

Policy and Administrative Procedures when Incidents of Discrimination in the Form of Harassment, Sexual Harassment or Offensive Treatment Against Employees 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 a duty 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 towards employees.

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.

As an employer, Uniarts has a special responsibility when it comes to discrimination in the form of harassment and sexual harassment, and this administrative procedure is concerned primarily with how this form of discrimination, as well as incidents of offensive treatment, is dealt with.

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 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, the individual who engages in harassment understands how the acts/behaviour is experienced, in order that it will be considered as a matter of harassment or sexual harassment. 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 employees in an offensive manner which may lead to ill health or that they end up being excluded from the community of their workplace.

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 Uniarts 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

The responsibility for personnel, the work environment and safety has been delegated to managers with responsibilities over personnel. These managers are 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 unit/Department based on Uniarts' common procedures.

If an individual in a supervisory position at Uniarts becomes aware that any employee (and this includes doctoral candidates) is being or has been subjected to harassment/sexual harassment or offensive treatment in connection with their job, the individual in a supervisory position has a responsibility to act immediately. It is always the person in a supervisory position over the individual subjected to the suspected abuse who is responsible for the investigation. The person in a supervisory position over accused party (or the Head of Department if the accused is a student), shall also be informed of what has occurred. If the individual subjected to the abuse is working at another unit/Department, the manager who is aware of the incident is required to inform the person who is in a supervisory position over that individual being subjected to the abuse.

5. **Obligation to investigate**

If an employer² at Uniarts becomes aware that an employee perceives that, in connection with their job, they are being or have been subjected to harassment, sexual harassment or offensive treatment by someone who performs work or is engaged in an internship at Uniarts, the employer is 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 harassment occurring in the future. The obligation also applies vis-à-vis any individual who is engaged in an internship or performs work as a contract employee, temp, or seconded employee. The obligation to investigate alleged incidents of harassment and sexual harassment is outlined in Chapter 2, Section 3 of the Swedish Discrimination Act.

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 have to lead to an investigation being initiated. However, this is a matter of assessment to be made by the responsible manager, who at times sometimes may find it difficult to determine. If any uncertainties arise, the responsible manager should consult with the Vice-Chancellor/Director of Administration.

6. **The processing of complaints and the investigation in the event of a suspicion of**

²Not only managers with responsibility for personnel, but also other employees who formally represent the employer in the course of their employment, are encompassed within the term "employer." This includes, for example, HR as well as staff who do not have their own management responsibilities but however have been appointed by the Vice-Chancellor as a member of Uniarts' leadership team.

harassment, sexual harassment or offensive treatment

6.1 General guidance – employees

If an employer at Uniarts becomes aware that someone employed at Uniarts may have been subjected to harassment, sexual harassment or offensive treatment, the employer shall seek to determine what has occurred and make an assessment of what has taken place. No formal complaint is required for the obligation to conduct an investigation. This applies irrespective of whether it is a student or an employee who is reported to be the party who engaged in the harassment. 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 action. On the other hand, such information can be used to take general preventive measures.

- Do not diminish or be dismissive of what the employee has experienced. To discuss harassment or sexual harassment that has occurred to them, means that the employee is in a very vulnerable position. Irrespective of whether it is harassment or sexual harassment, it must be investigated pursuant to the Swedish Discrimination Act. There are very few occasions when the institutions of higher education do not have a duty to investigate when an employee claims that harassment/sexual harassment has occurred. The same applies to offensive treatment.
- Avoid the spreading of rumours by not repeating the matter to people who are not involved. Contact the HR Department if you need to discuss the matter with someone.
- The manager is responsible for ensuring that someone returns to the parties involved with information about who will conduct the investigation work and who they may, if necessary, turn to. 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 employee 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 employee 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 employee. However the University can not choose to stop an investigation once initiated; this is due to that employers have a statutory obligation to conduct an investigation.

- The investigation work is to be characterised by respect for all parties involved, and initially take a neutral approach to both parties. The person whom a complaint has been filed against shall also be provided an opportunity to explain themselves, partly to be given an opportunity to cease with the harassment and partly that it may be shown that it is not harassment or other inappropriate behaviour that is occurring. Therefore it is important to consult with the parties and hear their story before any corrective measures are taken. By having a conversation with the person whom a complaint has been filed against for harassment/sexual harassment or offensive treatment, the Head of Department or other representative(s) of the University, it will be clear that Uniarts takes events of this nature seriously. This applies whether it is a student or employee whom a complaint has been filed against for harassment/sexual harassment or offensive treatment.
- If the event is of a criminal nature, which may possibly lead to a penalty other than a monetary fine, Uniarts is to file a police report (see §22 of the Swedish Public Employment Act (1994:260)).
- The investigation is to be conducted with the utmost discretion and promptly (however it may nevertheless take a long time). Ensure that those involved receive information about the processing of the case, if they have a need for this.
- Inform the employees about the Occupational Health Services and recommend that they contact them for counseling. If the person whom a complaint has been filed against also employed here, they will also have the right to contact the Occupational 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 person in a supervisory position over the individual subjected to the suspected abuse is responsible for the investigative work.
- The administrative support/contact person in the investigative work should be proposed by the manager, taking into account the wishes of the parties involved.
- The manager shall inform the Vice-Chancellor about the situation.
- If the individual in a supervisory position is the accused, the responsibility shall instead fall to a superior manager to head the investigation.
- If an external and neutral party is needed, a consultant from the Occupational Health Services can be engaged to conduct the investigation. Before an investigation is to be conducted, support must be obtained from HR.
- Set a time and conduct a conversation with the “complainant”, the individual subjected to the abuse, in order to attempt to find out what has occurred.
- Set a time and conduct a conversations 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 about the Occupational Health Services (see above).
- If the manager 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 then result in a decision, in which Uniarts 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 undesirable behaviour and prevent any similar occurrences.
- It is the Vice-Chancellor who makes the decision, upon the recommendation of the manager (or the person whom the manager 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 individuals 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 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 harassment/offensive treatment ceases and is not repeated. What actions/corrective measures are appropriate 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 or offensive treatment, and/or that the working environment is insecure due to what has occurred, disciplinary action may need to be considered. In such case, this is then dealt with by Uniarts' Staff Disciplinary Board (PAN). It is the Vice-Chancellor who decides whether a matter is to be taken up in the Staff Disciplinary Board (§25 of the Swedish Government Regulations (2007:515)).
- If a student has subjected an employee to harassment/sexual harassment, the Vice-Chancellor may decide that the matter is taken up in Uniarts' Disciplinary Board. Possible sanctions may then be, for instance, a suspension from studies (Chap. 10 of the Swedish Higher Education Ordinance (1993:100)).
- 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 accused party/parties.
- Conduct conversations about misconduct regarding an employee, or conversation about the impact for students on their study environment.