

Policy and Administrative Procedures when Incidents of Discrimination in the Form of Harassment, Sexual Harassment or Offensive Treatment Directed at Students Arise

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1. Policy

Stockholm University of the Arts shall be characterised by respect for each other's differences and opinions. Both the study environment and the working environment are to feel welcoming and inclusive. Students and employees are to be treated equally and in a respectful manner. Together, we will safeguard our good study and working environment. No discrimination, harassment nor sexual harassment may take place.

2. Introduction and Definitions

The meaning of "discrimination" is defined in the Swedish Discrimination Act (SFS 2008:567).

A simplified description of discrimination according to the Discrimination Act means that someone is treated disfavouredly or their personal integrity is violated. The disfavoured treatment or violation of personal integrity must in some manner have a connection to one of the seven grounds of discrimination, in order for it to be considered discrimination under the Act. Discrimination is prohibited on the basis of one's

- Gender
- Transgender identity or expression/appearance
- Ethnicity
- Religion or other beliefs
- Physical disability
- Sexual orientation
- Age

This document covers only those parts of the Swedish Discrimination Act where the Stockholm University of the Arts (Uniarts) has an obligation to investigate: Discrimination in the form of harassment or sexual harassment, or offensive treatment.

The act of discrimination may be direct or indirect. Inadequate accessibility, harassment, sexual harassment or instructions to discriminate¹ are forms of discrimination.

Disfavoured treatment and offensive treatment that is not related to any of the grounds of discrimination is not encompassed within the Swedish Discrimination Act, but rather is included in the Swedish Work Environment Authority's Regulations about the organisational and social work environment (AFS 2015:4). The Regulation does not encompass students. However, Uniarts has chosen to deal with offensive treatment/discrimination against students in the same manner as that directed against employees.

As a provider of higher education, Uniarts has a special responsibility when it comes to discrimination in the form of harassment and sexual harassment.

¹Instructions to discriminate is when someone gives an order or otherwise instructs another person who is in a subordinate or dependent position relative to that person, such as to an employee, to engage in discrimination against someone else.

Harassment is conduct or an act that violates someone's dignity or personal integrity. In order to be encompassed within the Discrimination Act, the offending act of offensive treatment must have a connection with one (or more) of the above-stated grounds of prohibited discrimination.

Harassment may be, for instance, the expression of ridicule or demeaning downright generalisations, with a relationship to one of the grounds of discrimination.

Harassment may also be of sexual nature. In such situation, it is then referred to as **sexual harassment**. In addition to comments and words, it may be that someone, for example, teases another suggestively, or paws at them or throws a look at them in an inappropriate manner. Or may include unwelcome compliments, invitations or hints and suggestive comments.

Harassment and sexual harassment are behaviours that are unwanted. It is the individual subjected to the abuse/harassment who determines what is undesired or offensive. According to the Act, before it will be considered as a matter of harassment or sexual harassment, the individual who engages in harassment must understand how the acts/behaviour is experienced. Therefore it is important that the individual who feels harassed clarifies for the person who is engaging what is perceived to be harassment that their behaviour is unpleasant and unwelcome. However in some situations, the harassment can be so clear that no remarks or objection is required from the individual who feels harassed.

Offensive treatment refers to acts or behaviour directed against one or more students in an offensive manner which may lead to ill health or that they end up being excluded from the students' community.

3. **Active measures and preventive work**

Pursuant to the Swedish Discrimination Act, as an employer Uniarts is obligated to work with active measures that prevent and counter discrimination. This also includes working for equal rights and opportunities irrespective of gender, gender identity or gender expression, ethnicity, religion or other beliefs, disability, sexual orientation or age.

The active measures and prevention work that engages in is described in the document *Plan för lika möjligheter och rättigheter för studenter och sökande vid SKH*. (In Swedish)

4. **Distribution of responsibilities and delegation**

As a provider of higher education, Uniarts assumes the responsibility for the study environment at the University. The Vice-Chancellor has the ultimate responsibility for matters relating to discrimination and equal treatment, however as the responsibility for staff, the working environment and safety has been delegated to the Heads of Departments, and this means that the Heads of Departments have a major responsibility for ensuring that the student's study environment is safe and secure. The Head of Department is thus responsible for preventing harassment/sexual harassment and

offensive treatment, and ensuring that there are properly working methods for how this will be dealt with by the Department, based on Uniarts' common procedures.

Uniarts also has an obligation to investigate suspicions of discrimination in the form of harassment/sexual harassment, (refer to the section below concerning the Obligation to Investigate). Uniarts has chosen to include offensive treatment directed against students in this obligation to investigate. All employees at Uniarts are obligated to immediately take appropriate measures if they become aware of a situation where it is suspected that a student (this also encompasses doctoral candidates) is being subjected to harassment, sexual harassment or offensive treatment in connection with their studies or activities at the University. The appropriate measure should consist of speaking with one's superior, who will decide how the matter is to be dealt with. The same responsibility applies to visiting professors/lecturers and contract personnel, who in this situation can be equated with the provider of education. In such a situation, they should contact the respective Head of Department or programme coordinator.

5. **Obligation to investigate**

As a provider of higher education, in accordance with Chapter 2, Section 7 of the Swedish Discrimination Act, Uniarts has an obligation to investigate if the University becomes aware that a student participating in or applying for admittance to the provider of higher education's activities considers that he/she has been subjected to harassment or sexual harassment in connection with the activities. What this means is that providers of higher education are obligated to investigate the circumstances surrounding the reported harassment and, if necessary, take the corrective measures that may reasonably be required in order to prevent instances of harassment occurring in the future. As mentioned in Section 2, Uniarts has chosen to include offensive treatment directed against students in this obligation to investigate.

If it concerns conduct or an act by someone which is not of such a serious nature or something that can be avoided by immediate rejection or reprimand upon its occurrence, it may suffice that the person is made aware that the behaviour is inappropriate. In such a case, it does not necessarily have to lead to an investigation being initiated. However, this is a matter of assessment to be made by the Head of Department, who at times sometimes may find it difficult to determine. If any uncertainties arise, the Head of Department should consult with the Vice-Chancellor.

6. **The processing of complaints and the investigation in the event of a suspicion of harassment, sexual harassment or offensive treatment**

6.1 **General guidance – matters relating to student affairs**

If an employee at Uniarts becomes aware that a student at Uniarts may have been subjected to any act or behaviour that may be encompassed within the Discrimination Act, or may constitute a serious case of offensive treatment, Uniarts shall seek to determine what has occurred and make an assessment of what has taken place. It is not required that a formal complaint has been filed for Uniarts to have the obligation to conduct an investigation. This applies irrespective of whether it is a student or an employee who is reported to be the individual who committed the act of harassment, sexual harassment/offensive treatment. In their capacity as a representative of the University, all employees have a serious responsibility to ensure that an investigation is initiated and any measures that need to be taken are taken. It is very important to respond as soon as what has occurred has come to the attention of Uniarts.

Even information that comes in anonymously must be investigated. However, information submitted anonymously may not be the sole basis for disciplinary measures. On the other hand, such information can be used to take general preventive measures.

- Do not diminish or be dismissive of what the student has experienced. To talk about and explain the incident entails that the student is in a vulnerable position.

There are very few occasions when institutions of higher education do not have a duty to investigate when a student asserts that harassment or sexual harassment has occurred.

- Avoid the spreading of rumours by not repeating the matter to people who are not involved. It may be useful however to inform the closest relevant programme coordinator (or equivalent). Contact the HR Department if you need to discuss the matter with someone.
- As soon as possible, inform Head of Department at the Department where this student is studying about what has occurred. The Head of Department is responsible for ensuring that someone gets back to the student involved with information about who will conduct the investigation work and who the student can turn to if a need arises. It would be appropriate that there is a contact person who has overall responsibility and who is in contact with the parties involved. With this, the investigation commences (refer to the investigation work below). The parties involved should be heard as soon as possible.
- If the student in question does not want to participate in the investigation, the investigative work can become complicated in such a manner that it can be difficult to make an assessment in the matter and the possibility of taking corrective measures may therefore be limited. The student should be informed about this. It may also lead to the possibility that any actions/corrective measures taken may need to be placed at a generalised level; this also includes the corrective measures that may be necessary to take in order prevent continued harassment. It is also important to pay special attention to that the investigative work does not cause a further harassment/violation of the personal integrity of the student. However the University can not choose to stop an investigation once initiated; this is due to that as a provider of higher education, Uniarts has a statutory obligation to conduct an investigation.
- If the event is of a criminal nature, Uniarts shall encourage the student to file a report with the police.
- The investigation is to be conducted with the utmost discretion and promptly (however it may nevertheless take an extended period of time). Ensure that those involved receive information about the processing of the case, if they have a need for this.
- Inform the student about the Student Health Services (www.studenthalsanistockholm.se) and recommend that they contact the Student Health Services for counselling. If the person whom a complaint has been filed against is also a student here, they will also be entitled to contact the Student Health Services for support.
- Invite both parties to maintain a journal and save any letters, e-mail messages, text messages or the like.

6.2 The investigative work – directed at those who conduct an investigation

- The Head of Department where the student subjected to the act is studying is responsible for the investigation work.

- The administrative support/contact person in the investigative work should be proposed by the Head of Department, taking into account the wishes of the parties involved.
- The Head of Department shall inform the Vice-Chancellor about the situation.
- If the Head of Department is the accused, the responsibility to head the investigation shall instead fall to the Vice-Chancellor.
- Set a time and conduct a conversation with the “complainant,” the student subjected to the abuse, in order to attempt to find out what has occurred.
- Set a time and conduct a conversation with the “accused,” the person whom a complaint has been filed against, so as to enable them to give their version of what has occurred.
- Also set a time and conduct conversations with other individuals who may have been present and who may have knowledge of what has occurred, if such is necessary.
- Contact the registrar to obtain a case number; state that the case is an investigation pursuant to the Discrimination Act and may contain sensitive personal information so this will be highlighted in the official register.
- Be clear about informing everyone that what is said will be documented in writing.
- Provide information to the student about the Student Health Services (see above).
- If the Head of Department or administrative support considers it appropriate, the interviewed person may be provided the opportunity to read and possibly approve the summary via signing it or by an e-mail note. Then the memoranda notes will become a public document and is to be registered in on the case in the official register.
- The investigator will make an assessment of what has occurred.
- The investigation will result in a decision, in which Uniarts as the academic institution makes a decision about if what has occurred is to be considered as harassment, sexual harassment or offensive treatment in the sense of the statute/regulation. The decision also specifies what corrective measures need to be taken in order to end the harassment, sexual harassment/offensive treatment, and prevent any similar occurrences from arising again.
- It is the Vice-Chancellor who makes the decision, upon the recommendation of the Head of Department (or the individual whom the Head of Department has designed as the presenter of the case). All decisions and documents in the case must be handled with a “narrow” as possible distribution list.
- Once the decision has been made, the decision and the report of the investigation will be sent to the persons concerned and recorded on the case in the official register.
- In the event a third-party requests copies of documents in the case, a confidentiality assessment shall be made. For institutions of higher education there is a high degree of public access to information and there are only a few confidentiality rules that are applicable to the activities of institutions of higher education. Many times, it is only the generally applicable confidentiality clauses in Chapter 21, Section 1 of the Swedish Public Access to Information and Secrecy Act (OSL) that are relevant. The possibility of de-identification/

anonymisation is stated in the section of the Act, if nature of the information is intrusive or relates to a violation of personal integrity.

6.3 Conclusions and follow-up afterwards

- If the investigation shows that no harassment, sexual harassment or offensive treatment has occurred in the sense of the statute/regulation, the decision is sent to the parties concerned.
- If the investigation shows that harassment, sexual harassment or offensive treatment in the sense of the statute/regulation has occurred, corrective measures must be taken in order to ensure that the harassment/offensive treatment ceases.
- If the investigation shows that on the basis of the information available, it is not possible to conclude that harassment, sexual harassment or offensive treatment has occurred, but rather that other types of abuse, inappropriateness, or problems have occurred, corrective measures are to be taken at a general level.
- There is no possibility of appeal in a decision in these cases. If any of the parties believe that Uniarts has violated its obligations to investigate, they may report this by filing a complaint with the Equality Ombudsman/
Diskrimineringsombudsmannen (DO).
- The follow-up of the matter shall also be planned and implemented in order to ensure that the harassment/offensive treatment has ceased.

6.4 Corrective measures

- If it has been established that harassment, sexual harassment or offensive treatment has occurred, corrective measures to stop this and prevent a repetition must be immediately introduced. The purpose of the corrective measures undertaken in the short-term, and in long-term, is to be that the undesired behaviour ceases and is not repeated. What actions/corrective measures are appropriate to implement in a specific case depends upon what the results from the investigation have shown in that particular case.
- If the matter concerns incidents of especially serious harassment/sexual harassment and/or the study environment becomes insecure due to what has occurred, disciplinary measures such as suspension from studies may need to be considered. In such case, this is then dealt with by Uniarts' Disciplinary Board. It is the Vice-Chancellor who makes the decision as to whether a matter is to be taken up in the Disciplinary Board. The Vice-Chancellor may decide on their own to issue a warning to the student (Chap. 10 of the Higher Education Ordinance (1993:100)).
- If an employee has subjected a student to harassment/sexual harassment or offensive treatment, the Vice-Chancellor may decide that the matter will be taken up in Uniarts' Staff Disciplinary Board. Possible penalties may be, for instance, a warning, deduction from one's salary, or as transfer to a different section/unit/Department.
- Make the person(s) who engages in harassment aware that such behaviour is perceived as harassment (sexual harassment or offensive treatment, as the case may be), and that the behaviour must cease immediately. Employees must also be

made aware that a repetition may result in termination of employment, and students are to be made aware that they risk disciplinary measures in the form of a warning or suspension.

- Repeated follow-ups with the accused party and the individual subjected to the abuse, as well as with others affected by the incident(s).
- Pay increased attention, especially in places and at times that have proven to be risky.
- Efforts using a social worker or psychologist from the Student Health Services or Occupational Health Services. Both for the person subjected to the abuse and the accused party/parties.
- Conduct conversations about misconduct regarding an employee, or conversation about the impact for students on their study environment.