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Document(s) repealed: Vice-chancellor's decision of 12 September 2011 on guidelines in cases of suspected harassment of a student according to the Discrimination Act (2008:567), SLU.ua.Fe.2011.2.1-2909

Annex to: Vice-chancellor's decision of 23 October 2018

Guidelines for cases of suspected harassment of a student

Purpose and target group

The purpose of this document is to clarify what suspected harassment means and how it is handled at SLU. The target group is students who need to know how to act if they are subject to harassment, and SLU employees who handle suspected harassment.

What constitutes harassment?

Both harassment and sexual harassment are **forms of discrimination** and prohibited in accordance with the Discrimination Act. The Discrimination Act defines harassment as “**conduct that violates a person's dignity**”.¹

In order for something to count as harassment in accordance with the Discrimination Act, it must be **associated with one of the seven grounds of discrimination** defined in the act²:

1. sex
2. transgender identity or expression
3. ethnicity
4. religion or other belief
5. disability
6. sexual orientation
7. age.

¹ Discrimination Act (2008:567), Chapter 1, Section 4.

² Discrimination Act (2008:567), Chapter 1, Section 1.

For example, harassment can be expressing ridicule or making disparaging generalisations associated with the grounds of discrimination.

Sexual harassment is conduct of a sexual nature that violates someone's dignity. It can constitute groping or giving intrusive looks. It can also take the form of pictures or jokes relating to sex, or sexual jargon. Sexual harassment can also take the form of unwelcome compliments/comments on appearance.

Subsequently, **both harassment and sexual harassment** are unwanted behaviours. Regardless of type, harassment always makes someone feel offended, threatened, violated or badly treated.

The victim of harassment always decides what they consider unwanted and harassing. The same type of behaviour can be viewed by one student as harassment, and unimportant by another.

SLU's responsibility

SLU must prevent students or applicants becoming subject to harassment or other forms of discrimination. This applies to all grounds for discrimination.

If SLU becomes aware that a student considers themselves the subject of harassment or sexual harassment in connection with our activities, the **university is obligated to investigate the matter**.

Secrecy

Directors of studies and study counsellors are bound by professional secrecy³ in regard to a student's personal relationships. They are not obligated to report suspicions of harassment.

If a student is harassed

A student who has been harassed should primarily contact their director of studies or equivalent. The director of studies must then inform them about the Discrimination Act and SLU guidelines. They must also always ask if the student wishes to take the matter to the head of department.

Secondly, the student can do the following:

- Contact their study counsellor; they are bound by professional secrecy and can give advice and support. If the student wants, they can take the matter further in an appropriate manner.
- Report the harassment to the head of department/manager in question.
- Report it directly to the head of legal affairs. If harassment occurs during a placement or similar teaching component, the student should submit a report both to the head of legal affairs and the placement manager.

³ Public Access to Information and Secrecy Act (2009:400), Chapter 23, Section 5.

The right to not be the victim of reprisals

Someone who has reported harassment or sexual harassment must not be the victim of reprisals, e.g. receive lower grades. This also applies to persons who have commented on such conduct, taken part of an investigation in accordance with the Discrimination Act, or rejected or yielded to harassment or sexual harassment.

Discrimination reimbursement

The Discrimination Act states that it is possible for victims of harassment or sexual harassment to receive reimbursement. This also applies to persons who have been the victim of reprisals because they reported harassment, or if their matter has not been investigated. The reimbursement should compensate for violation caused by the discrimination in question, as well as act as a discrimination deterrent.

The Equality Ombudsman

Those who are displeased with how the university has handled their matter can turn to the Equality Ombudsman (DO), www.do.se.

What a director of studies, head of department or manager should do when a student reports harassment

Directors of studies must:

1. inform the student about the Discrimination Act and the SLU guidelines for cases of suspected harassment of a student;
2. hand over the matter to the head of department/manager in question, should the student request it;
3. report the matter directly to the head of legal affairs for investigation if the head of department/manager is involved in the harassment case in any way.

Directors of studies are bound by **professional secrecy** in regard to a student's personal relationships.

Heads of department/managers working within the library, university administration or the University Animal Hospital must:

1. contact the student and the person they have accused of harassment;
2. carry out individual, clarifying discussions in order to get a picture of the event(s);
3. document the matter;
4. decide if the matter can be solved immediately within the department/division;
5. if necessary, consult the head of legal affairs;
6. in cases where the matter cannot be easily solved, report the matter to the head of legal affairs and share submitted information.

Matters that can be solved easily are those that – following a discussion – can be considered a misunderstanding. They can also be incidents between students not connected to their study situation.

If an SLU employee suspects harassment

An SLU employee who finds out that a student has been harassed must report this to the head of department/manager in question, or directly to the head of legal affairs. The report may not be anonymous.

Exception: employees bound by secrecy in regard to a student's personal relationships. These persons are not obligated to report harassment.

Placements and other external contacts

The Discrimination Act also applies to placements and equivalent, as well as contact with external supervisors. A student who experiences harassment during such a teaching component should report it to the head of legal affairs as well as the placement manager.

Reporting harassment to the head of legal affairs

The report to the head of legal affairs must be in writing. If this is not possible, the head of legal affairs must document an oral report immediately. They must always fully investigate reported matters.

The head of legal affairs must also inform the head of department where the student is studying.

If the report concerns a head of department, the dean must be informed. If the report concerns an employee at an administrative unit, their immediate manager must be informed.

Suspicion of unreported harassment

The head of legal affairs can receive information about harassment through other channels than reports, e.g. through anonymous information.

In such cases, the head of legal affairs must take immediate measures to investigate if these suspicions are justified and if the victim intends to submit a report. This must be registered as an individual case.

If the investigation shows that the suspicion of harassment is justified, the head of legal affairs can report the matter to the disciplinary board, staff disciplinary board or vice-chancellor, who then decides whether to take the matter to the Government Disciplinary Board for Higher Officials. The head of legal affairs may also propose other measures.

When a case should be closed

A matter should be terminated if an investigation does not lead to a report, or if it shows that there is no reasonable reason to suspect harassment. However, if someone retracts a report, this is not enough to close a case.

Consequences

If an investigation shows that a student has harassed someone, this may lead to a report to the disciplinary board. The board will then decide whether to take disciplinary measures in accordance with chapter 10 of the Higher Education Ordinance.

Possible measures include a warning or suspension up to six months. A suspended student may not take part of teaching components, examinations or other educational activities.

If an investigation shows that a teacher or other employee have harassed a student, this may be reported to the staff disciplinary board or the Government Disciplinary Board for Higher Officials. The boards then decide on disciplinary consequences (in the form of a warning or salary deduction), relocation or termination. They also decide whether to submit a notification of legal action.

Closed cases

After closing a case, the head of department at the department in question must be informed in order to take possible measures to prevent similar events in the future. This may for example involve training employees, psychosocial health and safety inspections or reviewing how harassment cases are handled. The head of department is also responsible for continually following up and ensuring that the unwelcome behaviour has stopped.