



Procedural regulation for suspicion of harassment, sexual harassment and abusive treatment directed at students

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1. Introduction

This procedural regulation has been established by the Vice-Chancellor of the Swedish Defence University (FHS) on 23 February 2015.

By law¹, FHS is obliged to actively promote gender equality and equal treatment in its activities, as well as actively preventing discrimination, which can, among other things, arise in the form of harassment, sexual harassment or abusive treatment.

The procedural regulation applies to all educational activities at FHS, which means that it covers students (admitted pursuant to the Swedish Higher Education Act or Regulation) as well as participants in contract education. The procedural regulation applies to students who participate in or apply for the activities. In this procedural regulation, those covered by the procedural regulation will be referred to as students.

This procedural regulation shall be followed in cases where it is noted that those covered by the procedural regulation may be subjected to harassment, sexual harassment or abusive treatment, in the context of FHS's activities. The latter refers to all of FHS's educational activities, including placement (VFU).

The procedural regulation refers to all cases where FHS students may be victims of harassment, sexual harassment or abusive treatment in

¹ Higher Education Act (1992:1 434) Chapter 1 section 5 and Discrimination Act (2008:567) chapter 3 sections 14-16. The Work Environment Act's regulation on abusive treatment in working life (1993:17)

connection with education, regardless of who is responsible for the incidents that are noticed. The procedural regulation for employees (Ö 117/2015) applies in the event of harassment, sexual harassment and abusive treatment directed at employees.

2. Definitions

Discrimination

If one or more persons are treated worse (disadvantaged) than others in a comparable situation, and the treatment is linked to one of the grounds for discrimination (gender, transgender identity or expression, ethnicity, sexual orientation, religion or other belief, age, disability), this is classified as discrimination and is thus a violation of human rights.

Harassment

Harassment is a form of discrimination. It is behaviour that offends someone's dignity and has a connection to one of the grounds for discrimination.

Examples of harassment include

- spreading rumours
- disparaging, generalising comments, speech or jokes
- spreading degrading or ridiculing images or song lyrics

Anyone who considers themselves harassed must react and make it clear to the perpetrator that their behaviour is undesirable, if this is not obvious.

Sexual harassment

Sexual harassment is a form of discrimination. It is behaviour with sexual allusions that offends someone's dignity. Sexual harassment may be

- verbal (e.g. sexually charged comments, suggestions, jokes or nicknames)
- non-verbal (e.g. spreading or displaying pornographic images, texts or objects, making offensive gestures or staring in a pointed way)
- physical (e.g. touch that is perceived as unpleasant or offensive, such as patting or stroking someone else's body)

Anyone who considers themselves sexually harassed must react and make it clear to the perpetrator that their behaviour is undesirable, if this is not obvious.

Abusive treatment

Abusive treatment is defined as “recurrent reprehensible or negative actions directed against individual employees or students in an offensive manner and that could lead to them being placed outside the community of the workplace or study group”. Abusive treatment includes, for example, bullying, psychological violence or social exclusion. It is different from discrimination, which is always linked to one (or more) of the grounds for discrimination.

3. Rule of law

A procedural regulation for the entire university for cases of discrimination is a way of ensuring the rule of law. The procedural regulation shall also act preventively by clarifying what students can expect and relate to at FHS.

All employees in educational activities have a responsibility to be able to communicate information and deal with issues and events that are in line with the legislation and FHS governance documents that regulate the procedural regulation for harassment, sexual harassment and abusive treatment for students.

By law², employees and contractors (for example at VFU schools) in educational activities at FHS are to be equated with the education organiser when acting within the framework of their employment or assignment.

4. Duty to investigate

By law³, FHS has a duty to investigate. This means that when an employee of FHS becomes aware of harassment, sexual harassment or abusive treatment, this must be investigated and addressed. All employees are subject to the duty to investigate. This means that the employee shall pass on the information to administrators for equal treatment at the Student and Education department (FUS) in the University Administration (HF).

Whether the victim wishes to make a complaint or not, FHS has an duty to investigate the circumstances of the alleged events.

If an education organiser does not investigate alleged harassment, the education organiser may be required to pay a fine.

In cases where an incident is reported to the police, the duty to investigate still applies. This means that FHS cannot transfer the investigation to the police and await the outcome of the police investigation.

² Chapter 2 section 5 Discrimination Act (2008:567)

³ Discrimination Act (2008:567), Work Environment Act (1977:1160), AFS 1993:17

5. Investigation

- Contact is made with the FHS administrator for equal treatment at FUS
- The administrator for equal treatment shall then inform the deputy vice-chancellor and university director. The university director is the one who formally gives an investigation assignment
- The investigation case is logged in a specific diary series for individual students in the case management system W3D3; all documents are anonymised
- The victim is informed of what applies at FHS (the procedural regulation for the current investigation)
- The student is given information about the possibility of support from Student Health, (students), the Health Service at Karlberg (students OP) or FM Occupational Health Care (assignment students from FM)
- An interview is held with the victim
- Memos are sent to the victim for approval
- An interview is held with the accused perpetrator
- Memos are sent to the accused perpetrator for approval
- C FUS proposes action to the university director

The investigation shall be carried out promptly and with the utmost regard for the personal integrity of the individuals concerned.

The investigation can:

- 1) be a responsibility investigation, where the issue of responsibility in the events is investigated, which may mean that the investigation focuses the actions of individuals
- 2) be at a level of principle, instead of being directed at individual events and named persons. This type of investigation can be initiated by the university administration if structural irregularities are claimed which may mean that the principles of equal treatment and the rule of law are prejudiced. Individual events that have been brought to attention can serve in this type of investigation as examples of a general problem, without individuals needing to be investigated

The purpose of the investigation:

- Find out the circumstances surrounded the alleged events
- Develop appropriate measures
- That the harassment, the sexual harassment or the abusive treatment ceases

6. Interview

- Interested parties have the opportunity to call a representative to interviews. For example, someone from the FHS student union or, if the accused is employed by FHS, someone from the FHS employee organisations (ATO) or someone else that the individuals have

confidence in

- Questions asked during interview should be formulated as openly as possible, in order to avoid, to the greatest extent, any preunderstanding of events colouring the information collected or the conclusions
- All interviews shall be documented in writing in the memorandum.
- Interviewees will subsequently have the opportunity to access the documentation from the interview, in order to ensure that the administrator understood the individual's account correctly

7. Investigative text and feedback

- Ongoing feedback on how the case is proceeding shall be given to the student concerned, on the administrator's (investigator's) initiative
- The report on the investigation shall contain the following headings:
 - Background
 - Section of law
 - Conclusions
 - Recommended measures
 - Any appendices
- The report shall specify who participated in the investigation.
- All investigations shall be concluded with feedback to the student concerned
- The deputy vice-chancellor and vice-chancellor shall be informed of the start of the investigation and decision on measures when the investigation has been completed

8. Measures

In cases where harassment, sexual harassment or abusive treatment has been established, FHS is obliged to decide on and take measures to prevent similar situations from occurring in the future.

The measures, like the investigation, can target an individual or be of a principled nature. Measures in respect of an individual can be an interview with a manager where it is made clear that the conduct that prompted the investigation is not acceptable at FHS.

If phenomena are noted that indicate deficiencies in FHS' procedures and activities, it may be necessary to take steps to improve the situation from a university-wide perspective, even if the incidence of harassment, sexual harassment or abusive treatment has not been substantiated in the individual case.

Decisions on measures shall be taken in accordance with the administrative regulations for FHS management, the provisions for delegation and authorisation in the FHS regulations for management, as well as the provisions for disciplinary matters and the staff responsibility board.⁴

9. Disciplinary measures

- If an employee has been guilty of harassment, sexual harassment or abusive treatment, this may in serious cases lead to disciplinary action. The disciplinary measures contained in the Public Employment Act (LOA) are warnings, salary deductions or loss of employment.
- Decisions on disciplinary or labour law measures against an employee are taken by the FHS staff responsibility board (PAN).
- If a student has subjected another student or employee at FHS to harassment, sexual harassment or abusive treatment, this may lead to disciplinary action.
- Decisions on disciplinary action against a student are made by the FHS disciplinary board. How disciplinary cases are handled is covered by special rules of procedure for the disciplinary board.

⁴ FHS management order, level 1, 3.5.2 and level 1, 3.5.3.

Appendix 1 Recommendations

This appendix contains recommendations for some of the points in the procedural regulation for harassment, sexual harassment and abusive treatment. The purpose of the appendix is to be an additional support and guidance for investigations.

Investigation (heading 5)

Depending on the nature of the incident, the investigation can be conducted in different ways. It is the experiences of the victim that should primarily affect the approach. However, the section of law and FHS regulations must always be followed.

If necessary, the investigation can be conducted as a responsibility investigation and placed at a level of principle.

The person investigating the case is advised to have a colleague as an audience to ensure that the information is properly understood.

In cases where the victim wishes to remain anonymous, the internal procedures in the FHS procedural regulation for harassment, sexual harassment and abusive treatment can be waived. However, the legal duty to investigate remains.

If no equal treatment administrator is available at the time of the event (for example on holiday or leave), C FUS is contacted first and secondly the HR department.

The victim should always be made aware of the procedural regulation at FHS at an early stage. As far as the person accused is concerned, an interview should not be begun with information on duty to investigate and possible consequences as this may create distress. Information should instead be provided at the end of a first interview.

Interview (heading 6)

In cases where the accused is an employee:

Both the victim and the person who is the subject of the investigation have the opportunity to have with them a person they have confidence in. This person should not be a manager. The reason for this is to ensure that the manager should not have a role as both a support person and the person responsible for any consequences.

With some incidents, it may be useful to have the investigative interview and the interview with the manager (consequences) on the same occasion. In such cases, the manager should be an audience while the person can give his or her view of the situation and as necessary after this describe the FHS rules to cause the harassment, sexual harassment or abusive treatment to cease.

In cases where the accused is a student (assignment student from the Swedish Armed Forces):

The departmental manager or programme coordinator can if appropriate participate in the interview. In such cases, the departmental manager should be an audience while the person can give his or her view of the situation and as necessary after this describe the FHS rules to cause the harassment, sexual harassment or abusive treatment to cease.

Investigative text and feedback (heading 7)

Depending on the nature of the incident, the investigative text and feedback can be done in different ways. It is the experiences of the victim that should primarily affect the approach. However, the section of law and FHS regulations must always be followed.

Measures (heading 8)

In the event of an investigation into abusive treatment, it should be specifically examined whether the cause of the abusive treatment is to be found in the FHS organisation.

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