



# Guidelines for handling unwanted sexual attention at VID Specialized University

*Approved by the board of VID Specialized University on 25 October 2016, revised 6 March 2018*

## 1 Introduction

VID Specialized University (VID) endeavours to be an institution that is free from bullying, harassment, discrimination and other improper conduct.

These guidelines concern the handling of unwanted sexual attention at VID and shall serve as a tool for VID staff and students to work together to actively prevent, counteract and eradicate such improper conduct, and to change behaviour and actions that cause a student or employee to experience unwanted sexual attention in connection with VID's activities.

The guidelines consist of two parts:

- preventive measures; and
- the procedure for handling reports of unwanted sexual attention.

Separate guidelines have been drawn up as follows: Guidelines for preventing, counteracting and eradicating bullying and discrimination in the learning environment at VID Specialized University (adopted by the board of VID on 12 December 2017); and Ethical guidelines for supervisors (approved on 13 October 2016). It is important to pay particular attention to asymmetric relationships at VID, such as student-supervisor relations.

## 2 Legal basis

The [Equality and Anti-discrimination Act](#), in particular section 13: Prohibition against harassment, section 15: Prohibition against instructing a person to discriminate, harass or retaliate and section 16: Prohibition against participating in discrimination, harassment, retaliation or the issuing of instructions.

The Act relating to working environment, working hours and employment protection, etc. – [Working Environment Act](#): section 4-3, Requirements regarding the psychosocial working environment.

### 3 Definitions

The guidelines are limited to dealing with unwanted sexual attention. It is the aggrieved party who defines the behaviour as unwanted.

Unwanted sexual attention can be verbal, non-verbal and/or physical.

The Gender Equality Act prohibits *sexual harassment*. [The Equality and Anti-discrimination Ombudsman](#) stipulates the following:

*Sexual attention becomes harassment when:*

- *it is unwanted;*
- *it is undesirable;*
- *it continues after the recipient has told the person to stop; and*
- *it has negative repercussions of a physical, mental or professional nature.*

*Other factors that play a role:*

- *the severity of the behaviour;*
- *the time and place of the behaviour;*
- *whether the behaviour has taken place over a period of time; and*
- *the balance of power between the harasser and the aggrieved party, and whether they have a relationship of dependence.*

*Examples of behaviour that may be considered sexual harassment:*

- *unnecessary touching and 'prodding';*
- *intrusive comments about the person's body, clothes or private life;*
- *sexual advances, suggestions and innuendos; and*
- *showing pornographic images, whistling and body movements that have a sexual undertone.*

Unwanted sexual attention can occur between employees, between students and employees, or between students. The problem must be taken seriously regardless of the status of the person affected. These guidelines cover unwanted sexual attention that affects employment/studies and/or is related to employment/studies.

### 4 Preventive measures aimed at unwanted sexual attention

Preventive measures aimed at unwanted sexual attention at VID:

#### A. HSE work

Prevention of unwanted sexual attention forms part of the preventive efforts in the HSE work aimed at students and employees at all faculties, centres, departments and divisions.

*Responsible:* Heads at all levels

#### B. Ethical guidelines

VID has drawn up separate *Ethical guidelines for supervisors*.

*Responsible:* Rector

### **C. Information**

The Guidelines for handling unwanted sexual attention will be available on VID's website, and in the quality manual and electronic HSE manual (for staff). Short and easy-to-understand information about dealing with such issues is currently being prepared for students and employees, and will be published on the website and posted on the 'itslearning' platform.

*Responsible:* Director of Human Resources, Director of Academic Support and Director of Student Affairs

### **D. Training**

Heads of units and relevant administrative staff will be given training in handling cases of unwanted sexual attention in the form of a thorough examination of the guidelines. Efforts will be made to raise awareness of the topic and students will be taught through information meetings, class lessons, the academic committee, etc. how to report improper behaviour. The topic will also be on the agenda in meetings with the student parliament and student councils. Meetings dedicated to this topic should be arranged for the students.

*Responsible:* The Rector has overall responsibility. All heads with human resource responsibilities are responsible for the training of their own staff. Deans/vice-deans/pro-rectors are responsible for the training of academic staff and heads of studies/centre heads who hold key roles, such as contact persons for students/research fellows, as well as for ensuring that training is provided to students.

## **5 Procedure for handling cases of unwanted sexual attention**

### **5.1 Purpose**

The purpose of the procedure is to ensure that VID handles cases of unwanted sexual attention in an acceptable and responsible manner. The procedure shall serve as a guide to employees and students on how to proceed in cases of unwanted sexual attention.

### **5.2 Responsibility for the procedure**

The Rector at VID has overall responsibility for the procedure, for facilitating the conditions for reporting/lodging a complaint about unwanted sexual attention and for following up unacceptable behaviour.

### **5.3 Problem-solving measures**

Problem-solving measures aimed at unwanted sexual attention at VID:

#### **A. Unwanted sexual attention or suspicion of such attention**

Employees or students who themselves experience unwanted sexual attention should discuss the matter with someone before reporting the situation. This can be done in various ways (see 5.4).

If an employee or student suspects that someone is being subjected to undesirable sexual attention, a dialogue may be opened with the potentially aggrieved party. A colleague or fellow student may also offer to assist a person who needs help with such matters.

**B. Reporting and handling cases of unwanted sexual attention**

Allegations of unwanted sexual attention can be reported in writing or verbally to VID staff (see 5.5). Written communication is recommended, particularly in the event of a serious matter.

On receiving notification of unwanted sexual attention, employees have an obligation to inform the responsible head. The aggrieved party may remain anonymous until the matter is formally reported.

It is possible to report unwanted sexual attention anonymously by telephone, but anonymous complaints are unlikely to be pursued as VID will need to know who the case relates to in order to act.

If a claim is made concerning a serious assault, such as rape, which is covered by the General Civil Penal Code, the matter must be dealt with immediately according to formal procedures. Such matters should/must be reported to the authorities, either by the aggrieved party or, when the aggrieved party has given their consent, by VID.

**5.4 Who to talk to – contact persons**

Telling someone about unwanted sexual attention can be difficult. It is important that students and staff know who to approach.

The aggrieved party can take the matter further in any of the following ways:

Status of the aggrieved party:	STUDENT	EMPLOYEE
<b>Alternative ways to raise the matter:</b>	<ul style="list-style-type: none"> <li>▪ Raise the matter with a member of staff at VID</li> <li>▪ Raise the matter with the relevant head of studies</li> <li>▪ Raise the matter with the dean of the relevant faculty</li> <li>▪ Raise the matter with the student chaplain or student deacon</li> <li>▪ Raise the matter with the Rector</li> </ul>	<ul style="list-style-type: none"> <li>▪ Raise the matter with immediate superior</li> <li>▪ Raise the matter with an employee representative</li> <li>▪ Raise the matter with the safety officer</li> <li>▪ Raise the matter with the Director of Human Resources</li> <li>▪ Raise the matter with the Rector</li> </ul>

Students can contact their student representative or a representative from the local student council. Students can also contact their local student welfare organization for advice if they are uncertain about whether to report an issue.

Employees who are approached about unwanted sexual attention must offer support, guidance and assistance to students and colleagues who have been subjected to such behaviour. Students and staff must be able to have one-on-one contact with such persons, and must be met with knowledge and understanding within a confidential framework.

### ***5.5 Who can the matter be reported to. Who is responsible for handling the case.***

Line management/the dean at the relevant faculty/the pro-rector of the relevant centre has a special responsibility for handling such matters together with the Director of Human Resources (for employees) and/or the relevant head of studies (for students). The matter should be dealt with locally or at the level that is most natural according to the nature of the issue.

The matter must be referred to the Rector in the event of the following:

- the person accused of unwanted behaviour is the head of the relevant faculty/department/centre;
- where there is a strong bond of loyalty/close cooperation between the head of the relevant unit and the person accused of unwanted behaviour; or
- where the local head fails to act on the matter or does not take the complaint seriously.

### ***5.6 Protection of privacy/duty of confidentiality***

The case must be dealt with in the strictest confidence both during and after the process. All employees involved in the processing of the case are bound by confidentiality, including within the organization.

The person accused of improper behaviour has the right to know about the allegation, gain access to pertinent information and express their view. Privacy must be protected and VID management must decide how much detail should be disclosed to the parties involved. All such cases are subject to the duty of confidentiality, and the person reporting the matter will not always be informed of the progress in the case.

Regardless of the nature of the matter, VID management must ensure that the case processing is properly documented in writing from the time of reporting, at this level and beyond. This is particularly important if the situation develops into a serious disciplinary matter. The case must therefore contain written documentation of serious events, minutes of meetings and records of any witness statements.

Any reprimands or warnings must be issued in writing.

### ***5.7 Guidelines for VID employees who uncover, or are notified of concerns, or receive reports of cases***

Pursuant to the Working Environment Act, employees who uncover harassment, discrimination and mistakes or shortcomings that may pose a risk to life or health have a duty to notify their employer or the safety officer. This is done through the standard official channels. Where an employee has a complaint about his/her immediate superior, he/she can report the case to the next level. If the report involves a student, the employee must notify the dean/pro-rector at the faculty/centre with which the student is affiliated.

Students who experience unwanted sexual attention and who want to notify VID of this will normally contact someone they trust. Academic staff and other employees who are contacted by a student must:

1. Inform the student of who is responsible for receiving such information and who can give them further guidance.
2. Inform the student that it is the dean of the relevant faculty/pro-rector of the relevant centre who handles such cases, and that the student can contact the dean/pro-rector. The student will decide whether he/she wishes to pursue the matter.
3. Academic staff and other employees who are contacted by a student must inform the dean at the relevant faculty/pro-rector at the relevant centre of the matter. The student must remain anonymous until he/she decides whether to pursue the matter. It is important that as many facts as possible are provided in order for VID to have a clear understanding of the situation.

#### ***Reporting of anonymized communication***

The contact person (see 5.4) must report enquiries to the Director of Human Resources (in the case of employees) or the dean/pro-rector (when the case relates to a student). The reporting must be anonymized, unless otherwise agreed with the aggrieved party (see 4.5.1, 4)

On receiving a report of unwanted sexual attention, the Director of Human Resources/dean/pro-rector must forward this to the Rector in writing and in an anonymized form. The aggrieved party must remain anonymous until he/she decides whether to pursue the matter. Anonymous complaints against employees or students are unlikely to lead to sanctions as VID will need to know who the case relates to in order to act.

#### ***Information and onward reporting of cases***

Line management/deans/pro-rectors who have received an enquiry and/or complaint must inform the Rector and Director of Human Resources (in the case of employees) or the Rector and head of studies (when the case relates to a student) about the matter.

The identity of the aggrieved party must not be disclosed unless it is necessary.

The matter is reported to the Rector so that he/she can ensure that VID's ethical guidelines and procedures for dealing with such matters are followed and that routines are in place for reporting unwanted sexual attention.

The Rector shall inform the Chairman of the Board of reported cases of unwanted sexual attention.

## 6 Case processing rules in connection with allegations of unwanted sexual attention

- 1) Allegations of unwanted sexual attention can be submitted in writing or verbally to line management (employees) or the relevant dean/pro-rector (students). The person making the allegation should be advised to submit a written complaint, particularly in the event of a serious matter.
- 2) The unit head must take all allegations of unwanted sexual attention seriously, and ensure proper handling of the case in accordance with the relevant procedure and case processing rules (confidentiality). He/she must also ensure that the facts of the matter are sufficiently established and documented.
- 3) The unit head must contact the Director of Human Resources (in the case of employees)/head of studies (in the case of students) without delay in order to review the handling of the case. Where the level of severity of a case is high, the Director of Human Resources/head of studies will attend meetings together with the unit head.
- 4) The unit head will summon the parties to *separate meetings*, where they will be given the opportunity to comment. Both parties must have the opportunity to be assisted by a representative or other support person. Following each meeting, the unit head must conduct an analysis of the facts and submit a preliminary report on the case. The report must contain the unit head's conclusion and describe any repercussions and further follow-up of the case.
- 5) The legal rights and privacy of the person accused must be protected, including the right to be informed of claims made against them and the opportunity to respond to them. During the meeting with the person accused, the unit head must establish whether he/she is aware that the behaviour in question is perceived as unwanted and unpleasant. The perception of the situation by the person accused should also be clarified.
- 6) The person accused must not only be willing to settle the case, but also to change his/her behaviour. If he/she is not willing to settle the case, he/she must be advised that the unit head will consider proceeding with the case and, if necessary, call a formal meeting. The person accused will be given the opportunity to bring a representative or other support person to the formal meeting.
- 7) The unit head must summon the parties to a formal joint meeting where they will both have the opportunity to comment. Both parties must have the opportunity to be assisted by a representative or other support person. The aggrieved party is under no obligation to attend the meeting if he/she finds it too difficult. The aggrieved party should nevertheless be represented by one of the aforementioned parties.
- 8) Measures/sanctions must be proportional to the events. In the case of serious unacceptable behaviour towards an employee, a personnel case may be initiated. If a

student has acted in a grossly disruptive manner, a case may be brought before the appeals committee, see the Act relating to Universities and University Colleges, Section 4-8. Where a suspected criminal offence has been committed, the matter must be reported to the authorities.

In less serious cases between a supervisor and student/research fellow, the head of the relevant faculty/centre can decide that the supervisor relinquishes parts of his/her teaching or examiner work. The unit can, for example, ensure that a new supervisor is appointed for the student.

- 9) The aggrieved party must always receive written feedback within a reasonable period of time on the handling and outcome of the case. If such information cannot be provided, for example, for reasons of privacy, the aggrieved party must be informed when the case has been dealt with.
- 10) Collection, storage and processing of personal data must comply with the requirements of the Personal Data Act. These rules protect both the person accused and the aggrieved party.