Administrative procedure in case of discrimination, harassment and victimisation

FACULTY OF MEDICINE | LUND UNIVERSITY
Administrative procedure in case of discrimination, harassment and victimisation

We all have a shared responsibility for ensuring that no student is discriminated against or exposed to harassment, and an obligation to act if we witness this happening around us.

The Faculty of Medicine’s strategic plan states that “There is a zero tolerance policy towards victimisation and discrimination. Respect, openness and consideration are always to apply in encounters between staff, students and our cooperation partners.”

The present administrative procedure is to serve as support in situations where a student experiences discrimination or harassment. The administrative procedure covers relations between employee and student and between one student and another. The administrative procedure does not address cases of outright criminal behaviour which are to be reported to the police. The administrative procedure does not address cases of discrimination or harassment between employees.

Pursuant to the Discrimination Act, education providers have an obligation to investigate circumstances in which a student deems to have been subjected to harassment or discrimination within the organisation and, in such cases, must take reasonable measures to prevent such actions in the future. The Discrimination Act defines seven grounds on which discrimination may occur: gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation and age.

WHAT IS MEANT BY DISCRIMINATION, HARASSMENT AND VICTIMISATION?

Discrimination means that a student is in some way disadvantaged in his or her study situation, in a way that is linked to one of the seven grounds for discrimination.

The starting point is that the person who feels subjected to the behaviour is always the one who determines what is discriminating or offensive. Differences of opinion, conflicts or collaboration problems in a study group are not the same as victimisation. These contrasts should be solved through dialogue, listening, acceptance and respect for others’ rights to their views. According to the discrimination ombudsman, DO, harassment is defined as behaviour that offends a person’s dignity and which
can be linked to one or several of the grounds for discrimination. The harassment is to have been directed specifically at the person who feels victimised. The person who feels victimised should, if possible, clarify that the behaviour he or she is exposed to is unwanted and offensive. The perpetrator of the harassment is to realise that his or her behaviour is offensive when this is pointed out by the victim or by someone else in the vicinity. Harassment can take the form of ridiculing or belittling generalisations which can be linked to the grounds for discrimination. Harassment can also be of a sexual nature, in which case it is referred to as sexual harassment. Besides words and comments, sexual harassment can take the form of pawing or leering at the victim. Sexual harassment can also be unwelcome compliments, invitations and innuendos.

Victimisation refers to behaviour aimed at one person or several people in an offensive way, and which can lead to ill health or to the exclusion of the victim from a study or work group. Victimisation can be seen as equivalent to bullying.
We all have a shared responsibility to ensure that no student is discriminated against or exposed to harassment, and therefore we all have an obligation to act if we witness such behaviour around us.

IMPORTANT! Only the victim can determine whether or not an offence and/or harassment has taken place. However, the victim must be able to pinpoint what caused the feeling of offence and/or harassment.

In general, cases are to be dealt with on the level affected. In some cases, when this is not possible, the matter is to be handled on the next level. The overarching responsibility for educational matters rests with the chair of the study programmes board. Ultimately, the vice-chancellor of Lund University is responsible for the work environment.

IF AN EMPLOYEE HARASSES A STUDENT

If the study programmes management at the Faculty of Medicine becomes aware that a student feels discriminated against, harassed or victimised by someone working within education, the management is obliged to investigate the circumstances of the reported harassment. A student who feels subjected to discrimination, harassment or victimisation is entitled to adequate advice and support in the matter, with respect for their personal integrity and right to confidentiality.

There are two possible ways of handling the matter: either informally, if the student wishes the matter to be dealt with within the study programme concerned, or through a formal complaint which may be handled by the staff disciplinary board. As a preliminary step, it may be appropriate to hold an informal discussion with the student together with the relevant course or programme director and the study advisor. If the student wishes to lodge a formal complaint, the matter is to be investigated while taking account of the student’s situation of dependency and their personal integrity. A formal complaint means that the student cannot remain anonymous in the handling of the case. Raising an issue does not necessarily entail a formal complaint. All reports, both informal and formal, are to be dealt with promptly. If the student requests anonymity, the matter must nevertheless be dealt with in the best possible way, but only generally preventive measures can be guaranteed which makes it difficult to move forward on the specific case.

If the matter is addressed informally, the student can choose to turn to the programme management, course management, study advisory service, the students’ union or the student repre-
The person contacted is to pass the matter on to the programme management and the study advisor, who contact the student for a discussion and attempt to find a solution to the situation which has arisen. Depending on what relationship exists between the employee and the student in question, the matter is to be dealt with by the immediate superior. If the matter concerns a lecturer, the student can turn to the course management. If the student finds it awkward to contact a lecturer or the course management directly, he or she can turn to the programme management or the study advisor. The student can get support from the students’ union representative or the student representative in these contacts.

If the matter is formally addressed, the University is obliged to launch an investigation. The investigation is to be carried out by an impartial investigator with expertise in the field. The faculty can also report employees to Lund University’s staff disciplinary board (PAN) if the incident is particularly serious. The student can also file a complaint directly with the Discrimination Ombudsman (DO) if the incident concerns one of the seven grounds for discrimination (see above).

**IF A STUDENT HARASSES ANOTHER STUDENT**

If a student subjects another student to harassment or victimisation, the offended student can contact the course management, programme management, study advisory service, principal student health and safety representative, students’ union or student representative. It is important to show that the student’s experience of harassment or victimisation is taken seriously and handled with respect. This applies even if a student draws attention to, or becomes aware of, another student being subjected to harassment. In that case, the student can contact the programme director or the study advisor.

It is important to try to clarify as early as possible what happened between the students. There should be talks both with the person who feels victimised and with the student/s accused of harassment or offensive behaviour. If an investigation shows that the matter is of a serious nature, the faculty can report the offending student to the University’s Disciplinary Board.

**CLINICAL TRAINING**

In addition to harassment between employee and student or between students, situations can arise in clinical training in which patients are involved. During clinical training, students can come into contact with individuals who, for various reasons, behave in an undesirable manner. While students need to adopt an empathetic and professional attitude towards such individuals, no one should feel harassed or offended during a work placement as part of their study programme. A student who feels harassed by a patient should, if possible, immediately contact their clinical supervisor to deal swiftly with the situation. If this is not possible, the student can follow the recommendations mentioned above for informal or formal contact with the Faculty of Medicine. The same applies if the student realises that a patient is being harassed by fellow students and/or employees. A student who feels harassed by his or her clinical supervisor should contact the course or programme
management and study advisor who are responsible for raising the matter with the relevant unit/person in the workplace. The University always has a responsibility for students in clinical training that is part of their study programme.

**IF A STUDENT HARASSES AN EMPLOYEE**
If an employee feels harassed or subjected to offensive behaviour by a student, the employee is primarily to contact the head of department responsible, or the line manager. In a second step, the employee can file a report directly with the Disciplinary Board.

**ADVICE TO STUDENTS WHO FEEL EXPOSED TO HARASSMENT OR VICTIMISATION**

**IMPORTANT!** Only the person exposed to the behaviour can determine whether or not an offense and/or harassment has taken place. However, the person must be able to pinpoint what caused the offense and/or harassment.

If you feel harassed or subjected to behaviour which violates the rules and rights that apply to students at Lund University and the Faculty of Medicine, you can contact the course management, programme management, programme director or equivalent, study advisor, principal student health and safety representative or student representative directly. The Medical Association also has a contact form online if you want to contact them directly.

If you experience discrimination, victimisation or harassment, don’t delay getting help. You are entitled to be treated with respect. The University has an obligation to strive for a study and work environment free from discrimination, harassment and victimisation.

- If you feel it is possible, start by telling the person their behaviour is offensive. Sometimes, people can behave offensively without intending to offend. It is therefore important that the person subjecting you to the offensive behaviour should be told that it is unwelcome and thereby given a chance to change their behaviour. You can also ask someone else that you trust for support in the situation, or ask them to contact the offender if it feels difficult to do so yourself.
- Document all events. Make a note of the time and place, what happened, what was said and how people reacted. This can constitute important documentation in any investigation. Also keep any letters, emails, text messages or other correspondence from the person you feel is harassing you.
- Talk to a fellow student, a students’ union representative, principal student health and safety representative, student representative or other person you trust.
- If you contact the University to talk to someone about what has happened, you are entitled to bring a fellow student or someone else with you to support you.
ADVICE TO THE RECIPIENT OF A COMPLAINT
Act promptly, document and follow up on the information.
• Take an objective, problem-solving approach. Do not deny or conceal the existence of a problem.
• Treat all those involved with respect.
• Ask questions to get a clear picture of the situation.
• Go through the alternatives for further investigation. Clarify your own role and describe what other people and initiatives should be enlisted to deal with the situation.
• Check that you have the person’s consent before involving other people/initiatives for further investigation.
• Make sure that the matter is investigated, even if you yourself are not in charge of the continued investigation.
• Follow up on the case.

ADVICE TO A STUDENT WHO HAS BEEN REPORTED
If you are reported for harassment or victimisation, you can contact the student representative for advice. Support can be offered by the Student Health Service and/or the study advisor.

CONTACTS AND LINKS
• Student Health Service http://www.lunduniversity.lu.se/current-students/health-care/student-health-counselling
• Study advisor http://www.med.lu.se/utbildning/studievaegledning
• Corpus medicum https://www.studentlund.se/kar/corpus-medicum/

• Vårdvetenskapliga studentföreningen (Health Sciences Students’ Association)
• Medicinska föreningen (Medical Association) http://mf-skane.se/
• Sydsvenska Sjukgymnastinstitutet (Southern Swedish Physiotherapists’ Institute) http://www.ssgi.lu.se/
• Student representative http://studentombudet.se/en
• Principal Student Health and Safety Representative http://www.lu.se/studera/livet-som-student/rattigheter-och-skyldigheter/studerandeskyddsombud
• Discrimination ombudsman http://www.do.se/other-languages/english-engelska/
• Staff Disciplinary Board

REFERENCES
List of rights
Gender equality and equal opportunities plan
Chapter 10 Higher Education Ordinance
Chapter 2 Section 7 Discrimination Act

March 2017