



## Vice-Chancellor's Decision

123/17

13 Dec. 2017

Reg.no C2017/941

**Matter:** Action programme, guidelines and routines to combat discrimination, harassment and victimisation

**Officer:** Anki Nordmarker

### **Background:**

According to the Discrimination Act (2008:567, Ch. 2), as an employer and education provider Karlstad University is responsible for investigating the circumstances of reported harassment and to take such measures as can reasonably be required to prevent future harassment.

Employers and education providers must take preventative measures to combat discrimination and other measures to promote equal rights and opportunities irrespective of sex, transgender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation or age (SFS 2016:828).

The Swedish Work Environment Agency's code of statutes on the organisational and social work environment (AFS 2015:4) stipulates that employers must take systematic work environment measures ensuring that discrimination does not arise. The employer must further also have routines in place for handling discrimination.

The action programme is a revision of the previous version (RB, Reg.no C2015/83) and was developed by the equal opportunity coordinator at the HR Office and Unit for Student Support. HR officers and the university's legal expert had been consulted in developing the programme.

**Information/ negotiation as per the  
Codetermination Act:** No

### **Decision**

Karlstad University decides to approve the revised Action programme, guidelines and routines to combat discrimination, harassment and victimisation, valid from 13 December 2017 until further notice.

Johan Sterte decided in this matter and Anki Nordmarker was rapporteur. Pro-Vice-Chancellor Thomas Blom, University Director Anne-Christine Larsson Ljung, and Daniel

Frisén, chair of the Student Union, were present at the finalisation of this matter without taking any decisions.

Johan Sterte

Anki Nordmarker

Copies of decision sent to:

- Registry
- Faculties
- Faculty office of the Board for Teacher Education
- Executive and Student Support Office
- Communications Office
- HR Office

<b>Policy document: Action programme, guidelines and routines to combat discrimination, harassment and victimisation</b>					
Valid from 13 Dec. 2017	Draft	Until	Further notice	Responsible	Anki Nordmarker, Fredrik Olsson.

# Action programme, guidelines and routines to combat discrimination, harassment and victimisation

## Karlstad University's action programme to combat discrimination, harassment and victimisation

Karlstad University takes a zero-tolerance approach to discrimination, harassment and victimisation. All staff members and students are expected to contribute to a work and study environment that is inclusive, characterised by respect and encouragement and based on the government's core values. Nevertheless, individuals or groups of individuals sometimes experience discrimination, harassment, victimisation or being disadvantaged in other ways. Knowing what to do when this happens is crucial. This document provides guidelines for handling such situations.

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## 1. Background: Rights and obligations

According to the Discrimination Act (DL 2008:567), employers and education providers that learn that an employee or student has been subject to discrimination, harassment or sexual harassment are under obligation to investigate the circumstances and take the necessary measures to prevent future occurrences. The Swedish Work Environment Agency's code of statutes (AFS 2015:4) indicates that employers must take systematic work environment measures ensuring that discrimination does not arise. Employers must further have routines in place for handling discrimination. The employer has the main responsibility for providing a good work environment, which for example means that heads at the university are responsible for preventing, noticing and handling discrimination. Staff and students are all responsible for contributing to an attractive, inclusive and good work and study environment. See Karlstad University's Work Environment and Ethics policies.

*"If an employer becomes aware that an employee, in connection with work, considers himself or herself subject to harassment or sexual harassment by someone working or doing a traineeship at the employer's establishment, the employer is obliged to investigate the circumstances surrounding the alleged harassment and where appropriate take the measures that can reasonably be demanded to prevent harassment in the future" (DL 2008:567, Ch. 2, Sec. 3)*

*"If an education provider becomes aware that a child, pupil or student participating in or applying for the provider's activities, and in connection with these activities, considers himself or herself subject to harassment or sexual harassment, the education provider is obliged to investigate the circumstances surrounding the alleged harassment and where appropriate take the measures that can reasonably be demanded to prevent harassment in the future." (DL 2008:567, Ch. 2, Sec. 7)*

## 2. What defines discrimination, harassment, sexual harassment and victimisation?

According to the Discrimination Act, **direct discrimination** is when someone is disadvantaged by being treated less favourably than others, if this disfavour is based on one of the grounds of discrimination, namely sex, transgender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation or age. Discrimination pertains to direct acts or failure to act. For instance, treating persons differently based on their background, age or gender constitutes direct discrimination against them.

**Indirect discrimination** takes place when an employer or education provider applies a regulation or routine in a seemingly neutral way but which in fact disfavours persons of a certain gender, ethnicity, religion or other beliefs, sexual orientation, transgender identity, age or disability. Requiring irrelevant language skills, age, height, clothing, etc. for a position or in connection with studies may constitute indirect discrimination, unless the requirement has a legitimate purpose.

**A lack of accessibility** means that a person with disability is disfavoured, as accessibility measures have not been taken to allow the person to occupy a comparable position as those occupied by persons without disabilities. This may pertain to the nature of premises, the accessibility of information, hearing aid loops in lecture halls, etc.

The concept **harassment** is used in the Discrimination Act in the meaning of conduct that violates a person's dignity and that is associated with one of the grounds of discrimination, namely sex, transgender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation or age. Examples of harassment are ostracising, rendering someone invisible or making insulting remarks. A person subjected to such a treatment determines whether behaviour is perceived as harassment. According to the Equality Ombudsman (DO), the same behaviour that can be perceived as harassment by one person may not seem so to another. The DO homepage ([www.do.se](http://www.do.se)) provides more information on what is considered harassment and examples of how different cases have been handled

**Sexual harassment** is defined as conduct of a sexual nature that violates a person's dignity. Sexual harassment can include touching, joking and propositions with sexual implications, which are unwelcome and disrespectful. As with harassment, it is the affected person who determines whether behaviour is perceived as harassment.

**Instructions to discriminate** refer to an order or instruction to discriminate against someone, given to a person who is subordinate or otherwise dependent on the one giving the order or instruction.

The Swedish Work Environment Agency's code of statutes on the organisational and social work environment (AFS 2015:4) and its guidelines describe **victimisation** as words and actions aimed against one or more employees in an offensive, incomprehensible or unfair manner. Victimisation is emotionally taxing, uncomfortable and unpleasant. Victimisation may result in persons' exclusion from the workplace community as well as to mental illness. Examples of victimisation include not being greeted, being assigned nicknames, ostracised, excluded from meetings, ignored, deliberately withholding work-related information or in another manner being incomprehensibly or unfairly treated.

**Generally**, there is no requirement to prove intent for an act to be labelled discrimination or harassment; it is the result of the action and the experiences of affected persons that determine whether discrimination or harassment has taken place. The affected person should make it clear to the harasser that the behaviour was perceived as offensive if this is not obvious.

University representatives (management, staff and other representatives) may not discriminate when decisions are taken, in meetings with students, staff or applicants to positions, practical placements or courses and programmes, or in any other actions. There may be objective grounds for special treatment that do not constitute discrimination, and in such cases, the university must that such objective grounds exist. Students or staff may not be subjected to reprisals, i.e. they may not be punished in any way for reporting harassment (DL 2008:567).

### 3. Preventative and promotional measures

Employers and education providers must take preventative measures to combat discrimination and other measures to promote equal rights and opportunities irrespective of sex, transgender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation or age (SFS 2016:828).

Continuous active measures entail (a) investigating risks for discrimination and reprisals, (b) analysing the causes of risks and obstacles, (c) taking preventative and promotional measures, and (d) monitoring and evaluating measures taken.

Active measures taken by an employer comprise (a) work conditions, (b) regulations and practices relating to pay and other conditions of employment, (c) recruitment and promotion, (d) training and professional development, as well as (e) possibilities to combine work and parenthood.

Active measures taken by an education provider comprise (a) admissions and recruitment processes, (b) teaching formats and the organisation of courses and programmes, (c) examinations and assessment of student work, (d) the study environment, as well as possibilities to combine studies and parenthood.

*Active measures involve the preventative and promotional efforts made in an organisation to combat discrimination and other measures taken to promote equal rights and opportunities irrespective of sex, transgender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation or age. (SFS 2016:828, Ch. 3, Sec. 1)*

Karlstad University has also been tasked with gender mainstreaming its operations, i.e. adapting operations with the aim of contributing to meeting the government's gender-equality objectives. The overall aim is that women and men should have equal opportunities to shape society and their own lives, and it is expressed in six parts: (1) equal distribution of power and influence, (2) financial equality, (3) equal education, (4) equal distribution of unpaid household tasks, (5) equal health, and (6) ending men's violence towards women. More information on the government's gender-equality objectives is available at [www.regeringskansliet.se](http://www.regeringskansliet.se).

In spite of the active promotion of equal opportunities, equality and equity, inclusion, core values, work environment, leadership and collegiality, situations sometimes arise in which people experience harassment, discrimination, victimisation or disfavour. Knowing *that* and *how* we must act in such situations is crucial.

#### **4. Responsibilities and routines for handling incidents**

When situations arise in which persons experience discrimination, harassment or victimisation, the employer or education provider must be alerted. No formal report from the affected person is needed for the employer or education provider to be considered aware of the incident; information from a third party or own observation suffices. The employer or education provider is obliged to investigate the matter as soon as it becomes aware of its occurrence.

##### **Advice to persons subject to discrimination, harassment or victimisation**

- The person who feels affected determines whether an action or behaviour is unwelcome.
- React as soon as you feel affected.
- Make it clear to the harasser that you do not welcome such behaviour.
- Students should first contact teachers. You may also contact the equal opportunity coordinator at the Unit for Student Support, student health services or the student union's student ombudsman.
- Employees should first contact their immediate heads, or, if this is inappropriate, the head's superior. You may also contact the HR Office, your safety ombudsman, a labour union representative or occupational health services.
- Persons who feel affected may also need other support such as counselling. Your head/teacher or student/occupational health services can refer you.

##### **Advice to those receiving a report of or other information on discrimination, harassment or victimisation**

- Take immediate action, document the matter and follow up on the information received.
- Make it clear to involved parties that the university is obliged to investigate if it becomes aware of possible discrimination, harassment or victimisation.
- Adopt an objective, problem-solving attitude.
- Treat all persons involved respectfully.
- Ask questions to get a clear picture of the situation.
- Review the options available for further investigation.
- Define your own role and describe the other persons/bodies that may be contacted to investigate the matter.
- Ensure that you have the affected person's permission before involving other persons/bodies in further investigation.
- Ensure that the matter is being investigated, even if you are no longer the investigator.
- Feel free to contact one of the university's appointed investigators/officials if you are uncertain as to how to proceed.

## **5. When the employer or education provider becomes aware of discrimination, harassment or victimisation**

An investigation must commence, irrespective of *how* the employer has become aware of discrimination, harassment or victimisation. The matter is primarily investigated by the head responsible for the work environment, supported by an official from the HR Office, or by an official from the Executive and Student Support Office. In some cases, another internal or external investigator may be needed. The circumstances of each individual case determine who investigates the matter. If necessary, the university's legal experts and the head of the HR Office are consulted. An investigation must be conducted swiftly, objectively and with legal certainty, showing respect to all persons involved. It is important that the employer remains impartial and that the investigator determines the course of events in a correct, professional and respectful manner. The investigator must keep all parties informed on the status of the matter. The aim of the investigation is to establish the circumstances surrounding the incident, take the measures required to end irregularities and take preventative measures to combat future incidents.

### **Routines for handling matters**

1. The employer becomes aware of a matter through a formal report, informal report, third party, the employer's own observation or in a different manner.
2. An investigator is appointed – usually an official at the HR Office if the harasser is an employee or an official from the Executive and Student Support Office if the harasser is a student, or another appropriate person.
3. The investigator swiftly initiates an investigation by contacting the affected person and based on the information gained decides how to proceed with the matter; the investigation continues and the harasser is contacted or the matter is closed.
4. Upon consultation with the parties involved, the matter is either assessed to fall under the Work Environment Act or the Discrimination Act. If needed, the university's legal expert is consulted.
5. If the matter falls under the Work Environment Act (victimisation, offensive behaviour, bullying, conflicts) the responsible head or the head's superior must always be involved in the further handling of the matter. The aim is to end irregularities and to create a conducive work environment.
6. If the matter falls under the Discrimination Act (discrimination, harassment, sexual harassment, lack of accessibility, reprisals), the further formal investigation is conducted by the appointed official in consultation with a legal expert. If appropriate, an external investigator may be appointed, for instance to ensure impartiality.
7. More parties may need to be interviewed in the continued investigation (both work environment and discrimination matters) to ensure that the version of events is as clear, impartial and legally certain as possible before any measures/sanctions are put in place.
8. When the investigator deems the investigation to be nearing conclusion, the university's legal expert and head of the HR Office are consulted on the further course of action.
9. If applicable, the matter is brought before the staff disciplinary board or disciplinary board which decides on any sanctions. For more information, see the university's Rules of Procedure.
10. The matter is concluded and entered into the registry.
11. Confidentiality is always assessed if documentation on the matter is requested under the Public Access to Information Act.



## **6. Handling matters: Information to investigators**

When the employer becomes aware of discrimination, harassment, sexual harassment, offensive behaviour, victimisation, bullying, etc., the matter must be investigated with the aim of ending irregularities. See the guidelines to investigators below. Sometimes the circumstances of a particular case may necessitate different measures than the ones listed below.

### **Initially**

- Familiarise yourself with the information received on the matter.
- Make an initial assessment (if this is not obvious from the report) as to whether the matter involves discrimination (harassment, sexual harassment, etc.) under the Discrimination Act or pertains to the Work Environment Act (victimisation, conflicts, bullying).
- If discrimination has been formally reported, the university's legal expert should be involved in the process.
- Based on the available information, determine who else should be involved in the matter. In connection with work environment issues, the immediate head or the head's superior must be involved.
- If needed, consult the legal expert or your own superior on whether you or someone else should investigate the matter for reasons of bias or other factors that may impede impartiality and legal certainty.

### **Investigation**

- Contact the affected person. Ask questions to clarify the circumstances of the incident and sequence of events.
- Contact the person accused of wrongdoing. Inform the person objectively and circumspcctly about the report/situation that has come to the employer's attention. Obtain the person's version of events.
- As needed, speak to more affected/involved persons about how the situation is being/was experienced and any reasons why the situation arose.
- Consult the university's legal expert if you are uncertain or clarification is needed.
- Document the investigation continuously.

### **Compiling investigation results**

- Results of the investigation are compiled when enough information has been gained on the matter.
- Again, an assessment is made whether the matter falls under the Discrimination Act or the Work Environment Act.
  - o If the matter falls under the Discrimination Act, the university's legal expert is consulted on further handling.
  - o If the matter falls under the Work Environment Act, the responsible head is contacted to take measures promoting a good work environment.
- In matters that may warrant sanctions, the head of the HR Office and the university's legal expert are contacted to bring the matter before the staff disciplinary board or the disciplinary board, as needed.
- Write a summary report on the matter that is entered into the registry after a decision has been taken.
- The minutes you made during the investigation may become documentation in the matter.

**Remember**

- Act swiftly, circumspectly, confidentially and show respect to all involved parties.
- Acquire an overview of the situation without judging or rushing to conclusions.
- Draw up minutes after each meeting; describe experiences and the sequence of events, measures taken during the investigation and their effect, the parties you met, and when these meetings took place.
- Remember that the minutes you keep may be valuable in the further handling of the matter, so store these securely.
- Focus on solutions: “How do we best solve this problem?”
- Provide support to persons affected by/tasked with taking measures to prevent further irregularities.
- Ask your colleagues for support if warranted by the situation.

## 7. Contacts

### Your are welcome to contact

Email an individual member of staff:

[name.surname@kau.se](mailto:name.surname@kau.se)

#### *HR Office*

Anki Nordmarker, HR specialist

054-700 2290

[Anki.Nordmarker@kau.se](mailto:Anki.Nordmarker@kau.se)

#### *Unit for Student Support*

Fredrik Olsson, study counsellor and equal opportunity coordinator

054-700 1517

[Fredrik.Olsson@kau.se](mailto:Fredrik.Olsson@kau.se)

#### *Student Health Services*

Annelie Berglind, health pedagogue

054-700 1645

[Annelie.Berglind@kau.se](mailto:Annelie.Berglind@kau.se)

#### *Karlstad Student Union*

Student ombudsman

054-700 1485

<http://www.karlstadstudentkar.se/>

#### *Labour unions*

SACO <http://sacovidkau.se/>

ST <http://www.kau.se/st>

SULF <http://www.sulf.se/Kontakta-SULF/Lokala-fackliga-foretradare/Karlstads-universitet/>

#### *Safety ombudsman*

There is a safety ombudsman at each faculty and a head safety ombudsman who coordinates activities. The student union also has a student safety ombudsman.

#### *University church*

Hans Kvarnström, student priest

054 -700 1492

<https://inslaget.kau.se/users/hans-kvarnstrom>

#### *Occupational health services*

<https://inslaget.kau.se/anstallning/arbetsmiljo-och-halsa/foretagshalsovard>

If you are uncertain whom to contact, please contact the switchboard at 054 -700 1000 for assistance.

Equality Ombudsman: <http://www.do.se/>

08-120 20 700