

# Procedure for discrimination complaints relating to students

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**Description:**

This procedure describes how to handle situations where students feel exposed to discrimination or abuse pursuant to the Discrimination Act. The procedure is aimed at employees of Stockholm University.

## Introduction

This procedure describes how to handle situations where students feel exposed to discrimination or abuse pursuant to the Discrimination Act. According to the Discrimination Act, discrimination includes direct discrimination, indirect discrimination, inadequate accessibility, reprisals, instructions to discriminate, harassment associated with one or several grounds of discrimination, and sexual harassment.

At Stockholm University, Student Services investigates discrimination notified by students. The Coordinator for Equal Treatment of Students is in charge of the investigation and the Head of Student Services decides, upon consultation with the President, on measures to be taken, if any.

Acts that adversely affect an individual, as a result of which the individual may suffer social exclusion in their department/equivalent or which may hamper their opportunities to do a good effort may constitute discrimination pursuant to the Discrimination Act or abusive discrimination/bullying.

Disadvantaging or harassment pursuant to the Discrimination Act is behaviour that violates someone's dignity and which is associated with any of the discrimination grounds sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. Sexual harassment is a behaviour of sexual nature that violates a person's dignity.

The person who feels subjected to the negative acts decides what is offensive, but sometimes this person must clarify that the behaviour is not welcome or that it is perceived as offensive.

Negative behaviour aimed at an individual that is not associated with discrimination grounds and is not of a sexual nature may constitute offensive differential treatment/bullying. Such behaviour is covered by the work environment legislation, and at the University work environment issues are delegated to the Heads of Department/equivalent. Student Services and the Human Resources Office are available to provide support in relation to student work environment issues.

## Legislation

The Discrimination Act (SFS 2008:567) regulates the University's responsibility, in its capacity as education coordinator, in relation to issues regarding equal rights and opportunities associated with discrimination grounds.

According to Chapter 2, Section 7, an education coordinator who becomes aware that a student or applicant feels they have been subjected to harassment in connection with the education coordinator's establishment must investigate the circumstances surrounding the

The University must take active measures as defined in the Discrimination Act to prevent and hinder discrimination in the establishment and to endeavour to promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age (Chapter 3, Chapter 1).

Active measures include preventing [discrimination] and promoting [equality] by:

1. Investigating whether there are risks of discrimination or reprisals or whether there are other obstacles to individuals' equal rights and opportunities in the operations,
2. Analyse the causes of detected risks and obstacles,
3. Take action to prevent [discrimination] and promote [equality] as may reasonably be required, and
4. Follow up and evaluate this work according to 1-3 (Chapter 3, Section 2).

The active measures must be implemented continuously. Measures must be planned and implemented as soon as possible (Chapter 3, Section 3).

In its capacity as education coordinator, the University must take active measures within the following fields:

5. admission and recruitment procedures,
6. teaching methods and organisation of education
7. examinations and assessments of students' performance,
8. study environment, and
9. possibilities to reconcile studies with parenthood. (Chapter 3, Section 17).

The education coordinator must also have guidelines and routines for the establishment in order to prevent harassment and sexual harassment. The education coordinator must review and evaluate the existing guidelines and routines and take action to prevent and hinder harassment of students or applicants (Chapter 3, Section 18).

The law covers, in the field of education, students and applicants at first, second and third cycle level. The Discrimination Ombudsman, DO, is a public authority whose task includes development of methods to prevent discrimination and review of, for example, universities' compliance with the requirements under the Discrimination Act regarding anti-discrimination measures and management of discrimination cases, if any. More information is available on [DO's website](#).



The task of the Swedish Council for Higher Education, UHR, includes, among others, working to prevent discrimination, to promote equal rights and opportunities and to promote widening participation at universities. More information is available on [UHR's website](#).

In relation to adapting premises, information and activities at Stockholm University to make these accessible, the University, as a public authority, is subject to the Regulation (SFS 2001:526) on the responsibility of public authorities for implementing a disability policy. Failing to take action to make the University's information, premises and activities accessible can entail discrimination according to Chapter 1, Section 4 (3) of the Discrimination Act.

The Swedish Agency for Participation, MFD, is a public authority responsible for coordinating, accelerating and reviewing disability policy. More information is available on [MFD's website](#).

## **Investigation of discrimination**

According to Chapter 2, Section 7 of the Discrimination Act, an education coordinator who becomes aware that a student or an applicant to a programme feels they have been subjected to harassment, must investigate the circumstances surrounding the alleged harassment. At Stockholm University, it has been deemed appropriate to take the same action if the University becomes aware that a student or applicant feels they have been subjected to any other form of discrimination and this was associated with studies or an application to a programme at Stockholm University. The investigation is conducted by Student Services. The Head of Student Services decides, upon consultation with the President, on measures, if any, which the investigation calls for.

A representative of the University who becomes aware of suspected abuse or discrimination must promptly inform their immediate superior or special contact person at the department/equivalent. When the University becomes aware of a suspected case of discrimination, the University must initiate an investigation and measures must be taken to stop the abuse immediately.

It should be possible for teaching staff, a director of studies or similar to handle simple conflicts immediately.

When suspected discrimination is notified, individual interviews should be conducted with the parties involved to determine what has happened. The interviews must be documented in writing. The matter must be handled confidentially and quickly. The purpose of the individual interviews is to make the unwanted behaviour stop. The University's Coordinator for Equal



Treatment of Students is available for advice on discrimination, investigations and other equal treatment efforts.

If, following the interviews, it remains unclear whether there has been discrimination, an investigation of the circumstances must be conducted by Student Services. If it is established that there may have been offensive differential treatment/bullying, an investigation of the circumstances must be carried out by the department/equivalent.

The investigation must be conducted impartially and objectively and requires voluntary participation by the persons involved. Both the person who claims to have been subjected to discrimination and the person who is suspected of discrimination must be offered meetings with the student health service, the relevant student union, staff healthcare or a trade union representative.

The obligation to conduct an investigation applies both if the student feels they have been offended by an employee or by another student. Student Services is in charge of the investigation. The investigation will lead to a decision where the University takes a view as to whether there has been discrimination, as defined in applicable legislation.

In case of simple conflicts of the type referred to above, the Coordinator for Equal Treatment of Students at Student Services must be informed. An investigation must be conducted by way of interviews with persons involved, while observing discretion.

The provisions of the Administrative Act and the Public Access to Information and Secrecy Act regarding record keeping of documents must be observed and a written procedure of, among others, notes, communications, and decisions must be followed. This means that significant parts of the investigation will be conducted under public scrutiny. It is preferable for the persons involved, either themselves or with the help of a support person, to describe the circumstances on which the investigation is based in writing. Even if the investigation concludes that there was no discrimination, a note should be made regarding this conclusion if a student has claimed they felt discriminated against.

All the significant circumstances for a final decision emerging during the investigation must be communicated continuously to the persons involved, allowing them to respond. Stockholm University must keep the involved parties informed of the measures the University intends to take and the views of the University.

In cases of one person's word against another person's word, the University should still form its own opinion as to the truth of the alleged discrimination and subsequently take appropriate

action. Final views must be communicated and recorded even if the decision means the University does not intend to take any further action. In applicable cases, such measures must be taken which can reasonably be required to prevent continued discrimination.

## **Review**

The Head of Department/equivalent must review the matter by contacting the notifying party within a fixed and specified period (such as one month), to confirm that the behaviour has ceased. If this is not the case, the University's Coordinator for Equal Treatment of Students must be contacted for further action.

## **In case of notice of perceived discrimination**

### **Step 1**

If you, as an employee, have been contacted by a student regarding perceived discrimination, you must do the following.

- Deal with the situation directly.
- Take the version of the events presented by the victim seriously.
- Show respect for those involved.
- Ask questions to clarify what has happened in individual interviews with the parties involved.
- Tell the victim about the routines and what you can do to prevent potential discrimination from continuing.
- Promptly involve a person in charge or refer to a suitable contact person – if you will not deal with the matter going forward.
- Document what is said and how the matter will be managed going forward. Check that you and the victim agree on what you have documented.

### **Step 2**

The person who deals with the matter going forward must create their own picture of the situation by talking in private both with the victim and the alleged perpetrator.

- Discuss the alternatives for continued action with the victim. Describe the persons and instances who can help the victim.
- Document what is said and how you intend to proceed. Check that you and the victim agree on what you have documented.

- Prevent gossip and cliques from arising in the staff group/student group that can lead to, for example, bullying or exclusion.
- The department/equivalent must forward the matter to Student Services for investigation when it has been concluded that the student wishes to proceed with a notice of discrimination pursuant to the Discrimination Act.

### Step 3

- The Coordinator for Equal Treatment of Students at Student Services is in charge of investigations on discrimination relating to students.
- The Coordinator for Equal Treatment of Students must communicate regularly with the parties involved and continuously inform them about the progress of the investigation and applicable timetables.
- If a student or applicant who has given notice of discrimination is dissatisfied with the investigation or the University's views, the person can contact the Discrimination Ombudsman, DO.

### **If the investigation concludes there has been discrimination**

- A written decision and investigation into the discrimination notice is issued to the parties involved and the relevant Heads of Department.
- The department/equivalent must ensure that the victim is not subjected to continued discrimination or reprisals.
- The department/equivalent must review that the discrimination has ceased and take measures that may reasonably be required to prevent future discrimination.
- If the discrimination continues, the department/equivalent must promptly inform Student Services.

### **Support of affected students**

- Stockholm Student Health Services
- Student Ombudsmen at Stockholm University Student Union

The Section for Safety and Security at the Property Management Office can assist with reports to the Police. The student can give notice of incidents in the University's reporting system. Students can also give anonymous tips regarding criminal offences such as harassment or security flaws that can eventually lead to criminal offences.