



This document is a translation. In case of a discrepancy between the Swedish original and the English version of the decision, the Swedish original will prevail.

Administrative procedure for cases of discrimination, harassment, sexual harassment, and victimisation

This regulation has been resolved on by the University Director (reg. no. V-2021-0669). This regulation is applicable from 1 November 2021. The regulation governs the management of cases of discrimination, harassment, sexual harassment, and victimisation. The HR Department within University Administration is responsible for reviews and any questions about it.

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Introduction and definitions

1 Introduction

KTH's values are based on democracy, that everyone is equal in value, on human rights and freedoms, and in free and open discussion. Equality between genders, diversity and condemnation of all forms of discrimination and victimisation are both a quality issue and a key part of KTH's values.

KTH's health and safety work aims to prevent victimisation, discrimination, harassment and sexual harassment. If a serious near accident were to occur, or if an employee suffers ill-health or an accident in the workplace, KTH is to investigate the causes such that risks of ill-health and accidents can be prevented in the future.

In accordance with the Anti-Discrimination Act, KTH has a responsibility to investigate and take action. This means that if it comes to the attention of KTH that any individual in our organisation feels they have been subjected to discrimination, harassment or sexual harassment, KTH is to ensure without delay that the circumstances are investigated and that actions are taken to eradicate any abusive behaviour.

The person appointed to manage cases concerning discrimination, harassment, sexual harassment or victimisation ought to have a background in behavioural science and possess counselling skills and be experienced in engaging in constructive dialogues.

This document has been produced as a support tool for managing cases concerning discrimination, harassment, sexual harassment and victimisation. By way of introduction, different concepts and KTH's responsibilities as an employer and education provider are explained. This is followed by the Administrative Procedure that is to be followed when KTH deals with individual cases. Where the concept of "School" appears in the Administrative Procedure, this also includes University Administration. At the end of the document is a summary of various legislation that applies.

2 Definitions

The concepts and definitions that are used in this document are primarily based on the definitions in the Anti-Discrimination Act (2008:567) and the Swedish Work Environment Authority provisions on the organisational and social work environment (AFS 2015:4).

2.1 Employees, co-workers and students

Here, employee means a person who is employed by KTH, including doctoral students with an employment position. The Anti-Discrimination Act also covers anyone who applies to work at KTH.

Here, co-worker means employees and individuals that work and are active at KTH but do not have an employment relationship. For example, co-workers include scholarship holders, students on placement, and externally employed doctoral students.

Here, student means a person who is accepted onto higher education, and doctoral student means a student who is accepted onto and pursues education at research level in accordance with the Higher Education Ordinance (1 chap 4 §).

The Anti-Discrimination Act also covers anyone who has applied to a course or study programme at KTH.

2.2 Discrimination

According to the Anti-Discrimination Act (2008:567), discrimination is a violation of the principle of equal treatment. The prohibition on discrimination applies for KTH as both an employer and an education provider. The prohibition on discrimination also includes applicants for jobs and education, students on placement, and contracted individuals or individuals on secondment.

Discrimination means that an employer or education provider treats a co-worker or student less fairly than others and such unfairness is connected with any of the grounds for discrimination (1 chap. 4 § Anti-Discrimination Act):

- Gender (male, female, person who has changed gender, or intends to change gender)
- Transgender identity (identifies as belonging to a different gender, transgender person)
- Ethnicity (nationality or ethnic origin)
- Religion/belief (all religions and beliefs, including atheism)
- Disability (permanent)
- Sexual orientation (such as homosexual, heterosexual or bi-sexual)
- Age (all ages, both young and old)

The Anti-Discrimination Act also includes a prohibition on reprisals in response to a co-worker or student having reported or submitted a notification of abuse.

2.2.1 Direct discrimination

Direct discrimination means that someone is treated less fairly than another person has been treated or would have been treated in a comparable situation, if such unfairness is connected to any of the discrimination grounds (see section 2.2 above).

One example of an incident that could be direct discrimination is if an exam invigilator asks a student wearing religious garments if they are hiding a cheat sheet under their clothing, without asking other students the same question.

2.2.2 Indirect discrimination

Indirect discrimination means that someone is treated less fairly via the application of a provision, a criterion or a course of action that appears to be neutral but that can come to specifically disadvantage individuals based on any of the discrimination grounds (see section 2.2 above).

An example of indirect discrimination could be that an employer requires better knowledge of Swedish than applicants need for the work-related tasks, or that a university has rules for how men and women should dress at doctoral awards, that is unfair to individuals with a transgender identity or different gender expression.

2.2.3 Lack of Accessibility

Lack of Accessibility is when a person with a disability is disadvantaged by an organisation not providing reasonable accessibility measures to enable the person to access a comparable situation as persons without such a disability.

2.2.4 Harassment

Harassment means behaviour that offends a person's dignity and that has some connection with one of the discrimination grounds (see section 2.2 above). Co-workers and students should not be exposed to harassment in their workplace or their university and should have the right to a safe and secure place of work/study instead. This applies whether or not the person performing such harassment is a co-worker or student.

Examples of harassment:

- Condescending or ridiculing comments alluding to any of the discrimination grounds.
- Withholding of information as a systematic way of excluding someone based on any of the discrimination grounds.

The person engaged in harassment should be made aware that their behaviour is perceived as offensive. It is therefore important that the person who feels they are being harassed, makes it clear that the behaviour is unpleasant and unwelcome and it must cease. In certain situations however, such offensive behaviour is so clear that it is not necessary for the person being harassed to point this out.

2.2.5 Sexual harassment

Sexual harassment means behaviour of a sexual nature that is unwelcome and offends a person's dignity, and entails injury or unpleasantness. This can concern touching, jokes, suggestive comments, looks, images or digital messages that are sexually explicit or implicit, or are perceived as belittling. Sexual harassment differs from flirting. Sexual harassment means that the person exposed to it, finds it disagreeable and is offended by an action of a sexual nature. It

is the victim who decides what is insulting, threatening, offensive, and that they have been treated badly.

2.2.6 Instructions to discriminate

Here, instructions to discriminate means to provide instructions to someone (who is in some form of dependency or contractor relationship to the person) to discriminate in a way as referred to in sections 2.2.1 - 2.2.5 above.

2.3 Victimization

The Health and Safety at Work Act regulates employer responsibility for the work environment and this is supervised by the Swedish Work Environment Authority. The concept of victimisation is addressed in Swedish Work Environment Authority regulations on the organisational and social work environment (AFS 2015:4). Other concepts that are often used to describe similar behaviour or conduct are bullying, psychological abuse and social exclusion.

Victimisation can lead to health problems and entail actions that are aimed at one or several co-workers or students in an insulting way or that these individuals are excluded from the workplace community. Such actions do not have to be repetitive to be insulting, they can also concern individual incidents.

Examples of actions that can make individuals feel frozen out or excluded include:

- badmouthing and/or belittling someone
- sabotaging or making someone's work more difficult, such as by providing incorrect information
- systematically ignoring an employee or student by e.g. withholding information
- criticising or ridiculing someone in front of others
- condescending and ridiculing comments.

It is the victim(s) that decide what is considered to be offensive.

The victim has the right to consider their experience to have been offensive even if the investigator concludes in their investigation report that victimisation had not arisen or that this could not be proven.

2.4 Differentiating between harassment and victimisation

The differences between harassment and victimisation can be summarised as follows:

- Any unsolicited and insulting behaviour that has some connection with the discrimination grounds falls under the concept of harassment according to the Anti-Discrimination Act.
- Other unwelcome conduct (such as exclusion and freezing out) falls under the concept of victimisation according to the Health and Safety at Work Act and the Swedish Work Environment Authority regulations on the organisational and social work environment (AFS 2015:4).

2.5 Conflicts

Discrimination, harassment, sexual harassment and victimisation should not be confused with temporary conflicts, differences of opinion or problems with cooperative relationships that can arise in work and study environments. Such conflicts can be resolved through dialogue, mediation or conflict management, where respect for the right to an individual's own opinion is shown. A conflict that cannot be resolved in a respectful way can, however, become an underlying cause of discrimination, harassment or victimisation.

Examples of conflicts:

- A co-worker (or student) and a head (or teacher) have a difference of opinion and are not in agreement on the direction or approach of the enterprise (or course), or have different views on the allocation of responsibilities and powers or salary (or how grades are set).
- Cooperation problems in a work or student group.

2.6 Underlying causes

Underlying causes of discrimination, harassment, sexual harassment and victimisation can, for example, be structural problems and shortcomings in the organisation or in the management of work, a lack of clarity in manager or teacher responsibilities, poor internal communication, a lack of dialogue in the workplace about the work ethics that apply, abuse of power, and a too heavy or too light a workload.

Norms, routines and approaches are examples of structural and cultural factors that can lead to systematic and sometimes unconscious discrimination against certain individuals and groups.

Another cause can be the actions of individuals as a consequence of personal problems (illness etc.) that mean that the person feels unhappy and expresses their dissatisfaction in a way that can hurt or provoke people around them. One case can also be that a co-worker or student has views that go against KTH's values.

3 KTH's responsibilities as an employer and education provider

The President has ultimate responsibility for the work and study environment at KTH.

To ensure health and safety initiatives work, the President has delegated tasks related to work and study environments to the Heads of School. In turn, each Head of School has the option of further delegating such tasks to the Heads of Department or equivalent.

In accordance with the Anti-Discrimination Act, KTH is to regularly engage in active measures aimed at preventing discrimination and to promote equal rights and opportunities for co-workers and students who work, study or otherwise participate in, or apply to the organisation, irrespective of gender, transgender identity or gender expression, ethnicity, religion or other belief, disability, sexual orientation or age.

Furthermore, KTH as an employer and education provider, is to have procedures and guidelines in place in the organisation to prevent discrimination, harassment and sexual harassment of co-workers and students.

KTH also has a responsibility to investigate and take action in the event of notifications related to the above. This means that were it come to the attention of KTH that someone in the organisation feels they have been subjected to discrimination, harassment or sexual harassment, KTH has a responsibility to investigate and take action.

In accordance with the Health and Safety at Work Act and Swedish Work Environment Authority regulations on the organisational and social work environment (AFS 2015:4), KTH is to organise work such that victimisation is prevented as far as possible. Were victimisation to arise, KTH is to take immediate action to ensure any such abuse ceases.

If KTH as an employer or education provider is not in compliance with the Anti-Discrimination Act and does not fulfil its responsibility to investigate potential cases of discrimination, harassment, sexual harassment, this can have legal consequences. In a corresponding way, there can be legal consequences for KTH, in the event of non-compliance with the Health and Safety at Work Act, Swedish Environment Authority regulations on systematic health and safety work (AFS 2008:15) and on the organisational and social work environment (AFS 2015:4).

Every co-worker and student at KTH also has a personal responsibility in their everyday encounters with other co-workers and students, to treat each and everyone with respect and to prevent discrimination, harassment, sexual harassment or victimisation arising.

3.1 Active measures

The KTH Schools are to engage in active measures in their role as both an education provider and employer (see 3 chap. 5 § and 17 § in the Anti-Discrimination Act). Active measures entail pursuing preventative, long-term and pro-active work to prevent any incidents of discrimination, harassment, sexual harassment and victimisation of co-workers and students. Engaging in active measures means investigating if there are any such incidents, and in which case, countering any risks of discrimination, reprisals or other obstacles to the equal rights of and opportunities for individuals at the university, irrespective of gender, transgender identity or gender expression, ethnicity, religion or other belief, disability, sexual orientation or age.

Such work is to be followed up, documented and evaluated on an annual basis at the Schools. The Equality Ombudsman (DO) is the regulatory authority.

Administrative Procedures

4 Notification of discrimination, harassment, sexual harassment and victimisation

Co-workers (see section 2.1) and students can report that they have experienced discrimination, harassment, sexual harassment or victimisation. This also applies to anyone who has applied for a position or to study at KTH. Anyone who witnesses discrimination, harassment, sexual harassment or victimisation can also report this. In order for KTH to be able to investigate abusive behaviour quickly, the sooner such abuse is reported after being discovered, the better. However, it is also important to report abuse even if reporting such is delayed for whatever reason. According to the Anti-Discrimination Act, the limitation period for notification is two years.

It can come to the attention of KTH that there are shortcomings in the work environment other than via a notification and here too, KTH has a responsibility to take active measures to rectify any such shortcomings and that any abuse ceases.

4.1 Where notifications can be submitted

A notification of discrimination, harassment, sexual harassment or victimisation can be submitted to the School HR Manager, the School contact person or to another administrator appointed by the School. The Head of School is responsible for ensuring someone at the School is appointed to accept such notifications. Please see the KTH website for contact person details.

It can also be the case that a notification is submitted to another person in the organisation, such as to a teacher or study counsellor, for example. The person who receives a notification is to make clear to the person making the notification, that it will be forwarded within the organisation.

Cases that concern co-workers are to be submitted to the HR Manager at the respective School. Cases concerning students are to be submitted to a contact person at the respective School or to the administrator appointed by the School. Cases concerning both a co-worker and a student are to be submitted to the School HR Manager.

KTH is to take action without delay on notification of discrimination, harassment, sexual harassment and victimisation, and any notification received is therefore to be forwarded immediately.

4.2 Notification can be reported in various ways.

A notification is to be accepted irrespective of how it has arrived. There is no requirement to use a specific template or form. A notification can be made verbally or in writing. The administrator is to document notifications made verbally in the form of an official note.

4.3 Anonymity

KTH is to accept a notification and launch an investigation even if the person submitting the notification and/or the person who has been subjected to abusive behaviour wishes to remain anonymous, however anonymity can affect the investigation and the findings of it.

Based on an anonymous notification, KTH can take action, such as in the form of general and public dialogues, education courses and workshops or by communicating information about equal opportunities, diversity and equal terms and conditions issues.

In order for KTH to be able to take action at an individual level, for law and order reasons, it is important that information about the persons concerned is available for an investigation to be held. Everyone who makes a statement in an investigation should be aware that they must be able to substantiate the information they have provided and that at a later stage, they can become an informant in a case submitted to a personnel disciplinary board, a national disciplinary board, other disciplinary board, district court, labour arbitration court, the police etc. In order to be able to proceed further with such processes, it is therefore not possible to remain anonymous.

The case administrator/HR Manager is to inform the notifier and the person concerned about the consequences of remaining anonymous at the initial conversation (see also section 5.3).

4.4 Confidentiality

The documents included in an investigation will be made public, no later than when the investigation is completed. Details in investigations about discrimination and victimisation can be subject to confidentiality provisions (see below) and KTH is to perform a confidentiality assessment before an investigation is disclosed to outside parties. A KTH ruling that information is to remain confidential can be appealed to the Administrative Court of Appeal. This means that KTH cannot guarantee that information will remain confidential, even if KTH considers such information should remain confidential.

This applies throughout the investigation period and after any decision has been made.

It is important that everyone who is involved in the investigation is notified about this in connection with the initial conversation (see section 5.3).

Cases that concern a student

Inquiries concerning students can be covered by confidentiality in relation to external parties (for example in accordance with the provisions in 21 chap. 1 § and 23 chap. 5 §, second para, the Public Access to Information and Secrecy Act (2009:400)).

Confidentiality can apply if there are specific reasons to assume that a person the investigation concerns would suffer damage if information concerning the person were disclosed.

Cases that concern a co-worker

Investigations concerning co-workers can be covered by confidentiality provisions (such as 39 chap 1-3 §§ the Public Access to Information and Secrecy Act (2009:400)).

Confidentiality can apply if it can be assumed that a person the investigation concerns would suffer damage if information concerning the person were disclosed.

5 Investigation

An investigation is to be held promptly, objectively and in compliance with the rule of law. The administrator represents KTH and is to be impartial during the investigation. The administrator should not allow relationships to influence their relationship with any of the parties in the investigation and must recuse him or herself if their impartiality can be questioned (see section 11.8 on conflict of interest provisions in the Administrative Procedures Act).

The purpose of the investigation is to determine what has happened and it is to be performed as tactfully as possible and with respect for the parties concerned. The investigation is to be continuously documented (see sections 5.7 and 9) and followed up (see section 8).

The administrator is to obtain by investigation, an impartial picture of what has happened. The investigation is to comprehensively illuminate what has occurred and include an analysis of what did happen. The investigation is to be based on steps such as interviewing the parties directly concerned.

The case is to be administered promptly.

5.1 The School is to perform the investigation

A case is to be investigated and managed at the School where the reported abuse has arisen. If the notifier and the person accused belong to different Schools, the Schools are to cooperate and reach agreement on which of them is to perform the investigation. The School can choose to commission a consultant to perform the investigation and the School should then arrange this service via company healthcare or another contracted supplier.

In exceptional cases, the case can also be administered within University Administration. This will be the case if it is not possible or appropriate for the investigation to be performed by personnel at the School concerned, such as in a conflict of interest situation.

If the Head of School has assessed that the School cannot perform an investigation, the Head of School is to apply for the case to be managed within University Administration. The application is to be submitted to the Head of HR and the Head of the Student Service Unit and the Head of the Student Services Office respectively, who will determine if the case should be managed within University Administration.

5.2 Support for the administrator during the investigation

The Administration Procedure is a tool that describes how an investigation at KTH is to be conducted. However, the Administration Procedure cannot provide answers to all the questions that can arise during the course of an investigation.

In many instances, the administrator can need support or advice during the investigation.

In cases where notification concerns a student, the administrator can seek the advice and support of the administrative law unit and KTH study counselling within University Administration. Having this kind of contact from the start of an investigation can make administration easier moving forward, and such contact is therefore recommended.

In cases where a notification concerns a co-worker, the administrator is to contact the HR Manager at the School in the first instance, and secondly an HR specialist at University Administration for advice and support in this work.

5.3 Initial discussion

Initial discussions can be held before a formal notification is submitted. The victim and the person who reported the incident are (in the event these are two separate individuals) to be invited in for separate discussions.

The administrator is to adopt an impartial and solution-focused approach in all discussions during the investigation and is to treat all parties involved with respect. If possible, we recommend that two members of staff participate in the conversation: the case administrator asks questions and leads the discussion and a colleague takes notes of the meeting.

5.3.1 Support person

The administrator is to inform the parties of the possibility of a support person attending the discussion. A support person can, for example, be a colleague, a friend, a family member, a manager, a Health and Safety Officer, student health and safety representative or a union representative.

The support person role is to offer psychological support. The support person should not participate in the discussion without the expressed consent of the administrator. This also applies to union representatives, who in this context, are to offer individual support, not as a negotiator. We recommend that the administrator should consent to the support person asking individual questions, offering brief comments and similar before the meeting is concluded.

5.3.2 Information

At the first meeting, the administrator is to provide information on:

- the consequences if the person who complains about certain treatment or is a victim of this, wishes to remain anonymous
- the role of the administrator as an impartial investigator
- preventing reprisals, see section 2.2.
- the importance of the victim raising the issue of unwanted behaviour (if this person has not raised the issue, the administrator is to ask if the person needs support to raise this, such as via a third party discussion)
- KTH's responsibility to investigate and act
- the investigation process and its purpose of firstly stopping any abuse
- which other individuals will be contacted for further information during the investigation
- confidentiality and registration
- that the victim and the person who reported this are to be given the opportunity to access the report and the final written investigation report.
- the advice and support functions that are available: company healthcare, health and safety officer, union organisations and student healthcare (see section 5.6).

- the opportunity to make a report or complaint to the Equality Ombudsman (DO, www.do.se)

The victim is to be informed of the possibility of submitting a notification about an incident to the police if it is suspected that a breach of civil law can have been committed. If, after the initial discussion, KTH proceeds with an investigation, this is to proceed in parallel with possible police action.

5.4 Rectify abuse in the first instance

KTH has a responsibility to ensure that any abuse stops and to enable good work and study environments. If the initial discussions suggest that the abusive behaviour can be stopped via awareness dialogues, mediation, three party discussions or conflict management, such are to be arranged immediately. If the discussions suggest that someone else, such as a manager or teacher for example, can stop the abuse, this person is to be contacted immediately and urged to ensure such behaviour stops.

If the administrator makes the assessment that the abuse cannot be stopped via rapid actions, an investigation is to be started and a continuing dialogue held.

5.5 Discussions during the investigation

In cases where a notification has been received and the administrator needs to proceed with an investigation, the administrator can need to notify the offices concerned that an investigation is in progress. The offices concerned can be the Head of School, the Head of Administration at the School, Manager, Head of Department, Health and Safety Officer, Programme Director, Director of First and Second Cycle Education, or the Director of Third Cycle Education.

The administrator is to adopt an impartial and solution-focused approach in all discussions during the investigation and is to treat all parties involved with respect. If possible, two members of staff can also participate in these conversations: the case administrator asks questions and leads the discussion and a colleague takes notes of the meeting.

5.5.1 Discussions with the victim

During these discussions, the administrator is to listen and pose open questions (what has happened, when did this happen, who was/were involved etc.). The victim is to be allowed to speak freely and the administrator should ask follow-up questions as necessary if the actual chain of events needs further clarification. The administrator should also notify the victim of the possibility of reporting the incident to the police.

If the victim is not the person who reported the incident, additional meetings may also need to be held with the person who reported it. The same principles apply for these meetings as for the discussions with the victim.

If several individuals have been unfairly treated, individual discussions are to be held. There should never be discussions with the individuals who have been abused as a group.

5.5.2 Discussions with the person(s) about whom a notification has been reported

During these discussions too, the administrator is to listen and pose open questions (what has happened, when did this happen, who was/were involved etc.). The person about whom a notification has been submitted, is to be allowed to speak freely and the administrator should ask follow-up questions as necessary if the actual chain of events needs further clarification.

The administrator is to make the person reported aware that a notification has been submitted that their behaviour has been perceived as discrimination, harassment, sexual harassment or victimisation even if this was not intended, and to inform them of KTH's values and code of conduct.

If complaints about several individuals have been reported, individual discussions are to be held. There should never be discussions with the individuals about whom complaints have been reported as a group.

5.5.3 Discussions for further information

If the parties provide different descriptions of what has happened, it may be necessary to talk to other co-workers and/or students to obtain further details of significance for the continuing investigation.

As few individuals as possible should be involved in the investigation. If talks are to be held with other co-workers and/or students, the administrator is to inform them that an investigation is in progress. In such talks, the administrator is to protect the integrity of the parties involved and not disclose any more information than is necessary. The administrator is also to listen and ask open questions in these talks, too.

5.5.4 Only what has been notified is to be investigated

During the investigation, other matters can emerge, such as difficulties in cooperating, weak leadership and previous irregularities or injustices. Such matters are to be noted and are to be addressed in another specific procedure, not in this investigation. In the event of any uncertainty, the administrator is to consult with their manager or HR Manager at the School or an HR specialist at University Administration.

If something emerges that suggest irregularities such as, for example, conflict of interest or corruption, these are to be addressed within the parameters of the employee's official responsibilities. In such cases, the administrator should contact their manager and HR manager at the School who are then to take a position on how these irregularities are to be addressed.

5.5.5 Further roles can be brought in

During the course of the investigation, the administrator is to continuously assess whether additional expertise needs to be brought in to complete the investigation, such as an HR specialist, the administrative law unit, or the Head of Security.

The investigation is to be performed by impartial individuals. The administrator should therefore ask the persons involved if any conflict of interest can arise, i.e. if they are a relative, neighbour, have children at the same pre-school etc.

5.6 Support for the persons concerned during the course of the investigation

Sometimes the situation can be seen as so serious to manage that individual support for the persons concerned is needed during the course of the investigation, i.e. before an assessment of the case has been done.

Support can be provided by company or student healthcare, unions and the students' union (THS). The THS Student Head of Educational Affairs does not offer support talks, but can give students help and information on what support facilities are available. It is important that the same person does not provide support to both parties concerned. Support can also be provided by another person that the victim has trust in, such as a co-worker or a fellow student.

The administrator is to provide information at an early stage as to what support is available (see section 5.3.2).

5.7 Documentation during the course of the investigation

During the course of the investigation, the administrator is to keep notes of interviews with the persons concerned. Every person interviewed is to be given the opportunity to read and approve the notes before they are added to the case as an official note. However, the administrator bears the principal responsibility to ensure that the official note reflects what emerged in the interview. Other forms of documentation, such as photographs, text messages, email etc., can emerge during the investigation (see also section 9).

The victim and the person about whom a notification has been made, are to be given access to all the investigation material and given the opportunity to make a statement before the administrator makes their final assessment. The administrator is to add any such statements to the investigation. Oral statements are to be documented in an official note, that the person providing the information is to be given the opportunity to access and approve of.

If new circumstances emerge in a statement, the other party is to be given access to the statement and given the opportunity to make a statement about this before the administrator makes their final assessment.

No investigation material ought to be uploaded to a digital portal or similar unless there are specific reasons to do so. In cases where communication of investigation material is sent via email, KTH email addresses are to be used.

For cases concerning co-workers, the victim and the person who has been reported are, as far as possible, to be given access to the material at KTH together with the administrator. The administrator is responsible for ensuring the investigation is not photographed or otherwise copied. If anyone (including the victim and the person about whom notification was made) wishes to take away the investigation, they can request the document. If the document is requested to take out, a confidentiality assessment is to be made in the usual way before releasing the finalised investigation.

6 Investigation report, assessment and decision

All material that forms the grounds for the assessment is to be included in the written investigation report that the administrator compiles. If the investigation is very extensive, we recommend that the administrator should also write a brief summary.

6.1 Administrator's assessment and the Head of School's decision

The written investigation report is to conclude with an analysis and assessment by the administrator.

Assessments that can be considered include, for example:

1. The administrator assesses that discrimination, harassment, sexual harassment or victimisation has not occurred or could not be proven.

The Head of School decides no further action needs to be taken.

The decision is disclosed to the parties concerned, i.e. the person who submitted the notification and the person about whom a notification was submitted. The Head, HR Manager, Director of First and Second Cycle Education or an administrator appointed by the School, are notified of the decision for their information. The case is thereby concluded.

2. The administrator assesses that discrimination, harassment, sexual harassment or victimisation has occurred, that measures have already been implemented during the course of the investigation and that the abuse has ceased.

The Head of School decides that no further action needs to be taken as measures have already been implemented during the course of the investigation and the abuse has ceased.

The decision is disclosed to the parties concerned, i.e. the person who submitted the notification and the person about whom notification was submitted. The Head, HR Manager, Director of First and Second Cycle Education or an administrator appointed by the School, are notified of the decision for their information. The case is thereby concluded.

3. The administrator assesses that discrimination, harassment, sexual harassment and/or victimisation has occurred, and recommends that an individual action plan and/or action plans should be established to overcome such abuse.

The Head of School decides that an individual action plan and/or action plans are to be established with regard to discrimination, harassment, sexual harassment or victimisation to overcome such abuse.

The decision is disclosed to the parties concerned, i.e. the person who submitted the notification and the person about whom notification was submitted. The Head, HR Manager, Director of First and Second Cycle Education, an administrator appointed by the School, and the persons responsible for establishing individual and general action plans are notified of the decision for their information and to take possible actions.

The person responsible for establishing individual action plans and general action plans for the work environment in cases concerning employees, can, for example, be the HR Manager, Head, or an administrator appointed by the School.

The person responsible for establishing individual action plans and general action plans for cases concerning students is the head of the education administration together with the person responsible for undergraduate education, the person responsible for postgraduate education or another administrator appointed by the school.

A case in the W3D3 cloud system is concluded after a decision on measures concerning an employee has been made. On reaching the decision, the investigation is completed and the requisite measures are to be taken (see section 7).

In the case of students, the case is held open in W3D3 until the measures have been followed up and the abuse has ended.

4. The administrator assesses (in cases concerning employees) that discrimination, harassment, sexual harassment or victimisation has occurred and that the circumstances are of such a nature that the case should be adjudicated with respect to Labour law consequences.

The administrator reports the case to the Head of HR who then takes a position on whether the report should be forwarded to the President for adjudication by a personnel disciplinary board or a national disciplinary board.

If the case is not forwarded, it is processed as per clause 3 above.

5. The administrator assesses (for cases concerning students) that harassment, sexual harassment or victimisation has occurred and that the circumstances are of such a nature that the case should be adjudicated with respect to student rights consequences.

The administrator contacts the relevant administrative lawyer who takes a position on whether the case should be reported to the President for student rights adjudication by the disciplinary board in parallel with processing in accordance with anti-discrimination legislation.

If it is assessed that the case should not be reported to the President for adjudication by the disciplinary board, the case is referred back to the relevant administrator and processed in accordance with clause 3.

7 Measures

Measures that are taken aim to ensure the abuse ceases. Such actions are to be based on what has emerged in the investigation and the assessment made by the administrator.

A proposal for measures, an assessment of what measures ought to be implemented and a proposal of how the measures can be implemented can be submitted by the administrator who performed the investigation, another administrator with expertise within the area, or by the administrator's superior.

7.1 Examples of measures

Examples of measures that can be recommended include:

1. that an individual action plan concerning a co-worker is produced (see section 7.2)
2. that an individual action plan concerning a student is produced (see section 7.2)
3. that a general action plan within the parameters of active measures within the Anti-Discrimination Act is produced (see section 7.3)
4. that a general action plan within the parameters of systematic work environment and student environment work respectively, is produced (see section 7.3)

7.2 Individual action plan

An individual action plan is to be produced together with the co-worker and/or student concerned.

The action plan should clearly specify what should be done, what the purpose is, who is responsible for this being done and when this should be done (timetable). It should also state how and by whom the action plan is to be followed-up.

An individual action plan concerning an employee is to be produced by the Manager concerned together with the HR Manager at the School. The HR specialist at University Administration is available to support this work. The action plan should be stored in the personnel file of the employee concerned.

An individual action plan concerning a student is to be produced by the Director of Education Administration together with the Director of First and Second Cycle Education or the Director of Third Cycle Education. KTH Study Counselling at University Administration is available to support this work. The action plan is to be registered.

7.3 General action plan

A general action plan can aim to improve the work environment or study environment, such as via active measures (see section 3.1).

The action plan should clearly specify what should be done, who is responsible for this being done and when this should be done (timetable). It should also state when, how and by whom the action plan is to be followed-up.

A general action plan concerning the work environment is to be produced by the Manager concerned together with the HR Manager at the School. The HR specialist at University Administration is available to support this work.

A general action plan concerning the study environment is to be produced by the Director of Education Administration together with the Director of First and Second Cycle Education or the Director of Third Cycle Education. KTH Study Counselling at University Administration is available to support this work.

7.4 Labour law and student rights consequences

Labour law consequences are for example, that a report is submitted to the personnel disciplinary board (PAN) or the national disciplinary board (SAN) for adjudication of a warning, salary deduction, notification of legal action or termination of employment. In cases where this can be relevant, the administrator is to contact the HR specialist at the department of labour law, work environment and teacher appointments at the HR department within University Administration.

Student rights consequences can be a report sent to the President for adjudication by a disciplinary board. In cases where this can be relevant, the administrator is to contact the administrative law unit at the management office in University Administration.

8 Follow up

8.1 Follow up of an individual action plan

It should be clearly specified in an individual action plan who is responsible for the follow up of the action plan.

The person given responsibility for such follow up is to hold progress meetings with the person the action plan concerns. The administrator is to ensure that any unwelcome behaviour has ceased. This can be done via, for example, talks with the person previously subjected to this unwelcome behaviour.

If necessary, the action plan and timetable can need to be revised.

Follow up of and any revision to the action plan are to be documented in writing.

If a co-worker does not adhere to their individual action plan, or the expected results are not achieved after implementation of the action plan, an investigation concerning misconduct can need to be started.

If a student does not adhere to their individual action plan, or the expected results are not achieved after implementation of the action plan, this can be reported to the disciplinary board (see section 7.4).

8.2 Follow up of a general action plan

A general action plan should clearly show who is/are responsible for follow up of the plan.

The person responsible monitors that the proposed measures have been implemented and that any abuse has ceased. If necessary, the general action plan is to be revised. Follow up and any possible revisions to the action plan are to be documented in writing.

9 Documentation and registration

When the administrator has received a notification or produced a report and made the assessment that the case can be a matter of discrimination, harassment, sexual harassment or

victimisation, a registration number is to be requested from the KTH Registrar (registrator@kth.se).

The administrator is to notify the Registrar:

1. of what the case concerns, (discrimination or victimisation)
2. who is/are going to manage the case.
3. which School will manage the case
4. name of the person/organisation the case concerns
5. possible previous cases that should be connected to the case (state registration number)
6. if the case is to be marked confidential, (in which case state which section of law and when confidentiality expires)
7. if the case concerns an employee or student (for cases concerning an employee, the KS code is 2.5.2 and for cases concerning a student, the KS code is 3.6.2).

Investigations in writing concerning discrimination, harassment, sexual harassment and victimisation are to be registered in the VPU series.

A case marked confidential in the VPU series can only be read by the Registrar and the case administrator. The administrator manages the case and registers documents in W3D3 on an ongoing basis. The administrator is also responsible for the secure handling of possible paper documents.

9.1 Registration

It is important that the administrator carefully checks all documentation and registers the documents that provide factual information in the case.

The following documents that are to be registered:

1. the notification
2. written correspondence to and from the victim, the person making the notification (in cases where this is not the victim) and the person about whom notification has been made, plus possible witnesses
3. notification, the victim and the person reported
4. the investigation (including all material that provides new factual information to the case that form the grounds for the decision, such as e.g. official notes, photographs, illustrations etc.)
5. decision
6. individual action plan in the case of a student case (however not for co-workers, see below)
7. general action plan.

Individual action plan

An individual action plan concerning a co-worker is a general document but should not be registered. The action plan is a tool for the employer that regulates dealings between the employer and employee and is to be stored in a personnel file.

An individual action plan concerning a student is to be registered.

9.2 When the investigation is concluded

At the end of the investigation, the administrator is to submit any paper documents to the registrar (these documents are also to be registered). Documents ought not be sent to the registrar by post or internal mail.

When the administrator assesses that discrimination, harassment, sexual harassment or victimisation has occurred and resolved on possible measures, the case is concluded in the register.

When no further documents are to be added to the case, the administrator is to notify the registrar that the case is to be concluded.

A copy of decisions concerning an employee is to be archived in a personnel file at University Administration.

9.3 Confidentiality assessment

If access is requested to the documents in the case, the administrator is to perform a confidentiality assessment of the documents in the case based on the information contained in them, see also section 4.1.4. As a main rule, decisions are made public.

For cases concerning a student or employee respectively, the Public Access to Information and Secrecy Act (21 chap. § 1 and 23 chap. § 5, and 39 chap. 1-3 §§ respectively) contains confidentiality provisions.

10 More on laws and rules

Discrimination, harassment, sexual harassment and victimisation are addressed in various laws and rules, of which the most relevant are summarised in this section.

10.1 Anti-Discrimination Act (2008:567)

The Anti-Discrimination Act seeks to combat discrimination and in other ways promote equal rights and opportunities irrespective of gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. The Act contains definitions, provisions on prohibitions of discrimination and reprisals, responsibility to investigate and provisions on active measures.

The Equality Ombudsman (DO) is the regulatory authority for compliance with the Act. If KTH is in breach of the Anti-Discrimination Act, KTH can be liable to pay compensation for discrimination, the limitation period is two years. See also the Equality Ombudsman website www.do.se.

10.2 Health and Safety at Work Legislation

The Health and Safety at Work Act (1977:1160) covers both the physical and organisational work environment and therefore forms an important part of legislation that can be used in the case of/to prevent victimisation.

The Swedish Environment Authority has issued rules about the organisational and social work environment (AFS 2015:4). This means, for example, that an employer is to plan and organise work such that victimisation is prevented as far as possible and to make clear that such behaviour is not accepted in the enterprise.

The Health and Safety at Work Act and the Work Environment Ordinance (1977:1166) set out the outer parameters for health and safety in the workplace. The employer has a responsibility to investigate causes such that risks of ill-health and accidents can be prevented in the future. An employer cannot be made liable to pay compensation to the person subjected to victimisation. There is no limitation period for reporting victimisation. See also the Swedish Work Environment Authority website www.av.se.

10.3 The Parental Leave Act (1995:584)

According to 16 § in the Parental Leave Act, an employer may not disadvantage a job applicant or an employee for reasons associated with parental leave when the employer

1. decides on an employment issue, invites a job applicant to an employment interview or takes some other action during the appointment process
2. decides on a promotion or sends a co-worker on a training course for promotion,
3. decides on or takes some other action concerning professional practice,
4. decides on or takes some other action concerning other training or career guidance,
5. applies salary or other employment terms and conditions,
6. manages and allocates work, or gives notice to terminate, terminate, make redundant or take some other action against a co-worker.

10.4 Equality of Opportunity and Treatment Act (2002:293)

This Act aims to prevent discrimination against part-time employees and employees with a fixed term contract when it comes to salary and other employment terms and conditions.

10.5 The Public Employment Act (1994:260)

According to 22 § Public Employment Act, a public authority is liable to report anyone who is suspected on reasonable grounds that in the course of their employment to have committed an offence, which is prosecutable, if such suspicions relate to certain offences according to the Penal Code.

10.6 The Public Access to Information and Secrecy Act (2009:400)

This Act contains provisions on secrecy in public authority activities. Information is only subject to secrecy if there is an applicable rule on secrecy for the information in question.

For example 21 chap. Public Access to Information and Secrecy Act contains secrecy provisions with regard to details about the health and home address of an individual or other comparable

information. Secrecy provisions are contained in 39 chap. 1-3 §§ in the same Act with regard to personnel social and personnel administrative activities.

10.7 The Swedish Penal Code (1962:700)

The Penal Code provides general protection against different forms of infringements. It covers for example defamation and aggravated sexual assault, plus various forms of sexual assault or sexual coercion. Such offences are investigated by the police. A police investigation of an incident that falls under the provisions of the Penal Code does not replace a possible employer/education provider responsibility according to the Anti-Discrimination Act and can therefore proceed in parallel with an employer/education provider investigation into that which has been reported.

10.8 The Administrative Procedures Act (2017:900)

The Administrative Procedures Act includes provisions on nearly all parts of the process, such as party insight, the right to communication and opportunity to state an opinion, impartiality, conflict of interest, what a decision can include, etc.

10.9 The Higher Education Ordinance (1993:100)

Chapter 10 of the Higher Education Ordinance sets out that disciplinary measures may be taken against students that subject another student or employee at the university to such harassment or sexual harassment as intended by 1 chap. 4 § Anti-Discrimination Act (2008:567).

Disciplinary measures may not be taken more than two years after an offence has been committed Decree (2008:944).