

Discrimination and victimisation – guidelines for staff and students at Örebro University

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If the English version differs from the original, the Swedish version takes precedence.



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Discrimination and victimisation – what are what?

The prohibition of discrimination is regulated in the Discrimination Act where discrimination is defined as someone being disadvantaged by being treated less favourably than someone else in a comparable situation, if this disadvantaging is associated with any of the grounds for discrimination and leads to detriment, disadvantage, or discomfort. For discrimination to take place, therefore, any of the grounds of discrimination must apply: sex, transgender identity or expression, religion, disability, age, ethnicity or sexual orientation.

The different ways in which discrimination can occur are called forms of discrimination. These are direct discrimination, indirect discrimination, inadequate accessibility, harassment, sexual harassment, and instructions to discriminate. As provided in the Discrimination Act, discrimination can be either direct or indirect in nature, through obvious disadvantaging or disadvantaging that appears as neutral. Inadequate accessibility and instructions to discriminate are also regulated by the Discrimination Act.

Harassment is conduct that violates someone's dignity and that is associated with any of the grounds of discrimination. Sexual harassment is conduct of a sexual nature that violates someone's dignity. Reprisals – or revenge behaviour – when someone has reported or called attention to discrimination, harassment or sexual harassment are also prohibited.

Under the provisions of the Swedish Work Environment Authority on systematic work environment management (AFS 2001:1) and organisational and social work environment (AFS 2015:4), an employer is responsible for preventing victimisation. Victimisation includes unpleasant conduct or conduct with negative overtones that is directed at one or several persons in an offensive way but without being associated with the grounds of discrimination. This kind of offensive behaviour could for instance include ostracising or bullying. There is a difference between perceived injustice, conflicts and differences of opinions and discrimination, harassment, sexual harassment, and victimisation (see Appendix 1 for more information and examples).

For unwelcome behaviour to be regarded as harassment, sexual harassment or victimisation, the perpetrator must understand how their conduct is received. It is therefore important that the person experiencing the unwelcome behaviour makes it clear to the perpetrator that the behaviour is indeed unwelcome. In serious or clear-cut cases, however, where it is obvious that the behaviour would be unwelcome, there is no need for the victim to point this out.

Örebro University's core values and scope of the document

Örebro University's activities are based on the common basic values for central government. In accordance with the university's own core values and approach, our work environment is moreover to be guided by gender equality, openness, trust, and respect. There is zero tolerance of discrimination and victimisation, as well as of reprisals which is further described in the university's policy for a good work and study environment.

This means that it is everyone's responsibility not to subject another person to discrimination or victimisation but also to speak up and call attention to such conduct, thereby promoting a safe and sound study and work environment. In addition, promoting

gender equality and equal opportunities is an important part of the university's efforts for social sustainability and the realisation of Agenda 2030 and as such it is included in the university's *Orientation and action plan for gender mainstreaming and equal opportunities efforts at Örebro University for 2023-2025*.

The document outlines roles and responsibilities, obligations and rights, advisory resources available to staff and students, as well as sanctions and measures to be taken in the event of discrimination or victimisation. It further outlines where staff and students can turn if they experience discrimination or victimisation. The guidelines are revised annually.

How heads of school and managers are to investigate complaints are described below.

Why file a complaint?

Örebro university should be a safe place to work and study that is free from discrimination and victimisation. Reporting and investigating discrimination and victimisation is necessary in order to maintain a good work- and study environment. The university is obliged to investigate potential discrimination or victimisation. The obligation starts when any member of the university finds out about a situation where discrimination and victimisation occurred even if the discrimination or victimisation has not been reported by the victim. Any staff that receives information about, or witnessed, discrimination or victimisation need to report this to the head of school or manager.

If a victim wants to be anonymous to the person that is being accused, the university still need to act and investigate. However, such anonymity might make it more difficult for the head of school or manager to judge the situation and can result in measures of a more general kind. It is important to remember that a document submitted to the university becomes a public document that anyone can ask to read. When a request to access a document is made, the university will always examine whether the information in the document is classified as secret before the request is granted.

Possible disciplinary measures

If it comes to the university's attention that there have been incidents of harassment or victimisation, measures are to be taken to prevent further instances. In the event an investigation concludes that an employee or student is guilty of harassment, discrimination or offensive behaviour, measures will be taken and/or sanctions will be imposed.

For students

The purpose of an investigation into a reported incident of harassment or victimisation is to make sure that the unacceptable behaviour ends and that it does not occur again. In serious cases, the students who, following an investigation, have been found guilty of discrimination or of subjecting one of the university's members of staff or students to offensive behaviour, run the risk of having their case heard before the disciplinary committee. The consequence of such a hearing may be a warning or suspension from studies for a period of up to 6 months as provided in the Higher Education Ordinance (1993:100), Chapter 10, Sections 1–10. A student who is suspended may not participate in any instruction, including examinations, or other activities within the framework of the

courses and study programmes at the university. If a crime has been committed, the student may be expelled from studies via the Higher Education Expulsions Board. In such cases, the expulsion may apply to studies at any higher education institution in Sweden or on certain courses and study programmes.

For staff

The purpose of an investigation into a reported incident of harassment or victimisation is to make sure that the unacceptable behaviour ends and that it does not occur again. In serious cases, the members of staff who, following an investigation, have been found guilty of discrimination or of subjecting one of the university's members of staff or students to offensive behaviour, run the risk of having their case forwarded to the staff disciplinary committee.

The staff disciplinary committee can issue a warning, deduction from pay or dismissal as provided in the Public Authority Ordinance (2007:515), Section 25. For some categories of staff, similar cases are instead to be forwarded to the Government Disciplinary Board for Higher Officials. The Government Disciplinary Board for Higher Officials can issue a warning or decide on dismissal as provided in the Public Employment Act (1994:260), Section 34 and the Ordinance (2007:831) with Instruction for the Government Disciplinary Board for Higher Officials.

How to report perceived discrimination and victimisation

As a student at Örebro University

Students who are subjected to discrimination or victimisation is recommended to make a formal complaint through the use of a digital form at Student services. Here the student is asked to answer questions and describe what has happened. The complaint is submitted to the Records Office, is registered, and is forwarded to the head of school. If the complaint concerns the head of school a neutral part needs to be responsible for the investigation. A student who has witnessed discrimination or victimisation should contact the head of school and inform about what they have witnessed.

Support via Student Health Centre and the Campus Health Centre is always to be offered to both victim and the person against whom a complaint has been made. This is done by the head of school. Participating in counselling is voluntary and up to the individual.

If you are a student on placement

Under the Discrimination Act, students on placements equate with employees of the organisation where the placement takes place. A student who is at a certain workplace as part of their training, has by law the same protection against discrimination and victimisation as the employees of that organisation.

The person responsible for the course the student is taking, and the student supervisor will usually be the first contacts for the student experiencing discrimination or victimisation. The student can also contact the student ombud for support and should be offered the possibility to gain support through the student health centre. The university

has a responsibility to act if there is a risk that the harassment etc. will continue. One such measure would be to support the student in finding a new placement.

If a student experiences discrimination or victimisation a number of staff at the university and at the placement are usually involved in supporting the student and investigating. Since students in pedagogy can belong to different faculties, institutions and subjects, the Office for Teacher Training works as cohesive support function for the students that are on placement. Students with questions about their placement can therefore turn to the Office for Teacher Training.

Students are recommended to also report their complaint through the use of a digital form at Student services so that the head of school, together with the placement, can investigate.

If you are an employee at Örebro University

An employee who finds themselves subjected to discrimination or victimisation or who has witnessed someone else being the victim of such conduct recommended to file a complaint a digital form at Inforum. Here the employee is asked to answer questions and describe what has happened. The complaint is submitted to the Records Office, is registered, and is forwarded to the line manager. If the complaint concerns the line manager a neutral part needs to be responsible for the investigation. An employee who has witnessed discrimination or victimisation should contact the line manager and inform about what they have witnessed.

Support via the Campus Health Centre and Student Health Centre is always to be offered to both victim and the person against whom the complaint has been made. This is done by the head of school or manager. Participating in counselling is voluntary and up to the individual.

If you are a doctoral student at Örebro University

Doctoral students with doctoral studentships at Örebro University are covered by the prohibition of discrimination at work and fall under the 'employee' category and therefore follow the routines described there. Doctoral students without a doctoral studentship at the university count as students and therefore follow the routines described for students.

Anonymous complaints

Örebro University encourage students and staff that experience discrimination or victimization to report this using the digital forms at Inforum and Student Services. In the form name and contact information is stated. If the person reporting wants to remain anonymous it could be more difficult for the university to fulfill its investigative responsibilities. It can also be more difficult if the university needs additional information for its investigation, but also for the person accused to respond to the accusations in a manner that ensures legal certainty. For those reasons, students and staff are not encouraged to make anonymous complaints.

The university does still need to ascertain anonymous information and act upon it in a manner that is possible. A head of school or a manager can for example speak with the

person that is being anonymously accused in an attempt to judge whether or not the information is reliable. The head of school or manager can also implement measures on a group level or speak to the student group about the importance of a healthy and positive study environment.

Guidelines for investigating discrimination or victimisation

When an incident comes to your attention and an investigation is initiated

When a head of school, line manager (or a person to whom this responsibility has been delegated) is informed about an incident, an investigation needs to be initiated expeditiously. This means that initial talks are to be held within a few days, at the most one week, depending on the circumstances of the report.

The obligation to investigate comes into force regardless of how the information is given. That a person has been victimised does need to be confirmed in order for the investigation to continue. This means that the person victimised needs to recognise victimisation. If the person that has been victimised does not want to cooperate with the investigation, head of school or manager can only implement general measures, for example to work with the study- or work environment.

When the investigation is initiated, the head of school or line manager needs to contact the person experiencing the discrimination or victimisation and ask for information about what has happened. If there are witnesses or documentation in the form of communication or pictures, it is important to also include these in the investigation.

The head of school or the line manager can after that receive support in making an initial assessment of the complaint. Legal officers and the equal right and equality advisor can support on matters concerning students and legal officers and HR strategists on matters concerning members of staff. The initial assessment is done to figure out whether or not discrimination or victimisation has occurred.

The purpose of an investigation is to obtain comprehensive information about the situation and to assess which measures are called for to make discrimination or victimisation cease and to prevent them from happening again. The investigation also needs to include which measures that need to be taken to make discrimination or victimisation cease or to be prevented for the future. What measures are to be taken can differ between departments and are based on the current situation.

If discrimination or victimisation cannot be corroborated, further investigatory measures cannot be taken. The university can still, however, take preventative measures, such as for example a work environment survey. Problem areas may include inadequately defined roles/responsibilities, insufficient dialogue on ethics and core values, and workloads that are either too heavy or too light.

After the initial assessment the head of school or the line manager contacts the person that has filed the complaint and the person that has been considered the perpetrator. The purpose is to inform about the assessment and which measures that are considered applicable to the situation to make the discrimination or victimisation cease and to be prevented for the future.

The chief security officer is contacted when the matter needs to be reported to the police, for instance in the case of more serious harassment or sexual harassment or in the case of threats and violence. Student representatives may be contacted for support on matters related to the study environment or to support to the student in question. Student health services and The Campus Health Centre can always provide support, both to the victim and the alleged perpetrator.

Measures and conclusion

Measures are taken and monitored to ensure that discrimination and victimisation cease and that there are no reprisals. If the measures have effect, the matter will be closed and registered in the university records by the person in charge of handling the matter in consultation with a records officer. If an action plan has been drawn up, this is also to be registered. A follow-up is to be done within two months of the date of the decision. This follow-up is to be documented in writing, registered in university records, and added to the case file.

Possible measures include:

- the matter is closed without further measures as discrimination, harassment, sexual harassment, or victimisation cannot be proven or that the incident is not covered by the legislation in force
- the matter is closed without further measures as it can be assumed that the harassment/victimisation has ceased and will not happen again
- an action plan for the matter in question is drawn up without delay and immediate measures are taken by the head of school in question or other person in charge, so that the unacceptable behaviour, by means of the proposed measures, can be assumed to cease immediately and not happen again
- the matter is forwarded to the disciplinary committee for disciplinary or labour law action against the person in question

This means that head of school or manager need to document the measure taken in the Public360 system. The head of school or manager need to follow up on the measures taken and document this in the case. The investigation should, in its totality, be documented and contain a decision of whether or not discrimination or victimization has occurred and what measures are to be taken. The person experiencing the discrimination or victimisation, as well as the person accused, should be able to have access to the written documentation.

If there are reprisals

If there are reprisals, a new investigation will be opened. The head of school or the line manager informs both the victim and perpetrator of the further handling of the matter and/or decision. Anyone who may need advice and support, both the victim and the person against whom the complaint has been made, are to be provided with information on the support available.

Registration

The Administrative Procedure Act (2017:900) and the Public Access to Information and Secrecy Act (2009:400) provisions on registration are to be observed and written

documentation of, among other things, official notes, communications, and decisions is required. This means that a significant portion of the investigation is carried out with a great degree of transparency. The documents registered in the university records are public, which means that anyone can request access to them. If access to a document is requested, the university will examine, in compliance with the Public Access to Information and Secrecy Act, if the information contained in the document is secret.

Appendix 1: Grounds of discrimination and examples

Grounds	Definition	Example
Grounds of discrimination	<ul style="list-style-type: none"> • Sex 	Woman, man, or those that are in the process of undergoing or have undergone sex reassignment
<i>Discrimination Act (2008:567)</i>	<ul style="list-style-type: none"> • Transgender identity or expression 	A person's mental or self-perceived gender image
	<ul style="list-style-type: none"> • Ethnicity 	National/ethnic origin, skin colour or other similar characteristics
	<ul style="list-style-type: none"> • Religion or other belief 	Religious beliefs (e.g. Hinduism), convictions (e.g. atheism)
	<ul style="list-style-type: none"> • Disability 	Lasting physical, mental or intellectual limitations of a person's functional capacity
	<ul style="list-style-type: none"> • Sexual orientation 	Homosexual, heterosexual, and bisexual orientation
	<ul style="list-style-type: none"> • Age 	Length of life reached
Direct discrimination	Someone is disadvantaged by being treated less favourably than someone else in a comparable situation, if this disadvantaging is associated with any of the grounds of discrimination and leads to detriment, disadvantage, or discomfort	Discriminatory actions presupposes that there is some kind of power relationship, e.g. employer vs employee or teacher vs student. If there is no such power relationship, the action is defined as harassment.
Indirect discrimination	Someone is disadvantaged by a provision that appears neutral but that may put people at a particular disadvantage due to any of the grounds of discrimination.	Dress codes that disadvantage people wearing headgear unless the purpose of the provision is justified, legitimate and objectively acceptable.
Instructions to discriminate	Orders/instructions to discriminate against someone in a direct or indirect manner or to harass or sexually harass, given to a person who is in a subordinate/dependent position to the person giving the instructions.	Instructions to reject job applications based on for instance applicants' ethnicity.
Harassment	Violating an employee's, student's or job applicant's dignity and is associated with any of the grounds of discrimination.	Ridicule and derogatory comments on dress, appearance, speech, or behaviour that can be associated with any of the grounds of discrimination.
Sexual harassment	Conduct of a sexual nature that violates someone's dignity. The conduct or actions must be unwelcome to the victim.	Words, actions, conduct of a sexual nature, physical actions of a sexual nature, unwanted physical contact
Inadequate accessibility	Someone with a disability is disadvantaged in a certain situation compared to persons without this disability.	Support, information or communication as well as physical environment
Reprisals	When an employer takes measures against an employee, or a teacher takes measures against a student that has the nature of punishment or revenge.	Deterioration of working conditions, unreasonable workload, having responsibilities taken away
Victimisation <i>AFS 2023:1 & AFS 2023:2</i>	Victimisation is unpleasant or negatively loaded actions that are directed towards one or several people in a way that violates their dignity.	Rendering someone invisible, ostracising, slandering, withholding information, bullying

Appendix 2: Decision-making process for an investigation



