

Umeå University's handling of misconduct

—

32 pro-active proposals for change

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Foreword

On 23 November 2021, the Vice-Chancellor of Umeå University approved a Directive for evaluating Umeå University's handling of misconduct. For this assignment, the concept of misconduct includes victimisation, how misconduct is managed, harassment or sexual harassment. My assignment as an investigator/evaluator began on 1 February 2022 and ended on 31 March 2022.

As part of the assignment, I read many documents, not least the various policy documents, which allowed me to formulate interviews with managers, employees, employee representatives and the student unions. The interviews, the various policy documents, inspiration from other universities and personal experience form the basis of the proposals submitted in the report. I hope that the proposals and recommendations provided by this report will lead to new approaches and measures and, not least, to continued discussions at various levels at the University.

I wish to take this opportunity to thank everyone for all the constructive discussions I have had throughout this process. I would like to apologise if I have unintentionally misrepresented anything in this report. I would also like to express my thanks for the administrative support I received from staff at the Planning Office.

I hereby submit the report "Umeå University's handling of misconduct – 32 pro-active proposals for change". The assignment is thus completed.

Stockholm, 31 March 2022

Karin Röding

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Annexes

1 Introduction

1.1 Background

The Directive for evaluating Umeå University's handling of misconduct (FS 1.1-96-19) states the following:

“Umeå University has zero tolerance of discrimination, harassment, sexual harassment and victimisation. All students and employees must feel secure in their study and work environment. Umeå University as an employer and education provider is responsible for the work and study environment. According to the University's vision document, approved by the University Board on 3 April 2019, Umeå University is to be characterised by an inclusive culture where equality, diversity and equal opportunities are self-evident.

It is of the utmost importance that all staff and students feel safe and can report the occurrence and experience of harassment, sexual harassment and victimisation. For this reason, it is important that Umeå University's preventive efforts and handling of harassment be clear and transparent, and the University must provide support and information to individuals who report incidents and to others who are affected by issues.

Based on the criticisms made, there is reason to conduct an external investigation of the University's handling of misconduct to ensure that the University has an appropriately structured work environment system and a culture that supports zero tolerance of discrimination, harassment, sexual harassment and victimisation.”

1.2 The assignment

An external evaluator will review Umeå University's systematic work with both pro-active and reactive measures related to victimisation, handling of misconduct, harassment or sexual harassment. The enquiry must be pro-active and based on a gender equality perspective on the issues being evaluated. The enquiry is not to reconsider previously made decisions in individual matters or examine the assessments on which these decisions are based.

In addition to the above, the enquiry will focus on:

- the University's organisation and resources for operational, managerial, staff and student support regarding sexual harassment, harassment and victimisation,
- gather experience from how the University handles and addresses cases involving sexual harassment and the framework for these with the intent to draw lessons for the future,
- the possible role of the Staff Disciplinary Board and the Government Disciplinary Board for Higher Officials with these types of cases. The investigator is to compare several relevant higher education institutions (HEIs) regarding these boards,
- the University's communication and information to staff and students regarding reporting procedures, support and handling of the area,
- whether university-wide policy documents in the area are appropriate.

The assignment is described in full in Annex 1. The time set aside for the assignment is just over four weeks.

1.3 Method and limitations

The investigation is based on a review of several different policy documents (initially 20 policy documents were obtained), investigations and interviews with managers, employees, employee organisations and the student unions at the University.

The interviews were conducted as semi-structured interviews based on an interview guide sent to the respondent in advance. The interview guides have been adapted to each role. An interview guide is not an agenda but touches on the issues that the evaluator has determined should be covered by the discussion. Time for other questions has also been provided. The interviews took about 45 minutes each. At some point, follow-up interviews were held for clarification or because the time for the first interview was insufficient.

The interviews were conducted both online and physically. The investigator has had discussions with 58 individuals at the University. Some of the discussions were in groups while others were held individually. To facilitate the work, the Planning Office took notes during the interviews, but not in instances where the evaluator met individuals who answer directly to the Vice-Chancellor or with the heads of the faculty offices.

In addition to the more than 20 policy documents initially provided to the enquiry, several other policy documents or equivalent were obtained. In the initial compilation of provided policy documents, it appears that there are 200–300 policy documents and that these are available on the University's legal framework webpage. Within the enquiry's relatively short time, just over four weeks, it has not been possible to submit comments on more than some of the most important policy documents for the enquiry. The enquiry has also been able to read various enquiries on misconduct and other staff matters.

The enquiry's Directive does not specifically mention the buyout of University employees which was a part of the Västerbottens-Kuriren (VK) series of articles. The enquiry has therefore been limited by not making comments on any of these cases.

As specified by the Directive, progress reports have been submitted to the Vice-Chancellor during the course of the work.

After the final report is submitted to the Vice-Chancellor no later than 31 March 2022, I will present the enquiry to the Extended University Management on 4 April and to students and staff at Umeå University on 8 April. On 20 April 2022, the final report will be presented to the University Board.

1.4 Outline of the report

Section 2 presents the held interviews and discussions. Section 3 includes a brief review of legislation in the area and Section 4 summarises the government assignment that the Swedish Council for Higher Education (UHR Report 2019:2) was given in the wake of #metoo and #akademikerupproppet. Section 5 reviews the five questions the enquiry will focus on in accordance with the Directive. Section 6 contains proposals and recommendations. The report concludes with annexes.

2 Interviews and meetings

Discussions were initially held with the Chair of the University's Board and over the course of the enquiry with the Vice Chair. A separate interview was held with the Audit Director; the Internal Audit Office answers to the University Board.

Interviews have been conducted with deans and directors, heads of faculty offices together with HR support/equal opportunity officers, a selection of heads of departments from all faculties and a selection of department representatives for equal opportunities. Other roles that answer directly to the Vice-Chancellor except the Pro-Vice-Chancellor. From the University Administration, several heads of office have been interviewed as well as university-wide coordinators for work environment and equal opportunities. Representatives of the three student unions (Umeå Student Union, Umeå Student Union of Science and Technology and Umeå Medical and Health Sciences Student Union) and four doctoral student representatives, three of whom have or have held leading positions in their respective doctoral student unions/sections. Representatives of the three labour organisations Saco, ST and Seko. Three chief work environment representatives. Specific information has been obtained from the Communications Office regarding websites, the student website and learning platforms.

3 Brief review of legislation in the area

The texts in sections 3.1 and 3.2 are taken from the Swedish Work Environment Authority and the Discrimination Ombudsman's 2019 publication *Motverka och förebygg sexuella trakasserier på din arbetsplats. Mellan den som utsätts och den som utsätter står du*. Information till arbetsgivare – om sexuella trakasserier. [Counteracting and preventing sexual harassment at your workplace. You stand between the harassed and the harasser. Information for employers – about sexual harassment].

The Swedish Agency for Government Employers provides information in the area to members such as Umeå University, even though most is freely available at Arbetsgivarverket.se

3.1 The Discrimination Act and the Work Environment Act

The Discrimination Act (2008:567) is intended to combat discrimination and in other ways promote equal rights and opportunities. The act specifies the types of discrimination: gender, ethnicity, gender expression, sexual orientation, disability, religion and age. According to the Act, sexual harassment is a type of discrimination.

If the employer becomes aware that someone in the organisation considers themselves to have been subjected to sexual harassment, the circumstances must be investigated in accordance with the Discrimination Act and measures taken to stop the reported harassment.

The Discrimination Act requires employers to regularly take four steps to prevent sexual harassment: 1) investigate whether there is a risk of sexual harassment; 2) analyse the causes of the risks discovered; 3) implement measures to prevent sexual harassment and promote equal rights and opportunities; and 4) follow up and evaluate steps 1–3.

The purpose of the Work Environment Act (1977:1160) is to prevent occupational illness and accidents and to otherwise ensure a good work environment. Sexual harassment is a type of victimisation that is regulated by the legislation. The employer must combat conditions in the work environment that may give rise to victimisation.

3.2 Access to procedures

Both acts require that everyone has access to clear procedures for dealing with sexual harassment and victimisation if this should occur in the workplace. The procedures should explain:

- how the employer is to act should they learn that someone considers themselves subjected to sexual harassment – what happens to the information, what the recipient should do and how the person who feels exposed can quickly get help
- to whom the person who feels vulnerable to harassment can turn – that is, who at the employer will receive the information
- who will be responsible for the investigation of the incident or allegations.

According to the Discrimination Act, the procedures must be in writing.

4 Higher education institutions' efforts to combat sexual harassment UHR Report 2019:2

In the appropriations directions for the 2018 financial year, the Government tasked the Swedish Council for Higher Education (UHR) to conduct a comprehensive examination of how HEIs work to prevent sexual harassment and how they respond when they discover cases of sexual harassment. As the director general of the authority, I ordered the production report "Universitets och högskolors arbete mot sexuella trakasserier" Report 2019:2, [Higher Education institutions' work to combat sexual harassment]. The report has the annex "Hans liv fortsätter som vanligt" [His life continues as if nothing has happened], a qualitative study by Örebro University researcher Lisa Salomonsson. The annex is a separate part of the report. To place the efforts to prevent sexual harassment in a scholarly context, UHR commissioned the Swedish Secretariat for Gender Research at the University of Gothenburg to conduct an overview of Swedish and international research on preventing sexual harassment in academia. Fredrik Bondestam and Maja Lundqvist conducted the assignment, which is a separate report (UHR 2019) available at UHR.se.

As Director General, I had the opportunity to present the findings of UHR's report in various contexts. The slide show from one of these presentations is available in Annex 2.

On 8 March 2019, three universities (Karolinska Institutet, KTH Royal Institute of Technology and Malmö University) launched a joint research and collaboration programme to combat sexual harassment and prevent gender-based violence and victimisation in Swedish higher education. A prevalence study on sexual harassment in academia was conducted within the framework of the programme. This study will be presented in May 2022. In addition, a three-year research project on the occurrence of sexual harassment, #tellus, was conducted at Lund University by collecting data from staff and students. The project included an examination of power dynamics.

4.1 The assignment

Within the framework of the government assignment, UHR sent a survey to all public HEIs and several independent education providers (43 in total). Of these, 38 responded. UHR supplemented the HEIs' descriptions of their work with questionnaires to student unions and trade unions, workshops, and hearings. As the response rate from the student unions and the trade unions was relatively low, these were supplemented with opinions from the central organisations, the Swedish National Union of Students (SFS) and the Swedish Association of University Teachers and Researchers (SULF). The assignment also included presenting good examples.

4.2 General provisions

#akademiupproppet was an eye opener for many HEIs, resulting in the launch of several initiatives. According to UHR's report, there are no good examples of comprehensive solutions. Research in the field points to several aspects in academia that enable sexual harassment to both occur and be allowed to continue, e.g., a pronounced status hierarchy, precarious employment conditions, various power and dependency relationships and an imbalance between formal and informal power. The higher education institutions believe that the main challenge in preventing sexual harassment is the academic culture and structure.

The survey shows that the HEIs' preventive work is primarily a legal process, which indicates that the preventive measures combating sexual harassment are a limited and situation-based problem for the individual. There are hardly any measures that address academic culture and structure.

The preventive measures are essentially aimed at staff, while there are few measures which are aimed specifically at doctoral students despite this group being potentially at risk and which is highly dependent on their supervisors. There are few initiatives aimed at current Bachelor's and Master's students and most are aimed at new students. According to UHR's report, HEIs commonly rely on student unions despite their relatively weak positions in terms of time and money. The trade unions that responded to the survey believe that they lack transparency into the HEIs' efforts to combat sexual harassment, even though collaboration is required by the Discrimination Act.

The most common preventive measures are different forms of informational and training initiatives. Several HEIs have produced new policy documents and procedures or updated existing ones, and they have clarified the support structures so that more people will report harassment. There are also occasional training initiatives using the bystander approach. Bystanders are those who witness others experiencing harassment or sexual harassment. The training described by some student unions is a mixture of value-based discussions, information about practical strategies for intervention and practical exercises in moral courage to enable intervention if someone is being subjected to abuse. The research overview named above includes studies showing that systematic training of bystanders at a university can reduce the incidence of sexual harassment by up to 30 per cent. Other studies show that when HEIs train and then regularly use bystanders, this leads to fewer victims of violence on campus compared with the HEIs that do not use this approach. See UHR's report 2019:2, pp 46–53 for more information.

4.3 Women

As mentioned above, a separate study was also conducted at Örebro University within the framework of UHR's efforts. See Annex 1 in UHR's report 2019:2. The study shows that women who are subjected to sexual harassment tend to leave the workplace. The reasons vary, but some may be that the victims lose faith in the workplace when they or other victims do not receive support from their employer. They also state that those who report incidents do not feel sufficiently protected during the investigation or that they experience a deterioration in the work environment after reporting the incident. This can lead to others not wanting to take the risk of informing or reporting an incident because previous claims did not result in action. The women feel that potential for redress or change is considered small, while the risk of retaliation is considered too great. Instead, the women affected or the witnesses to the incident leave the workplace.

UHR's study did not conduct a separate assessment or analysis of other groups in the HEI who may be exposed to sexual harassment. There are likely several groups that could potentially be at risk. In general, the students who have a clear 1-to-1 relationship with their supervisor may be at risk. One noted at-risk group is students attending fine, applied and performing arts programmes.

These students are often dependent on their supervisor or other teachers beyond studies simply because they can help the students obtain bookings for performances and similar in the evenings and at weekends, something the students need to learn and develop in this domain. This group of students may feel doubly at risk during their education.

4.4 The importance of management

In UHR's report management is noted as a key factor for a successful change management process. Senior managers must take their strategic responsibility and show that preventive efforts and zero tolerance of sexual harassment are priority issues. This responsibility must be linked with managers understanding master suppression techniques, imbalances in power and influence, sexual harassment and so on, to be able to communicate credibly. Research in the field described in UHR's report shows

that active, fair and clear leadership promotes equality while it also demonstrates that sexual harassment will not be tolerated. Passive leadership, on the other hand, increases the risk that both male and female staff are exposed to sexual harassment. Active and clear leadership appears to be central in an organisation's preventive efforts in the area. Research also shows that well-integrated, structured, egalitarian workplaces, where women and men share power and leadership, can help prevent sexual harassment.

There is normally more that can be done in this area by senior management at universities. Introducing more training initiatives or more policy documents is insufficient. Academic management must be prepared and be able to take a stand and set boundaries for what is not acceptable behaviour followed by backing this up with actions.

5 Focus on particular questions

The Directive specifies that the investigation must be pro-active with special focus on the questions listed under sections 5.1–5.5.

5.1 Organisation and resources for operational, managerial, staff and student support regarding sexual harassment, harassment and victimisation

It has only been partially possible to include the staff perspective in the enquiry. This has been done through meetings with the trade unions, HR and equal opportunity support at both departmental and faculty levels or through interviewing other staff groups. Many of the interviewees were positive about the webpage “If something happens”, which brings together resources and support for how employees should respond and offers available help in the event of incidents involving the work environment, harassment, threats and work-related injuries. The webpage was launched in December 2021 on the University’s staff website. At the end of February 2022, the corresponding page for students with resources “If something happens – for students” was launched on the University’s student website.

Section 5.1 on organisation and resources is partly related to how the University communicates about these issues, which will be examined in Section 5.4.

5.1.1 Support functions for heads of department and deans

All heads of department have support in the form of equal opportunities representatives and HR resources. Equal opportunities representatives are to have at least 30 hours set aside for this work per semester. HR support varies between the faculties and, as such, the departments. Some departments have a mostly administrative HR function, while others have a human resources coordinator to support the head of department in human resources matters. The heads of department who have assumed a HR function with coordination responsibility believe that this has been positive for them as heads of department and thus for the department.

At the faculty level, the faculty offices are led by a head of faculty office. The faculty offices vary in size, and therefore the support that the faculties can offer their heads of department varies. The deans and the heads of department generally seem to work well together. Some interviews indicate that the dean is not confident enough to pursue difficult HR or staff-related issues. Meanwhile, one dean put it succinctly as follows:

There is a fear of tackling difficult staff problems at the executive management level because there is a lack of clarity in employer policy. There is a lot of policy talk but no action. The Vice-Chancellor has good ambitions and is particularly knowledgeable about the core operations, but difficult staff matters get stuck with the officials who work with the Vice-Chancellor.

5.1.2 The need for collective support – a good example from Lund University

Regardless of how the faculty offices are organised in terms of size and roles or what administrative support is given to each head of department, everyone interviewed would like to receive comprehensive, professional support from the Human Resources Office, which can monitor a difficult staff incident through the entire process.

The enquiry has received from the Planning Office a summary which lists the measures taken and activities related to the work environment and the University’s core values that were initiated after the article series in the local daily paper VK. The summary indicates that the University Administration will review the support provided to university organisations related to the work environment and equal opportunities questions with a focus on harassment, sexual harassment and victimisation. The

preliminary assessment is that a university-wide group is needed for matters deemed to require a more extensive response. The composition of the group will be adapted to the scope and nature of the case, as is reasonable. The preliminary assessment also proposes that external functions can be brought into the group. This can include occupational health and student chaplains. Bringing the procured occupational health care services on board in an initial enquiry does not seem well thought out. Their services and expertise may be needed at a later stage but not during the initial phase. Some heads of department also feel that it is inappropriate to use occupational health care services in the enquiry phase because their knowledge of the school is limited and their assignments are aimed at the individual and not at the University as an employer.

At Lund University, this work and responsibility both as an employer and as an education provider takes a different shape. The University’s website provides good and clear instructions and checklists addressed directly to managers with staff responsibilities. See Annex 3 and the links below.

Lund University’s checklist describes its systematic preventive work against discrimination (SFAD) for both the employer and the education provider. These efforts take the form of four active steps: investigate risks and obstacles, analyse the causes, take measures, and follow up and evaluate their cumulative impact. See Figure 1 taken from Lund University’s [checklista_sfad.pdf \(lu.se\)](#)

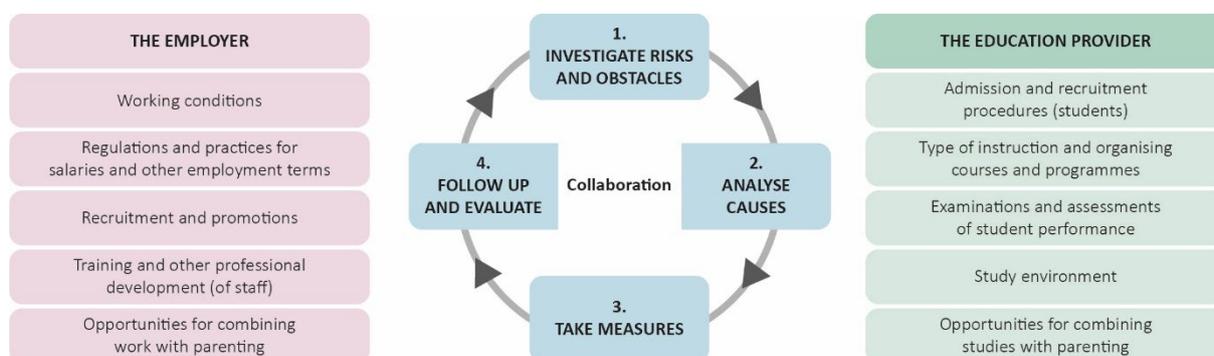


Figure 1

A SFAD team provides support both for the preventive efforts and the investigation phase. The role of the team is described on Lund University’s website: If you need support in managing a case involving abuse and/or harassment in the organisation and in your role as employer and/or manager, the first step is to contact your immediate support function for human resource or student matters. If there is uncertainty about a matter or if you would like to discuss how to proceed, please contact the SFAD team.”

The SFAD team includes

- 1 labour law officer at 50%
- 2 human resources consultants at 50%
- 1 coordinator from the Student and Education Section at 50%

Lund University’s website provides a comprehensive collection of documents and information for managers. See the link to the website.

[Harassment and sexual harassment | HR website \(lu.se\)](#)

See Section 5.5.4 on Lund University’s Handling and investigation of harassment, sexual harassment and reprisals aimed at managers. Annex 3.

5.2 Experience from how the University handles and addresses cases involving sexual harassment and the framework for these with the intent to draw lessons for the future

The enquiry has examined about 20 claims/cases managed by the Disciplinary Board, the Staff Disciplinary Board (PAN), cases that have been submitted to the Government Disciplinary Board for Higher Officials or that have been decided after an enquiry ordered by the Vice-Chancellor. The cases are from the period 2006 through to 2020. All the cases do not involve sexual harassment.

Some deans say that some cases from recent years could have been determined by PAN, but the delegation of authority procedure does not give them the mandate to pursue cases there. Several interviewees believe that there is a fear of taking up cases in the boards “unless the University is certain of winning the case”. There are signs that this is a misguided attempt at protecting the University’s “brand name”. The concept of brand is mentioned in several discussions. Several leading figures believe that PAN could provide useful support to the Vice-Chancellor and that this would help the University develop a defined human resources and employer policy.

Some of the examined cases and enquiries seem to have taken a long time from the University’s receipt of the initial claim until the case was decided – approximately 5.5 months. The Administrative Procedures Act (2017:900) stipulates that complaints are to be managed as simply, quickly and cost-effectively as possible without neglecting the fair and equal application of legislation, regulations and rules. It is also worth noting that a protracted process can lead to the employees concerned, both the submitter of the complaint and the accused, suffering for an unnecessarily long time, something that several deans reported. In addition, the University does not seem to learn from the cases that have been investigated. Once a case has been investigated and a decision has been made, the University’s management must draw conclusions from what has happened to be better equipped next time. A systematic follow-up can also lead to taking better pro-active initiatives.

The perception is that the enquiries conducted by the University take on more of a criminal law character with a focus on the legal process instead of focusing on the difficult staff issues that are often the underlying cause. A strict separation into what the Discrimination Act prescribes and what the Work Environment Act allows has led to managers with employer responsibility not daring to take on work environment initiatives even though they should have and wanted to. Since the Human Resources Office does not appear to be involved in the investigations examined in this enquiry, no overall responsibility is taken for the situation, i.e., for the person who files a complaint, for the person who is accused and for their work environment. This also means that there is no systematic follow-up.

Another example of a lack of a holistic approach is when the same person is reported by two different people at the same time. Both complaints are for harassment, sexual harassment and victimisation but no thorough assessment was made. In the two investigations, it is stated under the heading The University’s judgement that “no significance can be attached to the assessment of what can be considered to have happened” even though two complaints about the same person were received at the same time.

One of the investigations revealed that the reported person “tells sexual jokes all the time”. Furthermore, “Sexual talk was so normal. It happened all the time and it was accepted.” Passive bystanders¹ are common in many workplaces, but it is surprising that no one reacted to the

¹ Bystanders are described in Section 4.2.

inappropriate behaviour or language, considering that the complaints were filed at the end of 2019 several years after #metoo and #akademiuppropet.

In the two cases described above, the Vice-Chancellor's decisions are formulated with identical wording that sexual harassment is not considered to have occurred in the manner defined in the Discrimination Act. However, one of the decision sentences should be cause for reflection: "The Vice-Chancellor notes that the decision does not exclude that work environment measures may need to be taken as a result of the complaint and subsequent investigation into the matter." Seen from an employer perspective, the sentence is passive and does not signal the zero tolerance that the University has adopted. It is good that the faculty then took measures, but the Vice-Chancellor's decisions should have clearly stated that work environment measures must be taken.

In another investigation on a report of harassment and victimisation, the investigator's assessment was that there were no follow-up questions for the person who submitted the complaint. Most notably, it states that the teacher had "acceptable reasons for why he conducted the teaching in the way he did." But the investigation does not state what these reasons were. At the same time, a course coordinator told the class that "the lecturer is aware that he can sometimes put his foot in his mouth". The lecturer then singled out the student who filed the complaint in front of the entire class, alluding to her gender and generalised in a way that could be perceived that the lecturer considers "women to be generally inferior to men". In the investigation, the lecturer says that "the purpose of the statement was not to offend her as a person." The reader of the investigation is provided with no guidance on what the purpose was. However, it was concluded that: "The University does not consider that the statement is of such a clearly offensive nature that it can be considered to constitute victimisation of NN." The student reported the lecturer for two serious incidents. The head of department evaluated the first incident and, regarding the second incident, the dean evaluated and followed up the entire degree programme even though the complaint was towards a lecturer. This enquiry concludes that this case also lacks an overall assessment and HR competency.

5.3. The Staff Disciplinary Board and the Government Disciplinary Board for Higher Officials

According to the assignment, the enquiry is to “focus on the possible role of the Staff Disciplinary Board and the Government Disciplinary Board for Higher Officials with these types of cases. The investigator is to compare several relevant higher education institutions regarding these boards.”

5.3.1 The Staff Disciplinary Board at Umeå University

The Staff Disciplinary Board (PAN) at Umeå University has met once since 2017. A case was supposed to have been examined at the end of 2020 to consider dismissal of an employee. Prior to the case being taken up in PAN, the employee resigned, whereby the case was dismissed from further processing. Since then, none of the cases investigated by university legal officers have been judged to meet the requirements for examination in PAN.

Umeå University has no established processing procedure for PAN, even though the documentation examined by the enquiry states it does. According to the head of the Legal Affairs Office, a procedure is not needed for PAN because the Board’s work follows the Administrative Procedure Act. A procedure for PAN is currently being prepared, but a procedure for the whistleblowing function has a higher priority and will be adopted first.

5.3.2 Staff disciplinary boards at other relevant higher education institutions

Uppsala University has an average of 1–2 PAN cases per year, which normally deal with dismissal or firing. At the time of writing, Uppsala University has 3–4 cases that probably need to be considered.

Lund University’s procedures for PAN state that a labour law officer employed by the Human Resources Division is to report on cases to the Board. The Vice-Chancellor decides, after consultation with reporting officer, whether a matter should be referred to PAN. In addition, the director of administration, the human resources director and the senior legal officer can also refer matters to PAN. See Annex 4 for more information.

At **Stockholm University**, cases can be initiated based on information that comes to the employer’s attention from students, employees, the media or otherwise. The human resources director assesses whether a case should be investigated and prepared. When a case has been prepared, the human resources director and/or the reporting officer present a report to the Vice-Chancellor, who then decides whether to refer the case to PAN.

The reporting officer ensures that the case is thoroughly investigated as the case requires. Relevant organisations will provide any reports required by the investigation. The Human Resources Office’s labour law officer is the reporting officer. Should a conflict of interest or special circumstance exist, the human resources director appoints a different reporting officer.

The legal officer at the Legal Secretariat serves as the secretary and is responsible for keeping minutes for PAN meetings, giving notice about decisions and registering PAN meeting proceedings. Stockholm University does not have scheduled PAN meetings.

KTH (The Royal Institute of Technology in Stockholm) has set dates for PAN meetings. There are usually 3–4 meetings planned per semester. If there are no cases, the board meeting is cancelled. The central Human Resources Office serves as the secretariat for the Board. KTH plans to eventually hire a labour law officer assigned to the Human Resources Office as the reporting officer for PAN.

Linköping University has adopted rules of procedure for the Staff Disciplinary Board. See Annex 5. The rules of procedure state that the Vice-Chancellor may initiate a case for PAN. The Board can also initiate examination of cases on its own accord. The dean, head of department or equivalent, library director, director of administration, acting director of administration, senior legal officer and human

resources director can request that the Vice-Chancellor refers a case to PAN. This type of request is addressed to the Vice-Chancellor and submitted to the Human Resources Office at the University Administration, which is then responsible for preparing the case. After preparation, the human resources director or the official appointed by the human resources director presents the case to the Vice-Chancellor, who decides whether the case should be referred to PAN.

The Swedish Agency for Government Employers compiles statistics on the number of cases dealt with in all governmental Staff Disciplinary Boards. The statistics show that five higher education institutions had cases in 2020: Lund University, KTH, Linköping University, Malmö University and Mälardalen University.

5.3.3 The Government Disciplinary Board for Higher Officials

The Government Disciplinary Board for Higher Officials (SAN) is tasked with deciding matters of disciplinary liability, report for prosecution, dismissal, court-ordered medical examination and suspension in cases of government employees with senior positions. SAN was established in 1976 to address the inappropriateness of senior government officials being evaluated in disciplinary cases by colleagues at the public authority with whom they work. The authority of the Disciplinary Board is pursuant to Section 34 of the Public Employment Act (1994:260) and Section 15 of the Letters of Appointment Employment Act (1994:261).

The organisation is primarily governed by the above named legislation, the Public Administration Act (2017: 900) and the instructions to the Disciplinary Board (2007:831). Most of the provisions in the Government Agency Ordinance (2007:515) also apply.

The Disciplinary Board only reviews cases submitted by the employing authority, the Parliamentary Ombudsman or the Office of the Chancellor of Justice. The employing authority has a notification obligation (Section 15 of the Employment Ordinance, 1994:373). Correspondence from, for example, the public are not reviewed by the Disciplinary Board. Such correspondence is normally left without action.

The report on SAN's activities for 2020 states that 26 cases were registered and, of these, 15 were notification cases. Four of these were submitted by individuals and have therefore been left without action. During the period 2012–2020, between six and eleven cases per year were “duly filed notification cases”. SAN's statistics include four professional categories: judges, prosecutors, police commissioners and professors. There is also a category called Other.

On 19 November 2020, the Government approved the appointment of an enquiry on the legal position of state employees (Directive 2020:120). The Directive includes tasking the investigator to submit proposals that ensure that decisions by the National Board of Appeal and the Higher Education Appeals Board to change an employment decision are followed, to analyse the conditions that allow the suspension of a state employee from work and whether employment terms for director generals should be adapted to a situation where the director general is transferred and receives different work duties. The Directive stipulates that the assignment should be reported no later than 19 November 2021.

A supplementary Directive approved by the Government on 3 November 2021 revised the assignment to require the investigator also to analyse whether the review of disciplinary matters, dismissal of professors and similar should be done by the employing authority instead of the Government Disciplinary Board. This was done by expanding the assignment in the part on terms of employment for director generals to include issues regarding salary after being transferred. For many years, the higher education sector has argued that professors should be covered by the Staff Disciplinary Board at the employing authority.

The Government assignment was presented and submitted to the Government on 28 February 2022. According to *Rätt och rimligt för statligt anställda* (SOU 2022:8) [Right and Reasonable for Government Employees], separate regulations applied to professors until the end of 1999, partly because they were most often appointed with special authorisations [Sw. *fullmaktsanställning*], something that ended with the reform in 1993, and partly through a special provision in the Higher Education Act (1992:1434), which was introduced in the higher education reform in 1993 but which was removed in 1999. The professors hired thereafter are covered by the general provisions of labour legislation on the labour market and the employment protection it provides. The Swedish Government Official Reports (SOU) make the assessment that the review of professors currently being conducted by SAN should be made by the employing authority. However, SAN's review should continue for professors employed with special authorisations.

The investigation will probably be referred. Only then can the Government take a decision. For this reason, SAN will not be discussed further in this report.

5.4 The University's communication and information to staff and students regarding reporting procedures, support and handling in the area

Sharing information is difficult and large scale communication efforts can be even more challenging. Information channels need to be clear and easily accessible for information to reach its intended audience. Communication presupposes that it is possible to confirm that the information has been received and that the recipient can respond in some way. For communication to be considered to have taken place, it is not sufficient that the signal, information, or message has been received. It requires that some form of change or that a process has begun with the receiving party.

It is now easier to provide information than ever before but disseminating information has become more complex with a range of digital and social media channels available.

5.4.1 How Bachelor's and Master's students view these issues

The enquiry has met with leading representatives of the three student unions at the University. They usually know more about what is happening at a university than students in general, because the unions sit on central bodies at the University, e.g., in the University Board or in the University Management Council. Despite this, student union representatives believe that it is difficult to find information about how to submit a complaint and to find support in the area. Some of the representatives looked forward to the launch of the website "If something happens – for students", which has now happened. See Section 5.1. It would have sent a positive signal if the students' "If something happens" website had been launched at the same time as the corresponding staff website.

The channel used for "If something happens" is the student website – a website that students reportedly rarely use even though schedules and other resources are available there. One student union believes that the information should instead be on the Canvas learning platform, while someone else thinks that social media should be used, like Instagram. The students say that they rarely or never visit the University's website to retrieve information.

Students also need to know who to turn to when they are in placement at a workplace (VFU) where a party other than the University has primary responsibility for the study environment. Many programmes have relatively large elements of placements, and it must be made clear where these students should turn to for support.

The student unions highlighted good examples like a course provider informing the group at the beginning of a course that “if something happens during the course, please contact me”.

5.4.2 How doctoral students view these issues

The University’s Regulations for doctoral education at Umeå University (FS 1.1-334-21) specifies that doctoral students are to have access to a reference group, in addition to the legal right to supervisory support from at least two supervisors. It states: Doctoral students who are admitted after 1 January 2014 are to have access to a reference group. Normally, at least two of the supervisors and at least one academically recognised university teacher unconnected to the doctoral student’s research project, are to be included in the reference group.

Although most of the interviewed doctoral students were or had been representatives of doctoral student associations/sections, they were not aware of this. A comment that captures this in essence is: Yes, I’m sure it says that somewhere.

The deans, for their part, think that the system with external members in a reference group or mentors is a good support for the doctoral students if problems should arise during the third-cycle course. In general, the heads of department gave the strongest indication that the doctoral students are regarded as employees and that they receive the same information as other staff. Most doctoral students are indeed employed at the University, but they are pursuing third-cycle courses and study programmes in accordance with what is prescribed in the Higher Education Ordinance (1993: 100), Chapter 6 Sections 25–36. UHR’s report (see Section 4) shows that doctoral students can be an at-risk group because they often have a 1-to-1 relationship with their supervisor.

5.4.3 How staff view these issues in relation to the articles in Västerbottens-Kuriren (VK)

Almost everyone interviewed for this report has been positive about “If something happens”, see Section 5.1. They believe that it lowers the threshold for those who want to submit a complaint but do not know who to turn to.

Several interviewees can identify with what has been described in VK’s article series. Some feel there is media twist to the articles and do not identify with what is described, while others say that they do not identify at all with what is reported in the article series. Unlike the students, virtually all staff members interviewed have read the articles.

The series began on 7 April 2021. After several articles, VK noted on 24 April that the University’s website was updated with information on 22 April. This was confirmed by the University. It took the University just over two weeks to acknowledge the issue on a public section of its website. This was too long of a time elapse without information or a message from the University’s management for students and staff.

The University Administration had information that VK was investigating the issue, but this information was not passed on to others at a higher level who could have been involved in the University’s communication strategy and how it managed its messaging. In one instance, one of the faculties had prepared a response to one of the articles in VK but was told that the issue was to be managed centrally. This pronouncement from higher up closed the door in which the faculty could respond to the articles in VK.

Several of the articles present senior university officers as having a passive attitude. Even if it is not possible to comment on specific cases, there is nearly always an overall message to express. Instead, Umeå University was presented as a paralysed and reactive University which is far from the ambitions of transparency described in the University’s vision.

Virtually all interviewed staff wished for some kind of message from senior management once the first article was published. Many staff members live in and around Umeå and received questions from family, relatives and friends about what it is like to work at Umeå University, but there was no message from management which would have helped them respond to these questions and comments.

5.5 Appropriate policy documents for the area

A general observation regarding diverse types of policy documents at the University is that the language used varies not only between different documents but also within the same document. This gives the impression that there have been several authors who have contributed to the content, which can result in redundancies and ambiguities. It is unclear if there is an editorial processing before a policy document is adopted since this is not specified in the document Rule for university-wide policy documents (FS 1.1-2469-18) [Swe. *Regel för universitetsgemensamma styrdokument*]. In Section 3.8, Language and translation it states: “In accordance with the provisions of the Language Act (2009:600) and Umeå University’s language policy, language use in university-wide policy documents is to be thoughtful, simple and comprehensible.”

The Vice-Chancellor’s decision-making and delegation procedure (FS 1.1-1142-19) was approved by the Vice-Chancellor and totals 50 pages. Delegation of authority procedures can be difficult to formulate, but the scope of such a comprehensive and important document should be reviewed to ensure that it is clear for those who need to understand it.

As mentioned in the introduction, this enquiry has read many university-wide policy documents or equivalent. There are a few hundred more on the University’s legal framework webpages. The Rule for university-wide policy documents states that the University has five document categories: rules, instructions, procedures, plans and policies. Instructions are used by the Government to describe what assignment an authority is given, e.g., the Ordinance containing Instructions for the Swedish Higher Education Authority (2012:810). To avoid misunderstandings, the term should not be used by authorities answering to the Government. The investigator’s personal experience says that it is normally sufficient to have a document hierarchy that covers rules, guidelines/recommendations and plans.

The Rule for university-wide policy documents defines a procedure as follows: “A procedure will clearly and in detail specify the way of approach for and the process of administering and handling one or more types of cases. It is normally a document that describes in more detail how a rule, law or ordinance is to be understood and implemented in practice.” This is a good description that also calls for the University’s procedures to be written according to this definition.

It is often quite difficult to interpret a policy. Admittedly, lawmakers sometimes uses the word ‘interpret’, but it is unclear why the University would use it when it is unnecessary. The Rule for university-wide policy documents defines a policy as follows: “A policy sets out general goals and strategies to be pursued or values to be considered.”

As this enquiry’s investigator, it has been difficult to navigate all the policy documents and understand how they relate to each other. The Equality Ombudsman (DO) reviewed Umeå University in 2018 and found it difficult to orient themselves in the University’s documentation. See Section 5.5.3:

“According to DO, the documentation of activities that can be linked to the University’s work with active measures in 2018 is unclear and fragmentary. The shortcomings of the documentation make it difficult to follow up and evaluate the University’s work with active measures.” (from TIL 2019:282)

5.5.1 The University's vision and work with the central government's basic values

The University's vision was adopted by the University Board on 3 April 2019 after staff and students were invited to participate in the work in 2018. The vision indicates the focus and defines where the University wants to be in the future. The three areas for development are:

- Responsibility for the future
- Collaborative development of knowledge
- Competitive edge and pride

The introduction to the vision states that the process of developing strategies and activities for realising the vision needs to apply the key concepts of 1) long-term planning, 2) trust and 3) transparency. The vision describes what the University is to achieve through its education and research and with both local and international partners. Nowhere does it state that the University should also be a knowledge organisation within administration. Several interviews indicate that the University is not a learning organisation in this field. "We do not learn from each other, from good examples or from mistakes in the administrative field." It is unclear why this is the case, but the framework of the Strategic Council for Administration (RADON) or for the Heads of Faculty Offices Group should allow it. At a minimum, the Heads of Faculty Offices Group, which meets often, should take responsibility for and address learning with regard to administration.

For a few years at the end of the 2010s, universities worked with the Government's basic values as they relate to the academic core values. This seems to have been a thorough and solid effort that resulted in an ambitious book entitled *Everyday dilemmas*. While many people note that this was an important project endeavour, it faded after the end of the project. Though this may have been because of the pandemic, only the University Management can explain why this happened. One lesson, however, is that if no follow-up occurs, interest fades and the accomplishments of a project will be lost.

The preface of the dilemma book was written by the Vice-Chancellor. It discusses compliance with regulations, laws and ordinances governing a university and about academic culture, ethics and morals. Add to this that the government's basic values are based on one of Sweden's four fundamental laws which make up the Constitution, notably the Instrument of Government. The Instrument of Government includes fundamental requirements for authorities, not just rules. The central government's basic values are based on the Instrument of Government's basic requirements of the six principles: democracy, legality, objectivity, freedom of opinion, respect, and efficiency and service. These principles are also based on other laws and regulations. The six principles broaden the perspective from compliance with rules to also include respect, service and other principles.

5.5.2 Work environment and equal opportunities policy

The Work environment and equal opportunities policy (FS 1.1-1526-19) is an exemplary short and clear document. The introduction to the policy says it is a tool for systematic initiatives with the work environment and equal opportunities. One sentence summarises the University's view of the work environment and equal conditions: "All staff and students at Umeå University have a responsibility to contribute to creating a good work environment that provides equal opportunities."

One challenge is that the University does not work in the way described in the sentence above, because responsibility for the work environment and equal opportunities is divided among different councils and committees and in separate roles at the various levels of the University. The Work Environment Committee, which is chaired by the University Director, has one responsibility, while the Strategic Council for Equal Opportunities, which is chaired by the Deputy Vice-Chancellor for Equal Opportunities, has a different responsibility. Work environment issues are also not coordinated. This is because the Work Environment Committee is not responsible for the physical environment, despite the policy stating that achieving a good physical, mental, organisational and social work environment

requires “everyone to actively participate and work together to create an inclusive organisation where equal opportunities benefit everyone.” When responsibilities for the work environment are divided up, it is essential to ensure that the various functions or bodies cooperate.

In January 2022, the document University-wide action plan for systematic work environment efforts and active measures 2022–2024 was adopted (FS 1.1-170-22). The action plan covers the areas: Staff, equal opportunities and work environment. It gives the impression that it is a cohesive document on equal opportunities and the work environment, but the reality is that these issues are dealt with in the different bodies described above. The action plan has not used the comprehensive policy as a basis for the work. Instead, it has used many other documents. The policy is only discussed under the Objectives heading even though a policy, according to the University’s own definition, is to specify “general goals and strategies to be pursued or values to be considered”. This action plan also refers to the Action plan for gender mainstreaming 2021–2025 (FS 1.1-979-21), but it does not refer to how work environment and gender mainstreaming efforts are to be coordinated.

The action plan’s annex includes follow-up of what has been implemented in the area during the period 2019–2021. This provides a straightforward and clear picture of the work.

It should be noted, however, that work environment responsibilities are delegated without knowing whether the person being delegated to has the necessary knowledge.

5.5.3 Procedures regarding discrimination, harassment and abuse

The Procedures regarding discrimination, harassment and abuse (FS 1.1-45-15) have been undergoing revision for some time. According to the Deputy Vice-Chancellor with Responsibility for Equal Opportunities, the procedure has needed revision for the past four to five years. According to information received, there has not been time for this. It is the impression of the author that this has not been a priority task for the University Administration. In this case, it is unclear who leads and assigns the work there.

Most of the interviewees are critical of the procedure that has been applicable since 2015. The main reason is that it does not provide support for managers and is seen as far too oriented on the legal aspects. The procedure has been reviewed by the Equality Ombudsman (DO), which reviewed 12 HEIs in 2019, including Umeå University, to determine if they complied during 2018 with the rules on active measures for education providers (TIL 2019/282). In the case of Umeå University, DO determined in its decision from December 2020 that the University did not fulfil its obligations on several points, as defined in the Discrimination Act (2008:567). The determination is that the University did not work with active measures, nor did it do so collaboratively, did not have guidelines and procedures, and did not meet requirements to document their work.

The University’s Procedures regarding discrimination, harassment and abuse defines who the person being harassed should turn to, how the University should act when it learns about a student who feels discriminated or harassed, but DO does not believe it is clear that the procedure also includes sexual harassment, which is a requirement according to the Discrimination Act’s view on procedures. From DO’s decision (TO 2019/282):

“The University has stated that the documentation of active measures can be found in various documents, such as operational plans, annual reports, minutes from memorandum and meeting minutes. DO concludes that there is no requirement to compile the documentation into a plan or similar. Instead, existing material meets the requirements described above to be considered documentation as defined in the Discrimination Act.”

“According to DO, the documentation of activities that can be linked to the University’s work with active measures in 2018 is unclear and fragmentary. The shortcomings of the documentation make it difficult to follow up and evaluate the University’s work with active measures. It is thus DO’s judgement that the University has not documented the work with active measures in accordance with Chapter 3, Section 20 of the Discrimination Act.”

A project organisation has been created in a document for active measure that addresses DO’s criticism. As is normally the case, the project organisation includes a steering committee, a reference group, a project group and a project manager. It is difficult to judge how much of this work could be included in the management’s responsibility for traditional organisational development and what would need to be included in a project. This should be evaluated now that some time has passed since the work began.

In this context, it can be mentioned that there are different views on how often development work is conducted in project form or as normal organisational development by management. The enquiry has seen some projects, both those mentioned above and others, which could have been included in the regular organisational development efforts. The University Administration management claims that the project form is not used very often, while others among senior university officers believe that too many development issues are included in projects. The enquiry will not touch on this issue further, but senior university officers should be aware that this discrepancy exists.

A new procedure is being prepared that is considered to be significantly better than the currently used procedure from 2015. The draft for the new procedure shown to the investigator does not seem to provide the necessary support to heads of department in complex human resources or staff issues. Fortunately, these cases rarely arise. When they do, however, they must be dealt with urgently and then the procedure should be adapted to this need.

5.5.4 Handling and investigating cases of harassment and sexual harassment at Lund University

Of the procedures from other higher education institutions or normal administrative authorities that the enquiry has examined, Lund University’s *Handling and investigating cases of harassment and sexual harassment, including reprisals* document is the most clear because it is aimed directly at managers and covers students, staff and anonymous cases. See Annex 3.

This document begins with a checklist, something that many of the interviewed deans and heads of department at Umeå University have requested. In the procedure for Umeå University, which was planned to replace the one from 2015, the procedure is first described in Section 10. See 5.5.3.

Lund University’s document also includes definitions of what the University means by such terms as the employer and the educational provider. Terminology for employer, managers and managers with work environment responsibility at Umeå University is fluid in several of the policy documents that the investigator has read. The term ‘employer responsibility’ is rarely if ever used, which is essentially what this assignment is about. The revised but not yet adopted action plan has formulations where it is unclear what is meant by managers, for example: “When the manager responsible for the work environment is responsible for the investigation, the manager must, when the investigation is complete...”. Is the manager mentioned here the same person or the manager of someone other than the manager with work environment responsibility?

A procedure must be clear and informative. It should preferably include a checklist of what needs to be done and in what order. In the investigator’s opinion, there must be no ambiguous wording such as “If the manager perceives that an employee is harassing...”. The writing must be clear; in this case it

would be better to write “When the manager”. Another comment about the draft of the new procedure is to avoid writing about labour law under a heading dealing with work environment.

It is worth noting that Lund University has also been reviewed by DO in the same way as Umeå University. DO judges that in 2020 Lund University has had guidelines and procedures that meet the requirements and that the University followed up and evaluated its guidelines and procedure in accordance with the Discrimination Act. Lund University was criticised for not having documented all parts of the work and that the University had not fulfilled its obligations to work with active measures (TIL 2021/8).

5.5.5 Handling victimisation at Lund University

Unlike Umeå University, Lund University has separated how managers should manage harassment and sexual harassment from how victimisation is managed. Umeå University emphasises the importance of the unique nature of the diverse types of cases and that they follow different legislation, but this is not reflected in the draft of the new procedure currently being developed.

Lund University also has a clear process description for victimisation aimed at its managers. Managers receive more information about both preventive work and the consequences and measures that may become relevant when victimisation is determined. See the link below containing the following information regarding an investigation:

“In some cases, it may be appropriate for the investigation to be conducted by someone other than the manager. The person to conduct the investigation should have sufficient knowledge and skills, the ability to be impartial and the confidence of those involved. As a manager, you are responsible for the investigation and that it is done quickly, with integrity and quality.

Conducting an investigation can involve

- appointing an impartial investigator who has expertise in the area and has the trust of the parties.
- finding out what has happened through discussions with the person who submitted the complaint and the accused. Meeting both parties separately and on their own. Make it clear that you are documenting the conversation.
- speaking with others who may have noted something in personal meetings. Be clear that you are documenting what they are saying.
- communicating regularly with both parties in the investigation.”

[Victimisation | HR website \(lu.se\)](#)

5.5.6 Managing misconduct

The university-wide policy document Guidance for managers – Managing and investigating misconduct at Umeå University was published on 1 March 2021. The policy document includes the definitions needed to manage misconduct, and it closely follows a corresponding policy document at Lund University.

5.5.6 Examples of good equivalent procedures at Umeå University

Several of the interviewed senior managers referred to the University’s clear and good procedures or checklists that make it easy for those who need to use them and that can serve as an example for similar documents.

The ones mentioned are:

Procedure for disciplinary matters (FS 1.1-1020-17),

Checklist for cheating and plagiarism, and
Guidance for crisis management at a department, office or equivalent from May 2019.

5.5.7 The report from the student unions at Umeå University

In this context, it is worth highlighting the student union report produced by the three student unions every three years and submitted to the University Management. The student union report is part of the University's quality enhancement efforts. Primarily, it is the faculties that respond to and handle the proposals in the report. The student union report from 2019 (FS 1.6.2-1073-19) touches on various topics, including student influence, equal opportunities and how students are treated. Each topic is described on one page of the report and under three headings: Basic philosophy of the student unions, Description of problems and Proposed measures by the student unions.

The format it is written in makes the report very accessible. This format could serve as a model for various policy documents or equivalent documents at the University.

6. Pro-active proposals for change

Section 6 follows the structure found in Section 5 and is followed by suggestions based on Section 4 if these have not already been discussed. If written explanations for a suggestion or a recommendation is provided under Sections 4 and 5, these will not be repeated and only a reference to the relevant section will be provided. In cases where no suggestion has been described previously in the report, the suggestion or recommendation will begin with a short explanatory text to provide context.

6.1 *The need for central support and discussion regarding local support*

Over the course of this assignment, it has become clear that heads of department and deans need support in handling difficult and complex staff matters that need urgent investigation. These are normally questions that rarely arise for heads of department, so expertise and experience need to be brought together centrally to provide support locally. Lund University's approach to these issues and their action plans have been described in Sections 5.1.2, 5.5.4 and 5.5.5, and they offer a good model for Umeå University's continued efforts.

Suggestion 1

Have the Human Resources Office lead investigations into suspected harassment and sexual harassment to ensure a comprehensive perspective.

Suggestion 2

Have the Human Resources Office hire a labour law officer with responsibility for ensuring investigations are conducted.

Suggestion 3

Create a central support function at the Human Resources Office corresponding to Lund University's SFAD team (systematic preventive work against discrimination), see Section 5.1.2.

Suggestion 4

Introduce systematic preventive initiatives at Umeå University against discrimination with the four steps described in Section 5.1.2. Make the Human Resources Office responsible for developing the systematic process. This process is to include both the University's role as an employer and as an education provider. Task the office with also ensuring this is done collaboratively. See Section 5.1.2 and Figure 1.

Even if suggestions 1–4 are implemented, local support at the departments must be discussed. Currently, there is a lot of variation between the four faculties, meaning it also varies between the departments, even though Umeå University is a single public authority. A discussion is needed to ensure these variations between the different operations of the University do not become too significant. See Section 5.1.1.

Suggestion 5

The Vice-Chancellor should initiate discussions with the deans and other senior managers to discuss necessary minimum support for these issues, particularly at the department level. Have the head of HR take part in these discussions and be responsible for compiling supporting documentation.

6.2 Observations on how the University has handled sexual harassment and responses

Section 5.2 briefly describes the 20 or so investigations/cases that have been included in the documentation for this enquiry. Several of these investigations lack a holistic view because the HR perspective is omitted. Some of the larger higher education institutions that were used to provide background for this enquiry allow their human resources offices to take responsibility for investigations and their legal departments can provide assistance if the investigator is not a labour law officer. Several managers have expressed that the investigation process at Umeå University resembles a criminal or purely legal process. In some cases, investigation times have been long, perhaps to the detriment of those involved.

Suggestion 6

To gain a holistic view of submitted complaints, have the Human Resources Office lead investigations and have the human resources director appoint an investigator if no labour law officer is employed. If necessary, the Legal Affairs Office may provide legal advice.

Suggestion 7

Review and revise the investigation process to avoid drawn out investigation times.

Suggestion 8

Require that investigations include follow-up questions to the relevant parties to avoid ambiguities in the documentation. See examples in Section 5.2.

Suggestion 9

Make the Vice-Chancellor's decisions in these cases proactive to send a clear message about the employer's attitude and thus their employer policy. Use this same approach for cases where it is decided that no further actions will be taken.

6.3 Staff Disciplinary Board (PAN)

Section 5.3 describes how Umeå University has worked with PAN and provides some examples from other relevant higher education institutions.

Suggestion 10

Draw up a procedure or a rules of procedure for PAN. Lund University's procedure, Annex 3, and Linköping University's rules of procedure, Annex 4, are good examples.

Suggestion 11

As with the examples from Stockholm University, Linköping University and other HEIs, state in the procedure that more university entities can refer questions to PAN. See Section 5.3.2.

Suggestion 12

Have the rules of procedure clearly state that PAN can initiative proceedings of its own accord. See Linköping University's rules of procedure, Annex 4.

Suggestion 13

If no labour law officer is employed at the Human Resources Office, have the human resources director or the person appointed by the human resources director report on the case to PAN.

Suggestion 14

Determine PAN's meeting times annually. If there is no need for a meeting, it may be cancelled. See KTH's procedure in Section 5.3.2.

6.4 Clear communication and information to students and staff

Section 5 describes how Bachelor's and Master's students, doctoral students and staff view communication and information on the topic. The "If something happens" initiative for both students and staff is good and appreciated by many of those interviewed. Students state that the most important contribution is when the course provider or other responsible individual clarifies at the start of each course who the students should turn to if something happens. Section 5.4.1 states that the students must be informed where to turn to when on workplace training where the University does not have primary responsibility. Many programmes have relatively large numbers of placements, and students need clear information on where they should turn for support.

Suggestion 15

Require the course provider or equivalent function to inform the students at the beginning of a course to whom they should turn if something happens. Corresponding information must be published on the relevant learning platform.

Suggestion 16

The "If something happens – for students" website was recently launched. Its use should be followed up, since it is part of the student website, which the student unions say is not used very much by students.

Suggestion 17

Determine how information for workplace placements can be improved so that students know where and to whom they should turn if something happens where the University does not have primary responsibility.

The Regulations for doctoral education at Umeå University (FS 1.1-334-21) states that doctoral students are to have access to at least one resource beyond the two legally required supervisors. The interviewed doctoral students seemed unfamiliar with this requirement. See Section 5.4.2. Having an external resource is positive and is a way to reduce some of the vulnerability doctoral students may experience during their doctoral studies.

Suggestion 18

Require the faculties to ensure that doctoral students have the support prescribed for doctoral education at Umeå University.

If a serious incident occurs that also receives media attention, the University's management must promptly provide information to staff and students. This did not occur with the case in the spring of 2021, which is described in Section 5.4.3.

Suggestion 19

If a serious incident occurs, the Vice-Chancellor or the Vice-Chancellor's representative should promptly provide information on the situation together with a message that enables staff and students to interpret the situation. There may be times when it is appropriate for someone other than the Vice-Chancellor to issue the first statement.

Suggestion 20

Provide information to the University Management and central functions of the University Administration about emerging or potentially emerging issues so the organisation can prepare appropriate measures. See Section 5.4.3.

6.5 Knowledge development in the administration and the suitability of policy documents

Section 5 describes several key policy documents at Umeå University and some good examples from Lund University.

6.5.1 The University's vision and work with the central government's basic values

Section 5.5.1 describes the work with the University's vision and the initiatives with the basic values. One of the vision's three areas for improvement is collaborative development of knowledge with a focus on the key concepts of long-term planning, trust and transparency. At the same time, several interviewees state that no knowledge development occurs in administration despite the University's access to expertise.

Having departments and faculties share what they have learnt and experienced could enrich and promote efforts with equal opportunity. On one occasion, four equal opportunities representatives from different parts of the University were interviewed. It was a good conversation where the equal opportunities representatives generously shared their experiences. One used the metaphor of fire protection to emphasise the importance of procedures, knowledge and preparedness and that functioning firefighting equipment must be available. Translated to equal opportunities, this means that the organisation needs frameworks and procedures that work when something happens. As in the case of fire drills, the framework for equal opportunities efforts has to be discussed to increase the organisation's awareness of the importance of preparedness, even if – as with fire – the hope is that preventive efforts will be sufficient. The metaphor demonstrates that fire protection is not the only thing needing frameworks, procedures and training.

In the preface to the book *Everyday dilemmas*, the Vice-Chancellor writes about the importance of compliance with regulations as part of the central government's basic values. As described in Section 5.5.1, these have several soft values that are approached instead of rules, such as respect and service.

Suggestion 21

Administration should be included in the collaborative knowledge development area. This is already part of the University's vision in the form of learning about administrative processes. The existing groups that discuss administrative questions are the best forums to determine how this is best done, such as the Heads of Faculty Group or the Strategic Council for Administration.

6.5.2 Procedure for harassment, sexual harassment and victimisation

Section 5.5.2 describes the efforts to draw up a new procedure for harassment, sexual harassment and victimisation. Criticism of the current document is that it is too legal in nature, which is not unusual. See Section 4. When revising the document, focus does not seem to have been on developing a procedure aimed at helping managers with employer responsibility who need to use the document. It also does not seem to follow the definition of a procedure as defined in the Rule for university-wide policy documents. See Section 5.5.

Suggestion 22

Draw up procedures for when harassment and sexual harassment occur which is intended for managers. Lund University's Handling and investigating cases of harassment and sexual harassment, including reprisals document is a clear and good model to follow. See Annex 3.

Suggestion 23

Use a separate procedure for victimisation incidents or manage them separately in a closely integrated procedure that includes incidents of harassment and sexual harassment. See examples from Lund University in Section 5.5.5.

6.5.3 The work environment and equal opportunities policy

The Work environment and equal opportunities policy (FS 1.1-1526-19) described in Section 5.5.2 is a clear policy document. But the policy was not used as the basis for the University-wide action plan document for systematic work environment initiatives and active measures 2022 - 2024 (FS 1.1-170-22). The cohesive approach which exists throughout the policy, i.e., that equal opportunities are part of the work environment, is then not applied at the University, because responsibility for these questions is split among multiple functions, committees and strategic councils. Interviewees have mentioned that there is a tendency for questions to become fragmented at the University. The division of the various functions within the work environment area described above can be an expression of this.

Suggestion 24

Merge the Work Environment Committee and the Strategic Council for Equal Opportunities to allow realisation of the adopted policy in the area (FS 1.1-1526-19).

Suggestion 25

If responsibility for the work environment continues to be split among multiple functions, cooperation must be ensured between these functions or bodies. See Section 5.5.2.

6.5.4 Work environment certification in accordance with ISO 45001

A management system can have different specialisations, such as quality, the environment and the work environment. It describes how an organisation manages its operations and is a tool for senior management to ensure that operations are conducted in accordance with established procedures and processes.

ISO 45001 is an international management standard for the work environment. The standard helps authorities and other organisations create a systematic approach to the work environment and intends to ensure good work environment practice. Criteria for certification include the management's involvement, staff participation, safety and the psychosocial work environment. Certification assesses how well these criteria are complied with. By achieving certification with a standard, an authority or organisation demonstrates that it works with a management system for the work environment. The Swedish Institute for Standards (SIS) is the Swedish standardisation body for ISO (International Organization for Standardization). See <https://www.sis.se>. ISO is incidentally derived from the Greek isos, which means equal.

Suggestion 26

Based on the findings of this report, it is suggested that Umeå University attain ISO 45001 Occupational Health and Safety Management System certification.

6.6 Training initiatives

Umeå University offers management and leadership training (UCL) over 18 months that is divided into different training instances. Many of the interviewees repeatedly mention this training, and it seems to be appreciated by those who attend it. In some cases, the groups continue to meet after completing the training to share their experiences. Today, many people who complete the training are not managers with staff responsibility, but the training is seen more as preparation for future assignments. Changes in employer policy occur that even experienced managers need to be aware of.

Suggestion 27

The University is now developing another version of the management training 2.0 which is aimed solely at managers with employer responsibility, including complex human resource matters. This new training is intended to allow more in-depth study and sharing of experiences.

Suggestion 28

Introduce a shorter online course that includes a test on the work environment management system. This will be done in preparation for receiving a work environment delegation. See Section 5.5.2.

Section 4.2, regarding general observations from the UHR report, and the accompanying research overview show that higher education institutions incorporating the bystander approach in their preventive efforts can reduce the occurrence of sexual harassment. The training is primarily for students and is a combination of values-based discussions, practical exercises in civil responsibility and information about practical strategies for interventions.

Bystanders have been trained through workshops at the Faculty of Medicine. According to the faculty's management, these training courses have been appreciated, something also confirmed by others.

Suggestion 29

Provide training to students and staff on bystanders throughout the entire University.

6.7 Employer responsibility – “tone at the top”

Section 4.4 describes the results from UHR's report (2019:2) on the importance of leadership for a successful change management process. Senior management must take their strategic responsibility and show that preventive efforts and zero tolerance of sexual harassment are a priority. Taking this responsibility is only possible if management understands what is behind the harassment so that they can credibly communicate on these issues. The research presented in UHR's report shows that active and clear leadership appears to be central in an organisation's preventive efforts in the area.

Umeå University does not have clear definitions of a manager with employer responsibility or what a leader should be. Examples of this are Umeå University's training for managers and leaders (UCL) and Management and leadership policy (Reg. no. 300-374-13) from 2013. Managers with employer responsibility also need good leadership qualities, but ambiguities arise when the roles are mixed up and it is unclear what a manager is responsible for and what a leader is responsible for. Employees at universities and other workplaces can go in and out of leadership roles for a project or a research group, while a manager has a designated employee responsibility for a given period of time.

Lund University's document Handling and investigating cases of harassment and sexual harassment, including reprisals provides the University's definition of managers. See Annex 3.

Communicating the University's employer policy requires that the Vice-Chancellor discusses these issues with their immediate managers, i.e., those who answer directly to the Vice-Chancellor, particularly the deans since most staff work in the faculties' departments. It is also in the faculties that the managers normally have temporary assignments. Several interviewees describe the role of the head of department as amateur or hobby managers with a greater focus on academic management rather than other managerial responsibilities. This makes it necessary for the Vice-Chancellor and the Vice-Chancellor's immediate managers to discuss these issues so that the other managers know Umeå University's position on employer policy, particularly when it comes to what actions to take. It is important to learn from previous staff cases (anonymised) at the University. See section 5.1.2 and the description of Lund University's systematic preventive efforts against discrimination (SFAD). Correspondingly, Umeå University needs to introduce systematic preventive initiatives in this area. See *Suggestion 4*.

Several bodies exist that can be used for these discussions, such as the relatively recently established Employer Group, which consists of the Vice-Chancellor, the four deans, the University Director and the Human Resources Director. This group should focus on these issues and not be burdened with other questions, such as contract agreements, which some deans have mentioned. The focus should also be on employer issues and case discussions when the Vice-Chancellor meets all the managers with employee responsibilities.

The importance of leadership cannot be emphasised enough. In the interviews, senior management appear anxious, fearful, even cowardly when it comes to staff issues concerning harassment, sexual harassment and victimisation. It is unclear what the senior management considers to be acceptable and unacceptable behaviour. This may be a result of certain people close to the Vice-Chancellor who have the good intention of wanting to protect the Vice-Chancellor, but the results show this is misguided. It is crucial for senior management – *the tone at the top* – to actively define boundaries. See Section 4.4.

Suggestion 30

Split the manager and leadership policy into two separate policy documents.

Suggestion 31

Use the Employer Group or equivalent body to discuss Umeå University's employer policy. In addition to current members (managers who answer directly to the Vice-Chancellor), and the Pro-Vice-Chancellor.

Suggestion 32

Ensure the Vice-Chancellor is confident in communicating the University's employer policy both externally and internally to all managers with employer responsibility, and then actively define the University's boundaries for acceptable behaviour.

Annexes

1. Directive for evaluating Umeå University's handling of misconduct (FS 1.1-96-19)
2. Summary of UHR's report 2019:2; PPT presentation by Karin Röding
3. Handling and investigating cases of harassment and sexual harassment, including reprisals, Lund University
4. Lund University's procedure for the Staff Disciplinary Board
5. Linköping University's rules of procedure for the Staff Disciplinary Board

Directive for evaluating Umeå University's handling of misconduct

Background

Umeå University has zero tolerance of discrimination, harassment, sexual harassment and victimisation. All students and employees must feel secure in their study and work environment. Umeå University as an employer and education provider is responsible for the work and study environment. According to the University's vision document, approved by the University Board on 3 April 2019, Umeå University is to be characterised by an inclusive culture where equality, diversity and equal opportunities are self-evident (FS 1.1-96-19).

It is of the utmost importance that all staff and students feel safe and can report the occurrence and experience of harassment, sexual harassment and victimisation. For this reason, it is important that Umeå University's preventive efforts and handling of harassment be clear and transparent, and the University must provide support and information to individuals who report incidents and to others who are affected by issues.

Based on the criticisms made, there is reason to conduct an external investigation of the University's handling of misconduct to ensure that the University has an appropriately structured work environment system and a culture that supports zero tolerance of discrimination, harassment, sexual harassment and victimisation.

Evaluator

The enquiry is to be conducted by an external evaluator who is independent of Umeå University. This means that the evaluator has no financial, legal, or other interest in the University other than this enquiry assignment. The evaluator must not have previously been engaged as an advisor or held a position that may affect the evaluator's impartiality and independence. Furthermore, there may not be any private relationship to anyone in the relevant enquiry area that may affect the evaluator's impartiality and independence.

Time and method

The time and scope of the enquiry is determined by the Vice-Chancellor when the evaluator is appointed. The evaluator is free to choose the method used for conducting the assignment.

Assignment

An external evaluator will review Umeå University's systematic efforts with both proactive and reactive measures related to victimisation, handling of misconduct, harassment, or sexual harassment. The enquiry must be pro-active and be based on a gender equality perspective on the issues being evaluated. The enquiry is not to reconsider previously made decisions in individual matters or examine the assessments on which these decisions are based.

In addition to the above, the enquiry will focus on:

- the University's organisation and resources for operational, managerial, staff and student support regarding sexual harassment, harassment and victimisation,
- collecting experience from how the University handles and addresses cases involving sexual harassment and the framework for these with the intent to draw lessons for the future,
- the possible role of the Staff Disciplinary Board and the Government Disciplinary Board for Higher Officials in connection with this type of cases. The investigator is to compare several relevant higher education institutions (HEIs) regarding these boards,
- the University's communication and information to staff and students regarding reporting procedures, support and handling in the area,
- whether university-wide policy documents in the area are appropriate.

In addition to the current enquiry, the University has conducted several activities and taken several measures to further develop the University's initiatives in the area and make it more tangible. The evaluator will be given the opportunity to follow and take part in this work.

Report

The evaluator prepares and approves the final report with proposed measures and submits it to the Vice-Chancellor. Progress reports must be submitted during the work at times agreed by the evaluator and the Vice-Chancellor.

After the final report has been submitted to the Vice-Chancellor, it must be communicated in an appropriate manner to staff and students.

The Planning Office will assist with administrative support in the evaluation.

Decision

The Vice-Chancellor approves adoption of the Directives for evaluating Umeå University's handling of misconduct in accordance with the above.

Send to

Faculties
Umeå School of Education (USE)
Student unions
University Administration
Main trade union organisations
University Library

Den akademiska ledningen kan göra mer

Universitet och högskolor bör ta vetenskapligt stöd i arbetet mot sexuella trakasserier

Resultat av en undersökning på regeringens uppdrag



#akademikeruppropet har aktualiserat frågan om sexuella trakasserier

- Ett flertal insatser startades efter #akademikeruppropet
- Det saknas goda exempel på heltäckande lösningar
- Utvalda exempel



Allmänna iakttagelser 1(2)

- Den akademiska strukturen och kulturen är den största utmaningen
- Åtgärder saknas som tar sig an akademisk kultur och struktur
- Lärosätenas förebyggande arbete är huvudsakligen en juridisk process

Allmänna iakttagelser 2(2)

- Vanligast att förebyggande insatser riktar sig till anställda
- Få insatser specifikt riktade till doktorander
- Få insatser avser studenter som är inne i utbildningen
- Relativt vanligt att lärosätena förlitar sig på studentkårerna
- Fackliga organisationer saknar ofta insyn i lärosätenas arbete

Den akademiska kulturen och strukturen

- Ojämnställda villkor mellan män och kvinnor
- Olika former av beroendeförhållanden
- Grupper med osäkra anställningsförhållanden
- Obalans mellan den formella och informella makten
- Tystnadskulturen
- Vikten av tydliga och transparanta beslutskedjor

Vilken bild har växt fram under arbetet med studien?

- Kvinnor som utsätts för sexuella trakasserier lämnar arbetsplatsen
- Orsakerna varierar men några skäl kan vara:
 - De utsatta tappar tilltro till arbetsplatsen när de inte får stöd
 - De som berättar är inte tillräckligt skyddade under utredningen eller upplever en försämrad arbetsmiljö efter anmälan
 - Det leder i sin tur till att andra inte vågar berätta eller anmäla
 - Möjligheten till upprättelse eller förändring anses vara liten medan risken för repressalier anses alltför stor

Vanligaste förebyggande insatserna

- Olika typer av informations- eller utbildningsinsatser
- Flera lärosäten har tagit fram nya riktlinjer, rutiner och andra styrdokument eller uppdaterat de befintliga
- Tydliggöra stödstrukturerna för att fler ska anmäla trakasserier

Ledarskapets betydelse

- Ledarskapet är en nyckelfaktor för ett framgångsrikt förändringsarbete
- Högsta ledningen måste ta sitt strategiska ansvar och visa att det är en prioriterad fråga
- Ledningen måste ha kunskap om sexuella trakasserier, maktobalans, härskartekniker m.m. för att kunna kommunicera på ett trovärdigt sätt
- Aktivt, rättvist och tydligt ledarskap främjar jämlikhet mellan kvinnor och män och visar samtidigt att sexuella trakasserier inte tolereras
- Intervention på systemnivå kan minska förekomsten av sexuella trakasserier

Det finns mer att göra - ”tone at the top”

- Den akademiska ledningen måste våga vara tydlig med vad som inte är acceptabelt
- Den akademiska ledningen måste via handling visa vad som är acceptabelt
- Det räcker alltså inte att enbart arbeta med utbildning och styrdokument

Tack!

Karin Röding
Generaldirektör
@KarinRoding
gdbloggen.uhr.se

www.uhr.se
Studera.nu
Antagning.se
Universityadmissions.se
Utbyten.se



halebop 14:32 86%

Karin Röding
@KarinRoding

Director General (GD) Swedish Council for Higher Education (UHR). DDS, MPOlSci, PhD. Ledamot i IVA (nr 1717), SFSsenat & Carnegie Stiftelsen. Isländsk kommandör.

Gick med mars 2011

1 429 Följer 3 351 Följare

Följs av Jesper Wadensjö, Vetenskapsrådet, UHR och 3 till

Tweets Tweets och svar Medier gilla

Karin Röding @KarinRoding · 5h
"Forskarutbildade kan göra enorm nytta i förvaltningen"
tidningencurie.se/nyheter/2019-01-07



Universitets- och högskolerådet

UHR och ett nytt år – 2020

ON JANUARI 7, 2020 / AV UHRGD / I UNCATEGORIZED

Det nya året är bara några dagar gammalt och redan har det hänt stora saker i vår omvärld. Det stora perspektivet måste vi alltid bära med oss även om fokus i den här bloggen ligger på högskolepolitik i vid mening och om myndighetens uppdrag.

På den utbildningspolitiska arenan avseende högre utbildning och forskning finns det en hel del att se framemot. Inte minst den forskningspolitiska propositionen som aviserats till i höst. UHR var inte som många andra myndigheter och organisationer inbjuden att göra ett inspel till propositionen, men det gjorde vi ändå. Vi tog fasta på behovet av forskning om forskning och om högre utbildning. Stora resurser tillförs detta politikområde men det är mycket som inte är beforskat. I grannländer som till exempel Norge och Nederländerna finns analys- och forskningsfunktioner som har ett sådant uppdrag. Inom UHR:s ansvarsområden finns flera frågor som skulle behöva följas över tid. Ett sådant exempel är när ungdomar från studieovana hem väljer att inte studera på högskolan eller i annan eftergymnasial utbildningsform och hur det påverkar kompetensförsörjningen i landet. Även de bakomliggande orsakerna till att allt färre män väljer att studera vidare på högskolan skulle behöva studeras. Ett viktigt verktyg för att utveckla kvaliteten i all utbildning och forskning är de program för internationalisering som UHR administrerar. Programmens syfte är att bidra till ökad kvalitet i utbildningen, ge viktig internationell kompetens och stärka individers samt landets konkurrenskraft på en global marknad. Skarpa skrivningar för att uppnå synergier mellan Erasmus+ nya programperiod och Horizon Europe är av vikt. Kopplingen mellan utbildning och forskning är central och blir allt viktigare och var också ett viktigt tema i förra forskningspolitiska propositionen *Kunskap i samverkan – för samhällets utmaningar och stärkt konkurrenskraft*



LUND
UNIVERSITY

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Human Resources

Lena Lindell, Human Resources Consultant

Heads of departments, faculty offices, units/
divisions/equivalent in charge of staff
Human resources officers

Handling and investigating cases of harassment and sexual harassment, including reprisals

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This support material is a living document which is revised and updated at the turn of each year, and as needed. The HR officers at the faculty offices (LU-HR) are notified of any updates to the document.

Introduction

Based on the Swedish Discrimination Act (2008:567), the present document describes what you as a manager are expected to do when you become aware of harassment or sexual harassment taking place within your organisation.

This support material is based on the Discrimination Act and advice from the Equality Ombudsman (DO).

The document contains general guidelines which, in different parts, can be applied regardless of whether the events involve staff¹ or students², and are complemented with appendices with different management procedures depending on whether those who are subject to/commit harassment are staff or students. Investigations of victimisation,³ which are to be included in the systematic work environment management, involve special procedures; however, they may follow the same structure as in the present support document.

Checklist for what you, as a manager, need to do:

1. Investigate: Find out what has happened as soon as you receive information that someone feels harassed. Start by talking with the affected parties as soon as possible.
2. Put an end to ongoing harassment: if the investigation finds that harassment has taken place, you must take measures immediately. It may take the form of a corrective action discussion, redeployment or warning, depending on what has happened.
3. Follow up on the situation to ensure that the harassment has ceased. If the harassment has continued, the measures were not sufficient. You must then consider further measures to put an end to the harassment.
4. Prevent: you must adopt active measures to prevent discrimination, including harassment and sexual harassment. Read more about active measures at http://www.hr-webben.lu.se/sites/hr-webben.lu.se/files/systematic_preventive_work_against_discrimination.pdf tx2018-06-12. You must have local procedures to prevent harassment and sexual harassment. You need to be clear that the workplace does not accept sexual harassment, harassment connected to any of the grounds of discriminations or reprisals. Among other things, procedures should clarify who a person should turn to if they feel harassed.

¹ Includes managers, doctoral students in accordance with Chapter 5, sections 1–7 of the Higher Education Ordinance, interns, job applicants, temporary staff and equivalent.

² Includes research students (without a doctoral studentship in accordance with Chapter 5, sections 1–7 of the Higher Education Ordinance) and study applicants.

³ <http://www.hr-webben.lu.se/arbetsmiljo/krankande-sarbehandling>

The employer

Pursuant to the Discrimination Act, the employer is the person who is authorised to make decisions in matters concerning a person who, with respect to the employer,

1. is an employee
2. is enquiring about or applying for work,
3. is applying for or carrying out an internship or
4. is available to perform work or is performing work as temporary or borrowed staff

Within Lund University, managers with responsibility for staff are primarily considered to be employers, which includes heads of departments, heads of divisions etc. The wording ‘the right to make decisions in matters concerning’, however, means that other roles/functions may be considered employers in accordance with the Discrimination Act, e.g. staff who lead the work of others but do not take decisions on salaries, appointments or recruitment. Above all, this has significance in relation to the prohibition on discrimination and on reprisals, but also in relation to when the employer is made aware of harassment and sexual harassment.

The education provider

Pursuant to the Discrimination Act, employees and contractors engaged in the organisation shall be equated with the education provider when they are acting within the context of their employment or contract. This means that their decisions, actions and negligence are covered by the prohibition on discrimination. This also means that there is an obligation to investigate as soon as an employee or contractor becomes aware that a student is suspected to have been the victim of harassment or sexual harassment.

When do the obligations of the head of department/manager apply?

As a head of department/manager, your obligation to investigate and to take action applies to all forms of harassment that occur in connection with the activities at your organisation. If a student is suspected of harassment or sexual harassment, the case is to be reported to the vice-chancellor who can pass the case on to the disciplinary board⁴.

The obligation to investigate applies to all activities that have a natural connection to work and academic activities and may therefore, depending on the situation, also apply to cases where the events have occurred outside the University. The events, for example, may take place during business travel, staff parties, study trips, as well as events that happen in a person’s leisure time may be considered to be harassment or sexual harassment in the workplace or study environment. It could, for example, be something that happens on the way to/from the workplace/study environment or via social media that has a negative impact on the person’s work/studies. For example, a person may harass a colleague/fellow student through social media but not in the workplace/study environment. In each individual case the perceived strength of the connection to the work

⁴ <http://www.medarbetarwebben.lu.se/forska-och-utbilda/stod-till-utbildning/disciplinarenden>

environment/study environment must be assessed as well as the potential impact of the events on these environments.

Preventive work – active measures

All managers at Lund University are required to work systematically and preventively against all forms of discrimination and reprisals as well as working preventively against victimisation. As of 1 January 2017, [the systematic preventive work against discrimination](#)⁵ also covers risks of discrimination or reprisals on the grounds for discrimination (Chapter 3 Section 2 point 1 of the Discrimination Act). The systematic preventive work to implement active measures against discrimination is to be done at all levels of the University.

In order to prevent discrimination and harassment within your organisation, you are required to annually review whether there are risks of discrimination and reprisals or other obstacles to the rights and opportunities of individuals within your organisation, as well as putting measures in place to eliminate or reduce the risks. This way, the organisation will hopefully avoid lengthy and difficult consequences later.

Possible preventive measures:

- Improve procedures, clarify roles and responsibilities.
- Improve contact areas within the department/division.
- Raise staff awareness of the procedures for dealing with harassment and sexual harassment and what constitutes harassment and sexual harassment according to the law. Raise staff awareness of their obligation to comply with legislation.
- Review the workload of staff – is a work environment investigation needed?
- Discuss how you interact with one another and how you would like things to be. Work together to achieve this.
- Review and revise procedures to counteract the risk of direct and indirect discrimination.⁶
- Conduct an independent review of the working climate and the way in which you interact with one another, followed by recommended measures. Enlist help from the HR officer at your department/faculty.

Knowledge of harassment or sexual harassment

As a manager, if you become aware of harassment⁷ or sexual harassment⁸ taking place at your division/department/equivalent, you are obliged to investigate immediately (look into the specific circumstances). Having knowledge of harassment means that you have in some way found out from someone else (e.g. through a report or someone mentioning an event) or that you have yourself seen or heard something which could constitute harassment or sexual harassment.

⁵ <http://www.hr-webben.lu.se/arbetsmiljo/diskriminering/systematiskt-forebyggande-arbete-mot-diskriminering>

⁶ Read more about indirect discrimination on [do.se](#)

⁷ According to the law, harassment refers to conduct that violates a person's dignity and that is associated with one of the grounds of discrimination sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

⁸ According to the law, sexual harassment refers to conduct of a sexual nature that violates someone's dignity. It may be looks, references, comments or physical advances, however, it is always unwelcomed by the victim

Speak to the staff about how a report is to be dealt with in your organisation, and who is to receive it if it is not you as the manager, so that all staff members are aware of their responsibility and whom to refer cases to. Also inform the students of whom they can turn to.

For those who want to learn more, there is an online training course available on the Equality Ombudsman website, do.se, intended for higher education institutions. The course focuses on discrimination of students, but the basic principles can be applied to staff as well.

Reprisals

Pursuant to Chapter 2, Section 18 of the Discrimination Act, an employer may not subject an employee to reprisals because the employee has

1. reported or called attention to the fact that the employer has acted contrary to the Discrimination Act
2. participated in an investigation under the Act, or
3. rejected or given in to harassment or sexual harassment on the part of the employer.

A person who is alleged to have acted contrary to the Discrimination Act may not subject an individual to reprisals because that individual has

1. reported or called attention to such actions,
2. participated in an investigation under the Act, or
3. rejected or given in to harassment or sexual harassment on the part of the person who is alleged to have engaged in discrimination.

Investigation

Investigation when a student is the alleged harasser

A well-founded suspicion that a student has subjected another student or employee at the University to harassment or sexual harassment is to be reported to the vice-chancellor who can pass the matter on to the disciplinary board. The departments can draw up a procedure detailing who at the department is to formally compile such a report. The matter is investigated by the Legal Division on behalf of the vice-chancellor.

Investigation when an employee is the alleged harasser

As a manager, you are obligated to conduct an investigation immediately when you obtain knowledge that an employee is suspected to have harassed/sexually harassed another employee or student.

Investigation pursuant to the Discrimination Act

Pursuant to the Discrimination Act, the aim of investigating is partly to receive sufficient information and knowledge of the situation so that the investigator can assess if the matter constitutes harassment in connection with any of the grounds for discrimination, or sexual harassment, or if the events are due to something else that requires measures to be put in place. Another part of the aim is to receive sufficient information about what has happened and the reasons for it, so that the manager/education provider is able to put in place preventive measures to avoid it happening again. The manager/education provider must also ensure that the person

who has made the report is not at risk of reprisals, e.g. by letting the alleged harasser know that reprisals are prohibited.

As a manager, it is important that you enlist the help of the support services available at the department/division or faculty. The HR officer at your department/faculty/division can support you in investigations concerning employees. It may be that someone other than you is to perform the investigation, such as another manager or an external consultant, which is to be determined on a case-by-case basis. The person who performs the investigation should have sufficient expertise, the ability to act impartially and the trust of the parties concerned. As a manager, you are responsible for making sure that the investigation is conducted, and done so promptly, with integrity and quality.

Conducting an investigation into an employee's misconduct might be to

- appoint an investigator who is impartial, has expertise in the area and the parties' trust
- register the report (if you do not receive it in writing, make an official note in the register), and all documentation (documents written and received) relevant to the case as it proceeds.
- enlist the support from the HR officer at the faculty/department (who can, among other things, explain the rights and obligations of **staff**)
- in the investigation, enlist the help of someone with special expertise at the Occupational Health Service, such as a welfare officer or psychologist, who can make observations, among other things
- ask all parties involved what happened, including the person who feels harassed and the alleged harasser. Meet with them separately and in private, so that they are not forced to face each other at this stage. State clearly that anything they say will be recorded.
- interview the people around the affected parties if needed, staff or students, in private. State clearly that anything they say will be recorded.
- ensure that both the victim and the alleged harasser receive updates on the current state of the investigation, what is to happen next and the expected timeframe
- ensure that both the alleged harasser and the victim have access to all the material related to the matter. They have a legal right to access it.

The investigation may show that harassment has not taken place, in which case it is important to explain to all the parties involved what led to that conclusion. As a manager, you are to investigate the cause of the situation and take measures to counter the root of the problem. For instance, it could be caused by something in the work environment, such as a heavy workload, unclear roles, personal conflicts, consequences of changes or inadequate procedures.

Investigations of possible cases of victimisation are to be based on LU's systematic work environment management and AFS 2015 (read more about Lund University's [systematic work environment management](#) on the HR website, only in Swedish). The investigation can be conducted in the same way as in the present support document, but should include a health and safety representative. Follow the procedures for your systematic work environment management and rehabilitation process, enlist the support from the health and safety representative and work environment coordinator or the HR officer at your organisation. The incident may be classified as both harassment/sexual harassment and victimisation, in which case it is important to distinguish between the two in the

investigation, even if the measures to deal with the cause are the same. The key is to address the root of the problem.

Suspected harassment and sexual harassment often leads to upset feelings among those involved in the investigation. It is therefore important that the conversation between the investigator and the parties concerned is not rushed, and that the people involved receive answers to their questions to the greatest extent possible. Enlist the help of the support functions available within the faculty, the Occupational Health Service or Student Health Centre when preparing, implementing and evaluating these conversations.

Anonymous cases

An investigation of a possible penalty for the person/s accused of harassment or sexual harassment cannot be initiated if the employee or student who perceive themselves as the victim of harassment wishes to remain anonymous.

Take knowledge/reports seriously and, if possible, explain to the person that you want to resolve the situation, but that you are only able to implement general preventive measures. If the claim is made anonymously and is brought to your attention through a representative, communicate this information through the representative. Make an official note that you have obtained knowledge about the harassment, or save the email/message and register it so that the next manager can have access to the history if something similar were to happen in the future involving the same people. Document the measures you put in place and save these together with the official note.

You can always take general measures of a preventive nature, e.g. a workshop on how you relate to one another or a work environment investigation to investigate the collaborative atmosphere. If you yourself see or hear something that could be perceived as harassment/sexual harassment, which is relevant to the anonymous report, you are of course to begin an investigation on the basis of your own observations. Also, enlist the help of the support functions available within your department/faculty when conducting preventive work.

Document registration and confidentiality

Reports or knowledge of harassment and sexual harassment are to be documented and registered in accordance with the University's [procedures for records management](#)⁹.

If the report is made verbally or you obtain knowledge of suspicions in a similar way, it is to be documented in official notes and registered. All material of importance to the investigation and any decision are to be documented and registered.

In order to protect the affected parties you have the possibility to mark the case as confidential when registering documents. This means that the case can only be shown to the administrators of the document registration system. However, confidentiality of the documents is not guaranteed if there is a request for disclosure of them as public documents. Consult with your immediate registrar. Each time a request for disclosure is made, a confidentiality assessment is to be carried out. Where it is legally justified, any parts of the material can be kept confidential by being redacted prior to disclosure. Even if the University decides to mark the case as confidential it is important to understand that this can be overturned in a court of law.

⁹ <https://www.medarbetarwebben.lu.se/stod-och-verktyg/juridik-dokument-och-arendehantering/dokumenthantering>

Read more about document registration on the Staff Pages:

<https://www.staff.lu.se/support-and-tools/legal-and-record-management/record-management/document-registration>

Police report

Both harassment and sexual harassment can be of the kind that only falls within the investigation obligations of the University, with the aim of creating or maintaining a good work environment. Sometimes the events can be of the kind that is considered criminal in accordance with the Swedish Penal Code and must therefore be reported to the police. In most cases it is the victim themselves who is to file the police report, however, as a manager you can offer support to the victim, e.g. through the Occupational Health Service or by reminding them of the health and safety representative and union representatives. An event may also be considered a crime of some kind against the University; in this case, the University is to file a report with police. Talk to the University security for help and support in the assessment.

If a person has reported a case to police that you have been made aware of and involves an obligation to investigate in accordance with the Discrimination Act, you must consult with the Police about the current stage of the criminal investigation.

Please discuss unclear cases with your local HR officer and the Division of Human Resources. For example, in cases where an event has taken place outside the University and reported to police, but that may have an impact on the work environment.

Reports to the Equality Ombudsman (DO)

A person who feels they are subject to harassment or sexual harassment has the right to report the matter to the Equality Ombudsman (DO), regardless of whether you, as a manager, know about the harassment and have conducted an investigation or not.

DO will assess the individual's report and Lund University has the opportunity to comment. If the report concerns your department/division/equivalent, you must compile the information you have on the matter for DO.

If the case involves an employee who has allegedly harassed someone, you will receive support from the Division of Human Resources on the formal response to DO.

If the case involves a student who has allegedly harassed someone, the Legal Division will produce the formal response to DO.

DO will investigate whether harassment has taken place and whether the organisation has fulfilled its obligation to investigate and implement measures.

You are advised to present documentation as to what preventive measures against discrimination have been/are taken within the organisation, and whether or not the organisation has implemented special measures to resolve an issue in the work environment, etc. It is also important to have current and updated documentation

on the systematic work concerning preventive work against discrimination (SFAD¹⁰).

If DO finds that the organisation has failed in its obligation to investigate, in its preventive efforts, or finds that discrimination has taken place, DO may in certain cases apply for a summons. A summons could lead to your department/equivalent being required to pay damages to the victim, as well as the other party's litigation costs.

Take action and put an end to harassment

If harassment or sexual harassment have taken place, measures to put an end to them and to prevent recurrence are to be implemented **immediately**. The aim of both the short- and long-term measures is to make sure the harassment stops and is not repeated. The measures you decide to take in each case will depend on the outcome of the investigation conducted.

Possible measures:

- Make those who harass aware that their behaviour is perceived as harassment/sexual harassment under the Discrimination Act, that it is prohibited and that the behaviour must stop immediately. Employees are also to be made aware that a recurring offense may result in termination of employment.
- Regularly follow up with the alleged harasser and victim, as well as with others affected by the events.
- Keep a closer watch, particularly in places and at times which have proven risky.
- Intervention efforts with the help of the welfare officer or psychologist from the Student Health Centre or Occupational Health Service, both for the victim and for reported person/s.
- Discuss misconduct if the matter concerns an employee.
- If the alleged perpetrator is an employee: refer the matter to the Lund University Staff Disciplinary Board (PAN) for an assessment concerning disciplinary measures (e.g. salary deductions, prosecution, written warning) if the matter concerns staff, or the Swedish Government Disciplinary Board for Higher Officials (SAN) in cases involving professors.
- Termination of employment or dismissal of an employee for personal reasons are extreme measures, which are relevant only in case of a very serious event or repeat offence in spite of a reprimand, warning and other measures. See manager support material on misconduct available from the HR officer at your faculty/equivalent.

Reprimands and corrective action discussions with the employee responsible for the misconduct

As a manager, you should take the opportunity to reprimand/conduct a corrective action discussion with the person who you have found to be subjecting others to harassment/sexual harassment. Harassing someone sexually or otherwise constitutes misconduct. The person is entitled to have another person (union representative or other) present for support. Read more in the support material for managers on misconduct, to which your HR coordinator has access.

¹⁰ <https://www.hr-webben.lu.se/arbetsmiljo/diskriminering/systematiskt-forebyggande-arbete-mot-diskriminering>

In the discussion, you are to inform the employee of what they have done wrong, why the behaviour is not permitted and that it must not happen again. You are also to specify the measures in which the employee is expected to participate to prevent future incidents, and what the consequences will be if they do not participate or if they repeat the behaviour. The conversation is to be recorded and the employee is to receive a copy of the documentation. This is a good first step in many cases, which is sometimes sufficient. Repeat as necessary.

The faculty may report employee misconduct to the Staff Disciplinary Board (PAN) in case of an incident of a particularly serious nature (e.g. threats of violence) or if the person has continued to harass despite repeated documented reprimands. The measure to be taken, in the form of a warning, salary deduction, prosecution, suspension, termination of employment for personal reasons or dismissal, may be determined by PAN. In cases concerning professors, the Government Disciplinary Board for Higher Officials (SAN) will take decisions on labour law sanctions, except for termination of employment for personal reasons, which can be decided by PAN. In this case, Human Resources shall be consulted and will then assess whether the case should be reported to PAN or to SAN.

Follow up on the measures taken by the department/division/equivalent

In order to make sure the harassment is not repeated, as a manager you should follow up and evaluate the measures you have put in place for the individual and in the department/division/equivalent. If it turns out the measures were insufficient, you need to consider what further measures can be taken to stop the harassment or to prevent anything similar from happening again. Enlist the help of the support functions at your department/faculty. If the problem goes beyond your department/division, raise the issue with your line manager.

Continuous documentation

Continuous documentation of the investigation and the measures taken creates an important basis for the follow-up of the effects of the measures. If the matter is to be addressed by PAN, all aspects of the case are to be investigated, managed and documented in a thorough and comprehensive way. Through the process of documenting, you might also discover whether the harassment is part of a larger problem that requires more extensive general interventions.

Appendix 1 – Harassment and sexual harassment of/by employees

Coordinating an investigation between managers

If the person/s who feel(s) harassed/sexually harassed or the alleged harasser are affiliated to different departments/divisions or faculties, each person's manager shall collaborate on the investigation. Both managers are obligated to initiate an investigation, however, these do not need to be separate investigations but can be one coordinated investigation.

Approaching the victim

If you become aware that an employee (including managers, doctoral students, employees according to Chapter 5 Sections 1–7 of the Higher Education Ordinance, interns, externally hired staff and equivalents) at your department/division/equivalent feels harassed or sexually harassed by another employee, you must immediately launch an investigation. The investigator is to interview the affected parties to get an idea of what has happened, and/or access the material related to the matter. As a manager, you are to make sure that the employee is offered support through the Occupational Health Service. Enlist the help of the HR officer at your department/division/faculty if the employee is in need of further support.

Be sure to let the employee know that they cannot be anonymous if a full investigation is to be conducted. Keep the employee regularly updated on the current state of the investigation. Any party of a case has the right to access all material related to the case. Check to see how the employee is doing. Once the investigation is completed, inform the person of the outcome and of the next step to be taken.

If you find that the alleged harasser has harassed/sexually harassed another employee or a student, as a manager you must have a conversation with the victim and inform them of this. Also explain which measures are to be put in place to resolve the problem.

If you find that it is not possible to determine if the actions constitute harassment/sexual harassment, as a manager you must inform the employee about this. Go through the investigation and explain why it is not possible to conclude that harassment/sexual harassment has taken place. Be clear that you will continue working on the problem that has led to the report, regardless of whether this is due to personal conflict, unclear roles or something else. There is to be a good work environment for all employees.

Regardless of the result of the investigation, provide the person with ongoing counselling via the Occupational Health Service.

If the employee feels harassed/sexually harassed by a student, a report is to be promptly submitted to the vice-chancellor. Here, your role as a manager will primarily be to provide support to your employee through the Occupational Health Service, for example.

It is important that you, as manager, are clear that reprisals are prohibited.

Approaching the alleged harasser

If an employee at your department/division has been accused of harassing or sexually harassing a fellow employee or student, you must immediately launch an

investigation. The investigator is to interview the affected parties and/or access the material related to the matter, to get an idea of what has happened. As a manager, you are to make sure that the employee is offered support through the Occupational Health Service. Enlist the help of the HR officer at your department/division/faculty for support during the investigation. Stay in contact with the person and provide regular updates on the current state of the investigation. A person who is a party in a case has the right to access all material relating to the case. Was it found to be a case of harassment/sexual harassment, or not? What happens next?

If you find that it is not possible to determine if the actions constitute harassment/sexual harassment or that it does not constitute harassment/sexual harassment, as a manager you shall inform the alleged harasser about this. Be clear that you will continue working on the problem that has led to the report, regardless of whether this was due to personal conflict, unclear roles or something else. There is to be a good work environment for all employees.

If you find that the person reported has harassed/sexually harassed a fellow employee or student, as a manager you are to notify the reported person of the outcome. Inform the person of your conclusion, let them know that their behaviour must cease immediately, and that under no circumstances, is it to happen again. Clearly inform the person that harassment and sexual harassment are prohibited by law, and that a repeated offence could jeopardise their employment.

Depending on how serious the harassment/sexual harassment has been (the damage it caused the victim, department, faculty, University, and the damage it may cause in the future), or if a less serious offence is repeated several times despite reprimands and implemented measures, it may be appropriate to report the employee to the Staff Disciplinary Board (PAN) or the Government Disciplinary Board for Higher Officials (SAN). When reporting a case to PAN or SAN, enlist the help of the HR officer at your faculty. Procedure must be followed to ensure that the case is handled in accordance with the law.

It is important that you, as a manager, are clear that it is prohibited to subject the person who has experienced or reported someone for harassment or sexual harassment to reprisals.

Appendix 2 – Harassment and sexual harassment of/by students

Approaching the victim

If you or another employee or contractor within the University obtain knowledge that a student at your department/division feels harassed or sexually harassed by an employee, you must immediately launch an investigation. If the student feels harassed by another student, the case must be reported immediately to the vice-chancellor, who can refer the case to the disciplinary board.

As the head of department, you are to ensure that the student is offered support by the Student Health Centre.

Be sure to let the student know they cannot remain anonymous if a full investigation is to be conducted. Keep the student updated on the current state of the investigation. Check to see how the student is doing.

Once the investigation is completed, be clear about the outcome and of the next step to be taken. Was it found to be a case of harassment/sexual harassment or not? What happens next?

If the person/s who feel/s harassed/sexually harassed belong/s to another department/division/faculty, contact the person's manager/the student's head of department and coordinate the investigation between the two of you.

Approaching the alleged harasser

If you or another employee or contractor within the University become aware that a student at your department/division has been suspected or reported for harassing or sexually harassing a fellow student or an employee, you must immediately report the case to the vice-chancellor who will refer it to the disciplinary board. The student suspected of harassment/sexual harassment should also be offered support by the Student Health Centre. Check to see how the student is doing throughout the investigation.

If the person/s suspected of harassment belong/s to another department/division/faculty, contact the suspected person's manager/student's head of department and coordinate the investigation between the two of you.

Appendix 3 – Harassment and sexual harassment of/by managers

It may be case that the harassment/sexual harassment is committed by/against a manager, in which case that person's manager, in accordance with current rules on delegation, is responsible for the investigation. The same procedure applies as in cases of suspected harassment of/by employees or students, depending on the circumstances.



LUNDS
UNIVERSITET

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Rektor

Handlägningsordning för personalansvarsnämnden vid Lunds universitet samt anmälan till Statens ansvarsnämnd

Lunds universitet har enligt beslut den 25 oktober 1993 (Dnr I A 9 13996/93) inrättat en personalansvarsnämnd att hantera frågor enligt 2 kap. 15 § högskoleförordningen (1993:100).

Sammansättning och utseende av ledamöter

Av 2 kap. 15 § högskoleförordningen följer att rektor ska vara ordförande i personalansvarsnämnden (nedan PAN). I övrigt ska PAN bestå av tre andra ledamöter som utses av universitetsstyrelsen samt tre personalföreträdare som utses enligt personalföreträdarförordningen (1987:1101). Ledamöterna utses för högst tre år i taget. Ordinarie ledamot utsedd av universitetsstyrelsen ska inneha eller ha innehaft befattning med personalansvar, såsom t.ex. dekan, prefekt eller motsvarande.

När ordföranden har förhinder inträder rektors ställföreträdare som ordförande i PAN. För envar av de övriga ledamöterna ska det finnas en ersättare. Ersättarna utses i samma ordning och för samma tid som de ordinarie ledamöterna.

Föredragande och sekreterare

Arbetsrättsjurist vid sektionen HR ska vara föredragande. Skulle jäv föreligga för arbetsrättsjurist ankommer det på HR-direktören att fatta beslut om vem som ska vara föredragande.

HR-direktören utser sekreterare, vilken ansvarar för att upprätta kallelser, protokollföring vid PANs sammanträden, expediering av besluten samt diarieföring av PANs möteshandlingar.

PANs uppgifter

Av 25 § myndighetsförordningen (2007:515) följer att PAN ska pröva frågor om

1. skiljande från anställning på grund av personliga förhållanden, när anställningen inte är en provanställning,
2. disciplinansvar,
3. åtalsanmälan,
4. avstängning.

Hänskjuta ärende till PAN

Rektor avgör, efter samråd med föredragande, om ett ärende ska hänskjutas till PAN. Även HR-direktören, chefsjuristen och förvaltningschefen kan hänskjuta ärenden till PAN.

Föredragande ansvarar för att upprätta underlag inför PANs sammanträde. Vidare ska föredragande tillse att ärendet blir så utrett som dess beskaffenhet kräver. Berörd fakultet eller motsvarande ska bistå föredraganden med den utredning som krävs.

Föredragande tillser i ärende om disciplinansvar att berörd arbetstagare bereds möjlighet att yttra sig över vad som anförs mot denne och att personligen infinna sig inför PAN.

Vid uppsägning eller avsked ska underrättelse och varsel undertecknas av rektor. För de fall överläggning påkallas ankommer på föredraganden att tillse att överläggning genomförs och avslutas innan PANs sammanträde.

Vid åtalsanmälan respektive avstängning ska föredragande tillse att berörd arbetstagare bereds möjlighet att yttra sig över vad som anförs mot denne och att personligen infinna sig inför PAN.

Sammanträde

PAN sammanträder sex gånger per år och därutöver vid tid som ordförande bestämmer.

Ett sammanträde får, om ordförande anser det lämpligt, hållas per telefon eller genom videokonferens.

Ärenden ska som huvudregel avgöras efter föredragning.

Såväl föredragande som ordförande kan i ett enskilt ärende kalla person med särskild sakkunskap att höras vid PANs sammanträde.

Kallelse samt meddelande av förhinder

Kallelse med dagordning och övriga underlag ska, om möjligt, vara ordföranden och övriga ledamöter till handa senast fem arbetsdagar innan sammanträdet.

Ledamot ska skyndsamt anmäla förhinder till sekreteraren.

Jäv

Bestämmelserna avseende jäv i förvaltningslagen är tillämpliga för ordföranden och PANs ledamöter. Eventuellt jäv ska meddelas sekreteraren och föredraganden skyndsamt.

Beslutsförhet

Av 26 § myndighetsförordningen följer att PAN är beslutsför när ordförande och minst hälften av de andra ledamöterna är närvarande.

Omröstning

Av 20 § anställningsförordningen (1994:373) jämte 29 kap. rättegångsbalken följer att om PAN inte kan enas om ett beslut ska omröstning ske. Vid omröstning ska den mening som omfattas av mer än hälften av ledamöterna gälla. Vid lika röstetal ska den mening gälla som är mest gynnsam för arbetstagaren. Om ingen mening kan anses som mer gynnsam gäller den mening som ordföranden biträder.

Avvikande mening

I enlighet med 30 § förvaltningslagen har ledamot rätt att reservera sig mot beslutet genom att låta anteckna avvikande mening. Även annan som medverkar vid den slutliga handläggningen utan att delta i avgörandet har rätt att få avvikande mening antecknad. Den som inte anmäler avvikande mening anses ha ställt sig bakom beslutet.

Avvikande mening ska meddelas innan protokollet expedieras.

Protokoll och beslut

Protokoll förs vid PANs sammanträden. Protokoll ska justeras av ordföranden och en ledamot. Justerat protokoll ska skickas till samtliga ledamöter i PAN jämte den vars ärende prövats och ev. ombud samt berörd fakultet eller motsvarande.

Av 21 § myndighetsförordningen följer att beslut ska upprättas i handling, t.ex. protokoll, som utvisar dagen för beslut, beslutets innehåll, vem som fattat beslutet, vem som varit föredragande samt vem som varit med vid den slutliga handläggningen utan att delta i avgörandet.

Statens ansvarsnämnd

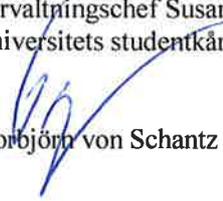
Enligt 34 § lagen om offentlig anställning beslutar Statens ansvarsnämnd (SAN) i frågor om disciplinansvar, åtalsanmälan och avskedande när de gäller arbetstagare som anställs av regeringen. Av 4 kap. 16 § högskoleförordningen följer att i fråga om professorer prövar SAN de frågor som anges i 34 § lagen om offentlig anställning. Vidare prövar SAN frågor enligt 15 § lagen om fullmaktsanställning, d.v.s. avskedande, avstängning och läkarundersökning såvitt avser fullmaktsanställda.

Rektor fattar beslut om ärende ska överlämnas till SAN. Beslut fattas efter föredragning av föredragande under närvaro av förvaltningschefen. Föredragande verkställer överlämnandet och är universitetets kontaktperson i förhållande till SAN.

Beslut

Universitetet beslutar att denna handlägningsordning ska gälla från och med den 10 januari 2019.

Beslut i detta ärende har fattats av undertecknad rektor i närvaro av förvaltningschef Susanne Kristensson efter hörande av representant för Lunds universitets studentkår och efter föredragning av arbetsrättsjurist Katarina Broman.


Torbjörn von Schantz


Katarina Broman
(Sektionen HR)

Kopia:

LUS

Doktorandombudsmannen

Studentombudsmannen

Fakulteter/motsvarande

Sektioner/motsvarande

Internrevisionen

Regelverket

USV/LUKOM

MAX IV

LUB

Ny arbetsordning för personalansvarsnämnden för Linköpings universitet

Universitetsstyrelsen har den 15 februari 2018 tagit ställning till arbetsordningen för personalansvarsnämnden. Universitetets styrelse har, enligt det bemyndigande som finns i högskoleförordningens 2 kap 15 §, inrättat en personalansvarsnämnd (PAN) med uppgifter enligt 25 § myndighetsförordningen (2007:515).

Universitetsstyrelsen beslutar att godkänna förslaget till arbetsordning för personalansvarsnämnden för Linköpings universitet som därvid ersätter det idag gällande beslutet enligt LiU 1473/05-11. Den nya arbetsordningen ska införas i Linköpings universitets regelsamling.

Beslut i detta ärende har fattats av universitetsstyrelsen vid dess sammanträde denna dag. I beslutet har deltagit ordföranden Lena Sommestad, universitetets rektor Helen Dannetun och övriga ledamöterna, Kristina Alsér, Magnus Berggren, Jonas Bjelfvenstam, Linn Lama Davidsson, Jan-Håkan Hansson, Claes-Fredrik Helgesson, Jacob Larsson, Linnea Michel, Ulrika Unell, Kerstin Wigzell och Birgitta Öberg. Vidare har närvarit prorektor Roger Klinth, suppleanten Fredrik Lindeberg, personalföreträdaren Krzysztof Marciniak, styrelsens sekreterare Jenny Ljung, revisionschefen Rebecca Carlsson, chefsjuristen Christina Helmér, universitetsdirektören Kent Waltersson samt HR-direktör Pia Rundgren, den sistnämnda föredragande.



Lena Sommestad



Pia Rundgren

Arbetsordning för personalansvarsnämnden vid Linköpings universitet

1. Inledning

Universitetsstyrelsen har enligt 2 kap 2 § högskolelagen (1992:1434) inseende över universitetets alla angelägenheter och svarar för att dess uppgifter fullgörs. Styrelsens uppgifter regleras närmare i 2 kap 2 § högskoleförordningen (1993:100).

Universitetets styrelse har, enligt det bemyndigande som finns i högskoleförordningens 2 kap 15 §, inrättat en personalansvarsnämnd (PAN) med uppgifter enligt 25 § myndighetsförordningen (2007:515). Nämnden har till uppgift att prova frågor om skiljande från anställning på grund av personliga förhållanden när anställningen inte är en provanställning, disciplinansvar, åtalsanmälan och avstängning. Av samma paragraf följer att rektor ska vara ordförande i en sådan nämnd samt att nämnden i övrigt ska bestå av personalföreträdarna och ytterligare högst tre ledamöter som styrelsen utser. Personalföreträdarna och deras ersättare utses enligt föreskrifter i personalföreträdarförordningen (1987:1101).

2. Sammansättning mm

Rektor är ordförande i PAN. Vid förfall av rektor inträder prorektor som nämndens ordförande. Nämnden består, utöver de tre personalföreträdarna, av ytterligare tre ledamöter, av vilka en ska vara lagfaren ledamot och två ska vara anställda vid universitetet och ha erfarenhet av uppdrag som enhetschef, prefekt eller motsvarande. Nämnda verksamhetsledamöter och deras eventuella ersättare utses av universitetsstyrelsen.

Universitetsdirektören och HR-direktören är skyldiga att närvara, med yttranderätt, vid PANs sammanträden. Chefsjuristen har rätt att närvara, med yttranderätt, vid PANs sammanträden.

3. Sammanträdestid

PAN sammanträder vid tid som rektor bestämmer. Ordföranden sammankallar

nämnden. Även beredningsansvarig kan, på ordförandens uppdrag, sammankalla nämnden.

4. Ärendet

Ärende till PAN kan väckas av rektor. Nämnden kan också ta upp en fråga till behandling på eget initiativ.

Dekanus, prefekt eller motsvarande, överbibliotekarie, förvaltningschef, ställföreträdande förvaltningschef, chefsjurist och HR-direktör kan framställa hos rektor om att ärende ska behandlas av PAN. Sådan framställan ställs till rektor och inges till HR-enheten vid Universitetsförvaltningen, vilken svarar för ärendets beredning. Efter beredning föredrar HR-direktören, eller den tjänsteman HR-direktören utsett, ärendet för rektor, som fattar beslut om huruvida ärendet skall hänskjutas till PAN.

En anmälan ska innehålla de omständigheter som ligger till grund för den. Innan nämnden fattar beslut i ett ärende som nämnden själv tagit initiativ till ska ärendet ha beretts enligt denna arbetsordning.

En anmälan ska innehålla

- 1) namn, födelsedatum, adress och telefon samt i förekommande fall uppgift om facklig tillhörighet
- 2) anställning/befattning och aktuella arbetsuppgifter
- 3) en utförlig redogörelse för ärendet
- 4) information om vidtagna åtgärder
- 5) yrkande/förslag till åtgärd

5. Ärendets beredning

PAN ska handlägga sina ärenden skyndsamt. PANs kansli ansvarar för beredningen av ärendet (se nedan avsnitt 7 avseende PANs kansli).

Det ankommer på rektor att tillse att ärendena till PAN är väl förberedda. Rektor har dock rätt att för visst ärende sammankalla nämnden för hörande under hand, om detta bedöms lämpligt med hänsyn till ärendets beskaffenhet och vikt. Rektor ansvarar för att varje enskilt ärende hos nämnden handläggs i enlighet med kraven på information och förhandling enligt arbetsrättslagstiftningen och gällande avtal.

Om en anmälan har kommit in till nämnden ska den person som anmälan riktas mot få tillfälle att yttra sig skriftligen. Om möjligt ska detta ske via e-post. Den som är anmäld har rätt att svara genom ombud.

Kallelse jämte föredragningslista, ärendeunderlag och förslag till beslut sänds per e-post till nämndens ledamöter genom sekreterarens försorg senast tre arbetsdagar före dagen för sammanträdet. Om särskilda skäl föreligger kan underlag och andra beslutshandlingar tillställas ledamöterna dagen för sammanträdet eller överlämnas i samband med föredragning. Ledamot är skyldig att hålla styrelsens sekreterare skriftligen underrättad om tillfälliga eller permanenta adressändringar.

Om inte annat följer av lag eller förordning får ordföranden ensam bestämma om underrättelse och varsel enligt 30 § lagen (1982:80) om anställningsskydd ska lämnas inför nämndens behandling av en anmälan. Ordföranden får också ensam besluta att en åtalsanmälan ska göras eller om den anställde måste stängas av från arbetet när det inte går att invänta nämndens beslut. Om ordföranden har fattat ett sådant beslut, ska det anmälas vid nämndens nästa sammanträde.

Ordföranden får avskriva ett ärende om det är uppenbart att ärendet inte kommer att leda till någon åtgärd från nämndens sida. Ett sådant beslut om avskrivning ska anmälas vid nämndens nästa sammanträde.

6. Personalansvarsnämndens diarium

PANs ärenden ska registreras och arkiveras på samma sätt som övriga handlingar på universitetet. Varje enskilt ärende i nämnden ska tilldelas ett diarienummer där också sammanträdesprotokollet ingår.

7. Personalansvarsnämndens kansli

För beredning av ärenden till PAN ska det finnas ett kansli. Kansliet ska minst bestå av en beredningsansvarig och en sekreterare som utses av rektor för viss tid eller tills vidare enligt särskilt beslut. Kansliet ansvarar, på uppdrag av rektor, för att ett ärende blir så väl berett och dokumenterat som dess beskaffenhet kräver.

På sekreteraren ankommer att upprätta kallelser och föredragningslistor, tillse expediering av kallelse och övriga handlingar till nämnden och andra utpekade mottagare, bistå nämnden i angelägenheter av betydelse för uppdraget såsom bevakning av tider för varsel och underrättelser, föra noggranna anteckningar vid nämndens sammanträden samt upprätta protokoll och tillse att det justeras i enlighet med gällande anvisningar.

På beredningsansvarig ankommer att bereda ärendet åt rektor, att säkerställa att ett ärende är så väl utrett som dess beskaffenhet kräver samt att, vid behov, fördrä ärendet på nämndens sammanträden eller utse lämplig föredragande.

8. Sammanträdesordning

Ledamot som inte kan delta vid PANs sammanträde ska anmäla detta till nämndens sekreterare. För beslutsförhet krävs att, förutom ordföranden, minst två personalföreträdare, den lagfarne ledamoten och minst en övrig ledamot är närvarande vid sammanträdet. Om ett ärende är så brådskande att nämnden inte hinner sammanträda för att behandla det, får ärendet avgöras genom meddelanden mellan ordförande och minst så många ledamöter som behövs för beslutsförhet.

Vid sammanträde med nämnden deltar, utöver ledamöterna, sekreteraren och de övriga tjänstemän som enligt vad som angetts under avsnitt två ovan har rätt eller skyldighet att närvara, den eller de som utsetts vara föredragande samt den som anmält ärendet till nämnden. Sistnämnda deltar vid föredragningen av aktuellt ärende. Föredragning är muntlig om inte nämnden för visst fall beslutar annat. Den anställde som ett ärende gäller eller som annars berörs av beslutet i ärendet ska kallas att närvara vid sammanträdet med yttranderätt. Dessutom ska den person som den anställde utsett att biträda honom eller henne kallas till sammanträdet. Att den anställde som ärendet gäller uteblir från sammanträdet utgör inte hinder mot att nämnden beslutar i ärendet.

Närmaste chef eller överordnad chef där den anställde har sin befattning ska underrättas om sammanträdet och ges tillfälle att närvara och yttra sig vid sammanträdet utan att delta i nämndens beslut.

Beslut i PAN fattas enligt 20 § anställningsförordningen (1994:373) med tillämpning av omröstningsreglerna i 29 kap 3-5 § § rättegångsbalken. Vid omröstning ska enligt 29 kap 3 § första stycket rättegångsbalken den mening gälla som omfattas av mer än hälften av ledamöterna. Om någon mening har fått hälften av rösterna och denna är den lindrigaste eller minst ingripande för den berörde, ska den meningen gälla. Kan ingen mening anses som lindrigare eller mindre ingripande, gäller den meningen som fått hälften av rösterna, bland dem ordförandens.

Ledamot som deltagit i PANs beslut har enligt 19 § förvaltningslagen (1986:223) reservationsrätt, vilket betyder rätt att få avvikande mening antecknad till protokollet. Även föredragande och andra tjänstemän som utan att delta i avgörandet medverkat vid den slutliga handläggningen har rätt att anmäla avvikande mening.

För att tillföra nämnden särskild sakkunskap i ett enskilt ärende eller en grupp av ärenden kan en person som inte är ledamot kallas att närvara vid nämndens sammanträde utan att delta i dess beslut. Ordföranden bestämmer när en sådan

sakkunnig ska kallas. Den som bistått beredningsansvarig med utredningen kan på hans eller hennes initiativ delta i nämndens möte. Beredningsansvarig ansvarar då för att kalla honom eller henne till sammanträdet.

9. Jäv

För PAN gäller de bestämmelser om jäv som anges i förvaltningslagen. Det ankommer på ledamot att till ordföranden före sammanträde anmäla förhållande som kan innebära jäv.

10. Sekretess och tystnadsplikt

Sekretess för uppgifter hos PAN gäller i den utsträckning det föreskrivs i offentlighets- och sekretesslagen (2009:400). Nämndens ledamöter omfattas i motsvarande utsträckning av tystnadsplikt.

11. Protokoll

Sammanträdesprotokoll upprättas av sekreteraren och justeras av ordförande senast inom 14 dagar efter det att nämndens sammanträde avslutats. Om någon ledamot har anmält en avvikande mening ska detta antecknas i protokollet och det ledamoten anfört som stöd för sin avvikande mening ska bifogas protokollet som bilaga.

12. Beslutens utformning

För varje beslut i PAN ska enligt 21§ myndighetsförordningen finnas en handling som visar dagen för beslutet, beslutets innehåll och att beslutet fattats av nämnden, vem som varit föredragande och vem som har varit med vid den slutliga handläggningen utan att delta i avgörandet.

Om personalansvarsnämndens beslut eller behandling av ett ärende kan ge universitetet anledning att vidta någon åtgärd ska nämnden underrätta universitetet om detta.

13. Expediering av nämndens beslut

Efter det att PANs protokoll justerats genom undertecknande av nämndens ordförande ska nämndens beslut expedieras skyndsamt. Den vars ärende prövats ska skriftligen underrättas om beslutet.

Denna arbetsordning för PAN har fastställts av universitetsstyrelsen vid Linköpings universitet den 15 februari 2018 och ersätter i sin helhet beslut med dnr LiU 1473/05-11. Beslutet ska införas i universitetets lokala regelsamling.