

Guide for Handling
Offensive Treatment
at Linköping University







Linköping University (LiU) is founded on democratic core values based on human rights and equality. LiU is to be characterised by an inclusive work and study environment, where all employees and students are treated with respect and where they have the best conditions to work and grow.

LiU will under no circumstances accept the occurrence of offensive treatment, i.e. victimisation, harassment, sexual harassment or discrimination.

This guide is based on applicable legislation (primarily the Discrimination Act 2008:567 and the Organisational and social work environment provisions AFS 2015:4) and is intended to provide employees and students with:

- information about the concepts of victimisation, harassment, sexual harassment and discrimination
- a description of how LiU will handle cases of offensive treatment
- support for a student or employee who has been subjected to such treatment

We use the terms “*offensive treatment*” and “*violation*” as umbrella terms for victimisation, harassment, sexual harassment or discrimination.

If you have any general questions about offensive treatment, please contact an equal opportunities coordinator at LiU.

What do we mean by victimisation?

VICTIMISATION is defined as offensive treatment directed at one or more employees or students, which may lead to ill health or to the victimised person being excluded from the workplace or student community. Part of victimisation is to treat someone in a derogatory manner through words and/or actions. Another part is to arbitrarily and unjustly treat them differently to others.

Bullying is a form of victimisation and it entails one or more people being repeatedly and regularly subjected to harassment, violations or social exclusion over a longer period of time by one or more people, where the victim is in an inferior position.

Examples of victimisation include ostracism, systematically withholding information and name-calling.

It should be clarified here that temporary disagreements, conflicts and other problems within working relationships will generally occur within all operations. Only when the conflict is no longer mutual and shifts towards actions that are intended to hurt, humiliate or single someone out is it considered victimisation.

What do we mean by discrimination?

Discrimination entails someone being disadvantaged or treated worse than someone else in a similar situation, and that the disadvantage or victimisation can be linked to one of these seven grounds for discrimination:

- Gender
- Transgender identity or expression
- Ethnicity
- Religion or other belief
- Disability
- Sexual orientation
- Age

Discrimination is an umbrella term for direct and indirect discrimination, inadequate accessibility, harassment and sexual harassment as well as instructions to discriminate.

An example of discrimination could be a teacher not allowing a student with dyslexia additional time during a test even though the student has provided proof that they are entitled to it, or a person with a foreign-sounding last name not being called to a job interview despite being the most qualified candidate.

INADEQUATE ACCESSIBILITY is a form of discrimination where a person with a disability is disadvantaged due to reasonable measures for accessibility not having been taken to provide the person with a situation comparable to that of persons without this impairment. Accessibility measures may involve support, information or communication, as well as the physical environment such as the removal of thresholds or giving access to teaching materials in adjusted formats, for example audio books. With regard to which measures are reasonable, this will be determined through a comprehensive assessment in each individual case.

HARASSMENT is actions that violate a person's integrity and which can be linked to one of the grounds for discrimination.

Examples of harassment could be the expression of ridicule or derogatory generalisations, such as name-calling with reference to sexual orientation, gender or religion.

Harassment may also be of a sexual nature. This is known as *sexual harassment*.

Examples of sexual harassment, in addition to verbal remarks, could include groping or leering. It may also include unwelcome compliments, advances and allusions.

What is the difference between discrimination and harassment?

Other than the differences in the definitions of discrimination and harassment described above, the assessment of whether something constitutes discrimination or harassment also depends on who is doing it.

If a representative of LiU is subjecting a student to harassment, it is considered discrimination in the eyes of the law. The same applies to a manager or supervisor subjecting an employee to harassment.

However, an employee, who is neither a manager nor a supervisor, who subjects a co-worker to behaviours that violate their integrity and whose actions can be linked to one of the grounds for discrimination is guilty of harassment. In such a case, LiU is not guilty of discrimination due to the actions of the individual employee. LiU does however have a responsibility to investigate the circumstances of the reported harassment and, if applicable, take any measures reasonably required to prevent further harassment. The same applies to a student harassing another student: LiU is not guilty of discrimination here, but has an obligation to investigate the matter.

What happens if someone feels they have been subjected to offensive treatment?

At LiU, experienced offensive treatment is intended to be handled as close to the person concerned as possible, i.e. by a superior with HR responsibility or, for a student, by the director of studies or equivalent. But all employees (with the exception of study counsellors and employees at the Student Health Care Centre if they are bound by professional secrecy) have a responsibility to take action if they are contacted by a person experiencing offensive treatment. Such action may entail, for example, passing the information on to the supervisor or manager. All students and employees at LiU have a responsibility to contribute to an inclusive and positive work and study environment.

If an employee or student experiences offensive treatment in connection with their activities at LiU, it is important to know how the matter is to be handled and which functions the employee or student can turn to, respectively. Every situation is unique of course, and so the process must also be adapted to the circumstances of each individual case. However, every case is to be treated with maintained respect for all involved and on the basis of applicable legislation.

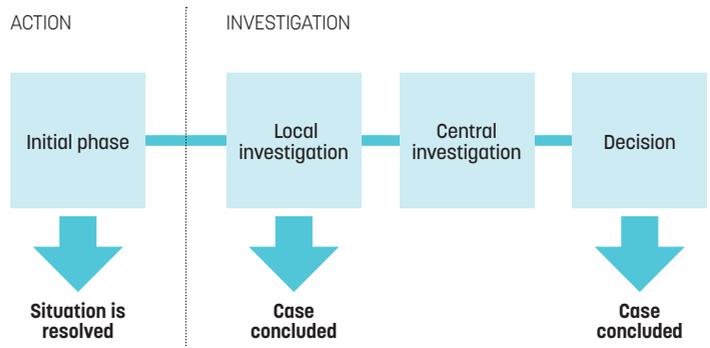
If someone feels they have been subjected to offensive treatment, it is important to deal with the situation promptly, and the priority is always to make any such treatment cease.

Regardless of how the unwanted behaviour is defined and how the matter is handled, the manager/Director of Studies or the equivalent must always take action to restore a good work or study environment for all those involved.

WHAT DOES AN INVESTIGATION ENTAIL?

The purpose of investigating an incident where someone has experienced offensive treatment is to gather enough information and knowledge of the situation for those responsible for the operation to be able to assess which measures need to be taken in order to put an end to the offensive treatment. Each investigation is conducted with respect for the parties involved and with impartiality, rationality and objectivity. The following pages give a description of how such an investigation can be conducted.

Case management - a schematic summary



INITIAL PHASE: An employee finds out that an employee or student feels subjected to offensive treatment. The person who has become aware of the situation brings the information to the closest supervisor or, if appropriate, investigates what has happened. If needed, measures are taken to deal with the situation. There may also be a need for follow-up of the measures in order to ensure that they have had the desired effect. In many cases, this initial action may be sufficient to deal with the situation without any further measures of intervention.

LOCAL INVESTIGATION: Manager/Director of Studies (or equivalent), or the person who feels they have been victimised deems the initial action insufficient and believes a more extensive investigation is required. This may involve asking questions to the parties involved. It may also involve asking other people who are not directly involved to describe the situation in question. Based on what emerges during the investigation, measures may be taken, which must then be followed up. If the manager/Director of Studies makes the assessment that more serious violations are involved, or if they are unsure of how best to proceed, they shall contact the equal opportunities coordinator.

CENTRAL INVESTIGATION: If the equal opportunities coordinator who has been contacted by the manager/Director of Studies or the victimised person deems the situation to be of a serious nature, they will discuss the matter with the Director of HR and/or Deputy University Director and the Chief Legal Advisor. The specialists involved will then agree on whether the case should be investigated centrally or by the Occupational Health Care Service on commission from LiU, or if it should continue to be investigated and dealt with locally.

DECISION: Based on the central investigation, the Vice-Chancellor makes a decision on the matter. Such a decision can only be made following a central investigation. The Vice-Chancellor may decide:

- that no further measures will be taken
- that the matter is to be reported to the police
- that the matter is to be handed over to LiU's Staff Disciplinary Committee or the Government Disciplinary Board for Higher Officials for labour law measures (employee) or to the Disciplinary Committee for disciplinary measures (student) to be taken against the individual
- to assign the director of studies or manager to consider and implement another suitable measure.

Good to know about the investigation

SUPPORT PERSON

Irrespective of whether a matter has been investigated locally or centrally, there is often need for support, both for the person feeling victimised and the person accused of victimising them. One form of support can be provided by a person who is not directly involved in the case but who is able to look into the circumstances and thereafter act as a sounding board and participate in meetings during the investigation of the matter. This type of support person could be offered by someone from the student union, a work environment or trade union representative, or someone else suggested by the victim or the accused. LiU must always offer the persons involved the opportunity to seek the help of a support person during the investigation of the matter.

COMMUNICATION

In order for the processing of the case to be as transparent as possible and perceived as reliable by all parties, it is important for the person who feels victimised and all others involved in the matter to be updated regularly about the processing of the case. People who may be in need of advice and support are also to be provided with information about whom they can turn to.

DOCUMENTATION AND OPEN ACCESS

Any information provided by the person who feels subjected to offensive treatment shall be treated with respect and, as far as possible, in accordance with the person's wishes. At the same time, LiU is a government agency and as such must adhere to the applicable legislation on open access and confidentiality that governs which documents are considered public. The documentation associated with a case will constitute public documents, which means that anyone can request access to it and the possibility to make information confidential is limited.

For the person who feels victimised, it is important to be aware that an investigation of offensive treatment requires active participation from the parties involved, and it is therefore impossible for them to remain anonymous. If a person wishes to draw attention to an issue without participating in the investigation or naming the people involved, the matter will instead be handled at a more general level; the manager/Director of Studies may for example start a general discussion on work environment issues of a similar nature within the work or student group where the issue has arisen.

STUDENTS ON WORK PLACEMENT

When a student is in a workplace as part of their education, they have the same legal protection against offensive treatment as the employees of that workplace. This means that the workplace procedures for handling such issues will apply and the supervisor at the workplace is responsible for the student's work environment.

The student should primarily contact their supervisor at the workplace if they feel they have been subjected to offensive treatment. The student should also contact their supervisor or course coordinator at LiU to inform them of the issue.

To whom should I turn if I have been subjected to offensive treatment?

Employees can turn to:

- Their superior or Head of Department
- HR consultant
- Local union representative
- Work environment representative
- Equal opportunities representative
- Equal opportunities coordinator
- Occupational health care service

Students can turn to:

- Director of Studies or Programme Coordinator
- Teacher
- Study counsellor
- Student union
- Student work environment representative
- Student health care centre
- Equal opportunities coordinator

A person who feels that they have been subjected to offensive treatment should primarily turn to someone in their proximity, such as their superior or HR consultant (for employee), teacher or programme coordinator (for student) in order for the situation to be dealt with as soon as possible. Both students and employees can always turn to an equal opportunities coordinator for advice on matters relating to offensive treatment. The equal opportunities coordinator can also be contacted in cases where the victimised person does not feel that the situation is being handled in a satisfactory manner or if, for some other reason, they do not want to contact someone in their proximity. If needed, the equal opportunities coordinator will consult with the Director of HR and/or Deputy University Director and the Chief Legal Advisor, and together they will decide how the case should be handled.

Some advice if you have been subjected to offensive treatment

- Speak up Confront the person if you can. If you find it hard to tell them in person, write a letter or otherwise show them that you dislike their behaviour.
- You have the right to receive advice, support and information without giving your name
- Tell someone else. See contact list above or choose someone else you trust.
- Write down the time and place, what happened, what was said and how you reacted. This documentation may be important if there is an investigation
- Participate in the investigation measure process that is initiated by your superior/Director of Studies and accept the support you are offered

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