsibilities must consult the human resources director.

When suspicion of a crime has arisen, such as abuse, acts of violence or sexual offences, the manager with staff and work environment responsibilities must encourage the person who has been subjected to such behaviour to file a police report. The manager must offer support through the occupational health service or the Student Health Service. In the event that the occurrence constitutes a crime against Umeå University, a police



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report must be filed by the University. Contact a legal officer at the University for support in assessing the situation. A police report does not limit the University's responsibility for handling a case and is no hindrance for further processing in accordance with these procedures.

- If the situation is assessed to fall under one of the seven grounds of discrimination,³ or is an act of sexual nature violating someone's dignity, the situation must be processed according to the section "Investigation of harassment or sexual harassment".
- If the situation is not assessed to fall under one of the grounds of discrimination and is not of a sexual nature, the situation must be processed according to the section "Investigation of victimisation".
- If the situation concerns temporary conflicts, divergence of opinion, difficulties in cooperating, or decision-making that has caused grievance, but which is not classified as victimisation, the processing is not covered by these procedures. More information about how to process conflicts or misconduct can be found in the HR Guide on Umeå University's staff web.

The definitions in Appendix 1 are to be used as support in such an assessment. In case of uncertainty whether the situation concerns victimisation, harassment or sexual harassment, the manager with staff and work environment responsibilities is to contact the Human Resources Office for guidance on how to proceed with the case.

When someone describes a course of events, their description may contain allegations that can partly be assessed as harassment or sexual harassment, and partly as victimisation. In those cases, it is important to separate the various parts of the events in the investigation, even if the investigative actions and remedial measures may be the same.

If the accusations are aimed at a manager, or if a manager feels subjected, the nearest superior manager with staff and work environment responsibilities is tasked with processing the case. If other reasons exist, such as conflict of interest, please contact the Human Resources Office for assessment of how the case should be processed.

5. If the person subjected wants to remain anonymous or not report

If the person who feels subjected to victimisation, harassment or sexual harassment wishes to remain anonymous or refrain from filing a report, the

³ Sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.



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responsibility still lies with the University to investigate and the manager to take actions. The manager with staff and work environment responsibilities must, first of all, investigate if any actions can be made to simplify for the person to participate in the investigation.

When an anonymous report is made, the manager with staff and work environment responsibilities must undertake the remedial measures required from a work environment perspective. In these cases, and for legal reasons, it is not possible to take measures aimed at an individual. If individualised measures are deemed necessary, please contact the Human Resources Office for support. General measures, however, can always be taken. This could, for instance, be training activities regarding core values, moral courage, and conflict management, or could involve conducting a work environment survey to assess the workplace climate. The measures must be documented in the Action Plan for Systematic Work Environment and Active Measures and must be followed up.

6. Investigation of victimisation

A manager with staff and work environment responsibilities who is informed that an employee or a student has experienced victimisation in university activities is responsible for ensuring that the situation is investigated. The managerial responsibility also applies to individuals who conduct a work placement or are temporarily hired at Umeå University. Information about a person feeling subjected to victimisation may arrive from the subjected person themselves, a colleague, a fellow student, a work environment representative, a student safety representative or through the manager's personal observations. Information can be verbal or in writing.

If the event does not fall under the manager's staff or work environment responsibilities, the manager must hand over the details to the manager who has those responsibilities.

If a report to the Umeå University's registry is filed, it is to be handed over to the manager with staff and work environment responsibilities.

If a manager is made aware of victimisation, and there are several managers involved, all other managers must be informed, and responsibilities be clarified.

If the accusations are aimed at a manager, or if a manager feels subjected, the nearest superior manager with staff and work environment responsibilities becomes responsible for the investigation.

The purpose of an investigation is to learn what has happened, and, in those cases where victimisation has taken place, ensure that the undesirable behaviour stops. Another purpose is to investigate the underlying reasons for how the events arose, to prevent future health risks.



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How an investigation is to be conducted is described in Appendix 2. What investigative actions must be taken is assessed from case to case. The nearest HR support function and, if needed, university-wide support from the Human Resources Office can provide guidance in the assessment.

The manager with staff and work environment responsibilities can receive support in conducting the investigation from the nearest HR support function or the occupational health service. Responsibilities for work environment, making final assessments and taking suitable measures remain with the manager with staff and work environment responsibilities even if the investigation is conducted by another appointed person at the University or by the occupational health service.

7. Investigation of harassment or sexual harassment

When a manager with staff and work environment responsibilities learns that an employee or a student feels they have been subjected to harassment or sexual harassment, the manager must contact the human resources director who is responsible for conducting an investigation. If an employee or a student submits a report about alleged harassment to the registry at Umeå University, the case is to be handed over to the human resources director. The human resources director can decide to assign the investigation to the manager with staff and work environment responsibilities if the investigation team deems it suitable after consultation with the manager in question. In such cases, the manager is to conduct the investigation in consultation with the investigation team. The human resources director may, if needed, decide to reassign the investigation responsibility from the manager to the investigation team. How an investigation is to be conducted is described in Appendix 2.

When the University has learnt that an employee or a student feels they have been subjected to harassment or sexual harassment, the University is responsible for ensuring that the circumstances are investigated and, where appropriate, for taking reasonable measures required for the harassment to cease, and prevent that such occurrences take place in the future. If such responsibilities to investigate and take measures are to apply, the accused must be an employee or student at Umeå University, or someone who can be equated as such, and the event must have occurred in conjunction with work or education.

The responsibility to investigate concerns all activities that are naturally linked to work and education, and can hence, depending on the situation, cover events that have occurred outside of the University. This could be during business travel, after work events, office parties, travels for the purpose of studies, or leisure time events that can result in harassment or sexual harassment at the workplace or in the study environment. It could



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also be a situation occurring on the way to or from work or studies, or on social media, that results in consequences that negatively affect work or studies. The manager with staff and work environment responsibilities, or the human resources director, must assess how strong the link to the work or study environment is in each case, and the potential effect of the event on the work or study environment, to determine what responsibilities the University has to investigate.

8. Measures in cases deemed as victimisation, harassment or sexual harassment

If an investigation establishes that an employee has subjected another employee or a student to victimisation, harassment or sexual harassment, this is to be regarded as misconduct. How to process cases of misconduct, and measures to amend such, can be found in information and guidance regarding misconduct found in the HR Guide on the University's staff web. The manager with staff and work environment responsibilities decides on measures in consultation with the nearest HR support function, and, if needed, the university-wide support at the Human Resources Office.

The Vice-Chancellor, on proposal by the human resources director, can formally decide whether the conduct of an employee is to be referred to the Staff Disciplinary Board, or, in some cases to the Government Disciplinary Board for Higher Officials, for assessment regarding disciplinary liability, report for prosecution, or suspension from employment through notice of termination or summary dismissal.

If an investigation establishes that a student has subjected another student or an employee at Umeå University to victimisation, harassment or sexual harassment, the case must be reported to the Vice-Chancellor and tried by the Disciplinary Board. Refer to Administrative Procedures – Disciplinary Matters.

After the investigation has been completed and a decision regarding remedial measures has been reached, the manager with staff and work environment responsibilities, together with the nearest HR support function, work environment representative, equal opportunities representative, and, if applicable, a student safety representative, should investigate and assess if there are organisational and social risk factors that could lead to employees or students being exposed to similar situations in the future.⁴ The risks that cannot be remedied immediately must be documented in the Action Plan for Systematic Work Environment and

⁴ Work must be conducted according to the systematic work environment undertakings and active measures.



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Active Measures. Within the scope of their deviation report, the manager must also report to their superior manager.

9. Measures in cases not deemed as victimisation, harassment or sexual harassment

If no victimisation, harassment or sexual harassment has taken place, or if it cannot be established that such conduct has taken place, other forms of misconduct can be relevant. How to process cases of misconduct, and measures to amend such, can be found in information and guidance regarding misconduct found in the HR Guide on the University's staff web.

The manager with staff and work environment responsibilities, together with the nearest HR support function, work environment representative, equal opportunities representative, and, if applicable, a student safety representative, should investigate and assess if there are organisational and social risk factors that could lead to employees or students being exposed to an unhealthy work or study environment in the future. Those risks that cannot be remedied immediately must be documented in the Action Plan for Systematic Work Environment and Active Measures.

10. Follow-up

The manager with staff and work environment responsibilities must plan for follow-up of measures after the processing of a case concerning victimisation, harassment or sexual harassment has been concluded, and ensure that measures are followed up. This applies regardless of if the case has led to individualised measures or more general measures. The decision on measures must specify a time plan for follow-up and it must include the following

- any potential measures to be implemented; and
- any potential risks or shortcomings identified in the work environment, the systematic work environment undertakings or the work with active measures.

If it turns out that the measures were insufficient, the manager must consider what further measures can be introduced to stop victimisation, harassment or sexual harassment, and prevent similar events from occurring again. The nearest HR support function, and, if needed, the university-wide support at the Human Resources Office can assist in such cases.



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11. Registry and official documents

An investigation of victimisation, harassment or sexual harassment is to follow the provisions stipulated in the Administrative Procedure Act (2017:900). All investigation material, such as official notes and other written documents pertaining to the case, potential decisions and action plans must be documented and registered in the archives in accordance with the applicable retention and deletion plan. All data and documents in an investigation must be processed securely since it may contain sensitive and confidential personal data.

An investigation into victimisation must be registered in the archives at the department, centre or unit. If the situation concerns the University Administration, the Internal Audit Office, the faculty offices or the Umeå School of Education, the data must be registered in the university-wide archives.

In cases concerning harassment and sexual harassment, registration must primarily take place in the university-wide archives, regardless of if the responsibility for the investigation falls on the manager with staff and work environment responsibilities, or the human resources director.

Case documents are classed as official documents whether registration in the archives has taken place or not. If someone requests an official document, a confidentiality assessment must be made. Data in an official document can only be made confidential if the law allows. A university legal officer is to be contacted to make a confidentiality assessment if someone requests copies of documents. Nevertheless, there is only little data for which confidentiality can be invoked in an investigation of victimisation, harassment or sexual harassment. Even if the University decides to not provide a copy of a document due to confidentiality, the University's decision can be retried in a court of law.



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Appendix 1: Definitions and legal basis

These procedures are based on the Administrative Procedure Act (SFS 2017:900), the Discrimination Act (SFS 2008:567), the Work Environment Act (SFS 1977:1160), the Swedish Work Environment Authority's code of statutes on Systematic Work Environment Management (AFS 2001:1) and Organisational and Social Work Environment (AFS 2015:4).

Victimisation

Victimisation (Sw. *kränkande särbehandling*), also sometimes referred to as psychological harassment, refers to abusive actions aimed at one or more employees or students. These actions may lead to ill health or to exclusion from the community for the person subjected to the behaviour.⁵ This could, for instance, cover being ignored, being told hurtful and derogatory words, being belittled or being the subject of rumours.

Harassment and sexual harassment

Harassment refers to actions that violates a person's dignity and that is based on one of the grounds of discrimination – sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.⁶ This could be comments, gestures or exclusion related to one of the grounds of discrimination. For instance, to be ridiculed for wearing a headscarf or because of homosexuality.

Sexual harassment refers to conduct of a sexual nature that violates someone's dignity. Beside comments and words, this could be groping or casting intrusive glances. It could also be unwelcome compliments, allusions, text messages and pornographic images.

Harassment and sexual harassment refer to conduct that is undesirable by the person being subjected. The person being subjected to harassment is the person who determines what is undesirable or violating. For conduct to be assessed as harassing or sexually harassing, the person who conducted the harassment must be aware that the behaviour is violating. In some harassment and sexual harassment cases, the circumstances are such that it must be self-evident to the person committing the harassment that their conduct is a violation. For instance, if someone projects racist or misogynistic comments towards someone else, if other insulting or abusive expressions are used, or if various forms of groping or abuse occur. In such cases, it is not a requirement that the person conducting the behaviour is informed of their actions being undesirable or violating. In cases where it is

⁵ Organisational and Social Work Environment (AFS 2015:4) and "Guidelines for processing social health risks at work" [Sw. *Riktlinjer för hantering av sociala hälsorisker på arbetet*] by the Swedish Agency for Work Environment Expertise.

⁶ The Discrimination Act (SFS 2008:567).



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not as self-evident, it is important that the person conducting the violation is informed that the behaviour is unpleasant and unwelcome. Without such a clarification, the behaviour cannot be classified as harassment or sexual harassment.

Doctoral students

Doctoral students who are employed at Umeå University are covered by the prohibition of discrimination at work and are classed as employees. Doctoral students who are not employed at Umeå University are classed as students.



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Appendix 2: Investigation

Information to parties involved

When a manager with staff and work environment responsibilities, or a person appointed by that manager, investigates victimisation, harassment or sexual harassment, they must initially inform the parties involved of the following

- that the investigation will be conducted with urgency and processed in accordance with these procedures;
- who will investigate the events;
- that both the person subjected and the accused can receive support from a union representative, work environment representative, or someone else they trust. The support person can be present in meetings with the investigator;
- that employees can receive counselling from the occupational health service, and that such meetings are confidential;
- that students can receive counselling from the Student Health Service, and that such meetings are confidential;
- that the Human Resources Office can answer general questions regarding the investigation of victimisation, harassment and sexual harassment;
- that both the person subjected and the accused have the right to access all material and data introduced to the case, and will be given the chance to comment on the other party's statement;
- that documents pertaining to the case will be official documents. Data in an official document can only be made confidential if the law allows. Assessments of to what extent a case can be made confidential cannot be made in advance, instead each case must be tried individually. In many cases, confidentiality cannot be exercised regarding case documentation.

Conducting an investigation

The investigator must ensure that cases of victimisation, harassment or sexual harassment are investigated to the extent required. If one person's word is against another's, the investigator is obliged to form an opinion of whether victimisation, harassment or sexual harassment has occurred or not. For instance, this can be done by hearing individuals who may have



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seen the event, or individuals that the person subjected has talked to. The investigator assesses, depending on the circumstances of the individual case, if the investigation should take place verbally or in writing, or through a combination of the two.

Initially, the person who feels subjected is to account for what has occurred. The investigator must then give the accused person an opportunity to account for what has occurred based on the information presented. If the account is provided verbally, the investigator must note down a summary of what is accounted for, and check with the person that the notes are accurate.

If required, the investigator also needs to talk to other individuals who have made observations, or gather other relevant documentation.

The investigator must ensure that involved parties are continuously informed about the progress of the investigation.

When the investigation is completed, and prior to a decision having been reached, both the person subjected and the accused must be given the chance to read those parts of the investigation that are of significance to the decision and be given the chance to comment on the investigation material. This may suitably be achieved by the investigator submitting a summary of the notes taken during the investigation, and any other potential written documents relevant to the case, to both parties, and urge these parties to return their potential comments within a set timeframe.

The decision reached by the manager with staff and work environment responsibilities or the Vice-Chancellor must be in writing. The decision must state whether victimisation, harassment or sexual harassment has taken place or not. If the parties provide completely incompatible accounts, and the circumstances are uncertain, the University's responsibility to investigate does not include deciding which of the parties is telling the truth,⁷ see Section 9. The parties must receive notice of the decision.

Investigating harassment or sexual harassment

When an investigation into harassment or sexual harassment is led by the university-wide investigation team, the team must ensure that managers involved are continuously informed about the progress of the investigation. The manager with staff and work environment responsibilities must be informed of the investigation to be able to be responsible for, and implement, any potential remedial work environment measures at the workplace both during the ongoing investigation and after the investigation has been concluded. After presentation, the Vice-Chancellor reaches the formal decision of if the investigation can elucidate if harassment or sexual

⁷ Government bill 2007/08:95



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harassment has taken place. The Vice-Chancellor entrusts to the manager with staff and work environment responsibilities to ensure that work environment measures are implemented in accordance with what is stated in sections 8 or 9.

If a manager with staff and work environment responsibilities is in charge of an investigation into harassment or sexual harassment, the manager, after concluding the investigation, must establish if the investigation can elucidate if harassment or sexual harassment has taken place, and must then implement measures from section 8 or 9. Decisions regarding a case are to be sent to the human resources director, parties involved, relevant line managers, and the university-wide investigation team. Decisions cannot be appealed.

Placements and clinical training (VFU)

According to the Discrimination Act, students are to be equated with employees when conducting a placement or clinical training at a workplace. When a student is present at a workplace as part of their education, the student is protected by the same regulations as the employees at the workplace with regards to victimisation, harassment and sexual harassment. This means that the procedures for handling situations at the workplace must be followed, and that the employee responsible for the student is also responsible for their work environment. Student supervisors at the workplace become the primary contact for a student who feels subjected. Students must also contact their course coordinator at Umeå University to inform the University of their experiences. The course coordinator must in turn inform the manager at the workplace of the placement of the student's experiences.

The department or equivalent must contact the workplace of the placement for continued processing in accordance with the Discrimination Act. Students at Umeå University are offered support, if needed, to continue their studies, for instance through the Student Health Service. The University is responsible for taking measures if there is a risk that harassment may continue. Such a measure could be to support the student in changing placements.