



Guide to dealing with discrimination, harassment and victimisation

FOR STUDENTS AT LUND UNIVERSITY SCHOOL OF ECONOMICS AND MANAGEMENT

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Introduction

This guide is intended for students at Lund University School of Economics and Management (LUSEM). The aim is to inform you about discrimination, harassment and victimisation, but also to provide you with support in case you are exposed to such a situation in the context of your studies at LUSEM. The guide has been produced by LUSEM, the LundaEkonomerna students' union and LUSEM's doctoral students' council (EDR). This is a revised version of a guide from 2014. The revisions are partly based on changes to current legislation but also on changed ambitions and commitments from the faculty management and students.

Lund University takes a zero-tolerance approach to discrimination, harassment and victimisation. This means that LUSEM and the student organisations want to work actively for gender equality, equal opportunities and diversity to promote a better work and teaching environment for employees and students. Through information and by integrating the work on gender equality, equal opportunities and diversity with daily tasks, we can create an attractive workplace – where everyone can develop through studies and personal growth in an environment free from all forms of discrimination and victimisation.

The guide contains definitions of discrimination, harassment, and victimisation and examples of how they may be manifested in the everyday life of a student at a higher education institution. You will also find information about where to turn if you or someone you know experiences discrimination, harassment or victimisation. Finally, there is a list of contact details and links that could be useful should such situations arise.



What is in the Discrimination Act?

Discrimination and harassment are regulated through the Swedish Discrimination Act (SFS 2008:567). The purpose of the Act is to counteract discrimination and promote equal rights and opportunities in other ways. In everyday language, the word discrimination is often used to refer to different kinds of unfair treatment, but not all unfair treatment is discrimination in the legal sense.

Discrimination occurs when an individual is treated disfavouredly compared to someone else in a comparable situation, or when a person's dignity is violated. The disfavoured treatment or the violation of the person's dignity must be related to one of the seven grounds of discrimination, as specified in the law. In order to be able to report sexual harassment, however, no link to disadvantage is required.

Discrimination must concern one of the forms described in the Act and must have happened in one of the areas to which the Act applies. Even if the situation is not covered by the Discrimination Act, support and help are available and it is possible to report the situation. The person who feels exposed is the one to determine what (s)he perceives to be discrimination or harassment, not the intent behind the behaviour. An investigation is to determine how the events are to be interpreted.

SEVEN GROUNDS ON WHICH DISCRIMINATION OCCURS:

1. SEX
2. TRANSGENDER IDENTITY OR EXPRESSION
3. ETHNICITY
4. RELIGION OR OTHER BELIEF
5. DISABILITY
6. SEXUAL ORIENTATION
7. AGE



Discrimination according to the Act

Direct discrimination: that someone is disadvantaged by being treated less favourably than someone else is treated, has been treated or would have been treated in a comparable situation, if the treatment is linked to one of the seven grounds on which discrimination occurs. Both action and inaction can be considered unfavourable treatment.

Indirect discrimination: that someone is disadvantaged by the application of a provision, a criterion or a procedure that appears neutral but that may put people at a particular disadvantage based on one of the seven grounds on which discrimination occurs, unless the provision, criterion or procedure has a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

Inadequate accessibility: that a person with disability is disadvantaged through a failure to take measures for accessibility to enable the person to come into a situation comparable with that of persons without this disability where such measures are reasonable on the basis of accessibility requirements in laws and other statutes.

Harassment: conduct that violates a person's dignity and that is associated with one of the legally defined grounds of discrimination.

Sexual harassment: conduct of a sexual nature that violates someone's dignity.

Instructions to discriminate: orders or instructions to discriminate against someone, in a manner referred to in the points above, that are given to a person who is, in some way, dependent of or in a subordinated position (such as an employee) relative to the person who gives the orders or instructions.

It is prohibited to subject a person who has reported discrimination to reprisals. It is also prohibited to punish someone who has participated in an investigation of discrimination.

Everyday examples

Unfortunately, discrimination, harassment, and inadequate accessibility happen. Below are a few examples from everyday life, associated with being a student in a higher education institution. The examples are fictitious and aim to describe a problem on the basis of the seven grounds of discrimination in the law. They are deliberately simple and brief but hopefully show how problems can manifest themselves. In the cases that are unclear, it is important to think about how the expression or behaviour that is perceived by one person as harassment or discrimination must be associated with a conscious action by the other party. Whether or not an event is discrimination in the legal sense always depends on the individual situation. You are encouraged to discuss the examples with a fellow student or a professor/mentor.

GROUNDS FOR DISCRIMINATION: SEX

Sara has been taking a programming course for a few weeks. She and the other female students in the class feel that the professor has an unpleasant attitude and that, during the course, they have heard several demeaning comments about how “girls are no good at programming”. When Sara and the other students get a submitted assignment back, they feel that they have received worse feedback and grades, compared to their male counterparts, despite having performed equally well.

Comment: This could be an example of direct discrimination based on gender if Sara and her female fellow students get worse grades and feedback compared to their male counterparts despite having performed equally well. They are disadvantaged by being treated differently (worse) than their fellow male students. The demeaning comments may constitute harassment as they offend the female students.

GROUNDINGS FOR DISCRIMINATION: TRANSGENDER IDENTITY OR EXPRESSION

The Act defines sex as someone being a woman or a man. Elaine's passport states that she is a man, but in fact Elaine identifies as female. Her chosen name is Elaine and she expresses her gender identity through clothes, make-up, and body language. In connection with a group work session, the professor explains that the students will be divided into groups of three, and that each group is to be gender-mixed. Elaine ends up in a group in which the other students are also female. When Elaine contacts the professor wondering why her assigned group is not mixed, the professor replies that, from a legal perspective, Elaine is categorised as male and that is what course administration is considering. Despite Elaine's frustrated attempts to explain her chosen gender identity, the professor sees no reason to change the group.

Comment: This could be an example of direct discrimination on the grounds of transgender identity or expression but could also constitute harassment. An assessment must be made based on the individual situation.

GROUNDINGS FOR DISCRIMINATION: ETHNICITY

Mattias was born and grew up in Germany and does not speak Swedish. He is attending a course taught in English. In connection with group work, he ends up with people who all grew up in Sweden. During their work, the group often switches to Swedish which makes Mattias feel excluded and he finds it difficult to take active part. Mattias asks his fellow students several times to speak English while working so that he can understand and contribute. When he contacts the course director, the response is that "it is important to be able to speak Swedish in Sweden".

Comment: This could be an example of direct discrimination on the grounds of ethnicity but could also constitute harassment. An assessment must be made based on the individual situation.

GROUNDS FOR DISCRIMINATION: DISABILITY

Jacob is a wheelchair user. He has pointed out several times to various representatives of the education provider, both at the departmental and faculty levels, that he cannot access the lecture rooms on the second floor because there is no ramp, lift or other aids. He is thereby prevented from participating and benefiting from the teaching in the same way as other students.

Comment: This could be an example of direct discrimination based on disability. Jacob is disadvantaged compared to the other students. He has pointed out the problem several times. This could also be a case of discrimination in the form of inadequate accessibility. Here, a fairness assessment must be conducted based on the individual situation.



Remember

The person who feels subjected to the behaviour is the one to determine what they perceive to be discrimination or harassment. However, this does not mean that others cannot have a different perception of the situation. The circumstances of the event may entail the situation being legally categorised differently from how the victim perceives it. In order for the case to be a question of harassment, the action or behaviour must be unwanted. It is the person who feels exposed to the behaviour who determines whether it is unwanted or not. According to the Discrimination Act, the person who is harassing the victim must understand how the behaviour is perceived for it to constitute harassment. It is therefore very important that the person who feels victimised makes it clear to the perpetrator that the actions are unpleasant and unwelcome. In certain situations, the offense is so obvious that no clarification is needed.

Victimisation

Nobody is to be subjected to victimisation. Lund University is to be characterised by a positive work environment, both physical and psychosocial. Work environment management includes prevention of victimisation. That victimisation will not be accepted is part of the preventive work environment management that covers both employees and students according to the Work Environment Act (1977:1160).

The term victimisation is defined as actions that are directed against one or several employees or students in an offensive or abusive manner. These actions can result in health problems and feelings of being excluded. Victimisation entails someone being harassed, exposed to offensive behaviour or socially excluded and it may negatively impact the victim or their studies. It may involve: not greeting someone, not allowing a person to share email exchanges, not including them in group work or in groups on social media, or subjecting them to demeaning comments.

A measure, an activity or an action can be considered bullying if the behaviour has occurred repeatedly, with a certain regularity over a long period of time. Bullying is often an escalating process in which the vulnerable person ends up at a disadvantage and is exposed to systematic negative social actions. It is important not to confuse temporary conflicts, differences in opinion or collaboration problems with victimisation.

There is a difference between victimisation covered by the Work Environment Act and discrimination covered by the Discrimination Act. Sometimes, an event or action cannot be clearly delimited to one or the other of these laws. In that case, both the Discrimination Act and the Work Environment Act are to be taken into account. Victimisation that is not attributable to the legal grounds for discrimination is covered only by the work environment legislation. Which regulatory framework is to be applied will be determined by the potential investigation. It is significant for how the problem will be addressed.

Who is responsible and where to turn?

The vice-chancellor of Lund University has the overall responsibility for the work and study environment. Direct responsibility is delegated to the dean of the School of Economics and Management and the heads of department. In addition, all employees and students at Lund University have a responsibility to contribute to a good study and work environment for both students and employees.

GET IN TOUCH

You are always entitled to help, advice and support if you feel that you are experiencing discrimination, harassment or victimisation. Don't wait to get in touch! The situation cannot be addressed or resolved unless those responsible are made aware of it. It is important that unwanted behaviours cease as soon as possible. As a student, you are to feel safe in contacting those in charge if you feel exposed to discrimination or victimisation.

Lund University has procedures for how cases regarding harassment and sexual harassment are to be managed. If you feel that you have been subjected to any form of harassment, you can turn to your head of department or another staff member you trust. Employees have a responsibility to inform the head of the department concerned. You can also turn to the Student Health Centre, your students' union, your student health and safety representative or your student representative for advice and help.

It matters where and when the perceived discrimination or harassment occurs. The education provider, i.e. LUSEM, is responsible on site and in connection with studies but not in other contexts. It also matters who is involved in the case.

WHAT HAPPENS WHEN YOU REPORT?

The head of department is responsible for starting an investigation. You are given the opportunity to recount what has happened, who was involved and how you experienced it. If you have saved emails, SMS or other cor-

respondence relating to the perceived harassment, this can be added to the documentation for the investigation. The purpose of the investigation is to clarify the sequence of events and to assess whether what has happened falls within the framework of the definitions of harassment and sexual harassment in the Discrimination Act. An investigation is to be conducted promptly, but also carefully with respect to all involved parties. As these cases often are complex, an investigation can take time and you may have to wait before a decision is communicated.

If the events are deemed to constitute harassment or sexual harassment, the head of department concerned is responsible for ensuring that the behaviour ceases, and for preventing any similar event in the future. Nobody at the University, whether an employee or student, may subject you to reprisals based on you having filed a report or contributed to one.

ANONYMITY

You may remain anonymous if you so wish. In that case, the head of department can work preventively on measures to avoid similar events in the future. However, the University cannot investigate and pursue a case against an accused individual or group, on the basis of an anonymous complaint.

VICTIMISATION

You may experience certain behaviours as offensive even though they are not associated with any of the grounds for discrimination nor of a sexual nature. In this case, raise the issue with your head of department (for discussion), who is responsible for the work and study environment. You can also turn to your student health and safety representative for advice and support.

OTHER FORMS OF DISCRIMINATION

For information about other forms of discrimination and how to proceed if you feel subjected to discrimination at Lund University, we refer you to the website of the Discrimination Ombudsman: do.se.

Contact information and links

TO REPORT SOMETHING AT LUSEM

Head of department, assistant head of department and director of studies at your department

<https://www.lusem.lu.se/about/organisation/departments-and-divisions>

LundaEkonomerna students' union

Vice president: *v.president@lundaekonomerna.se*

Educational affairs manager, student health and safety representative:
edu.affairs@lundaekonomerna.se

LUSEM doctoral students' union

edr@ldk.lu.se

SUPPORT AND HELP

Student Health Centre

www.lunduniversity.lu.se/current-students/healthcare/student-health-centre

Student chaplains

www.lundsdomkyrka.se/studentprasterna/studentprasterna-english/

Student health and safety representative

www.lunduniversity.lu.se/current-students/academic-matters-and-support/student-rights-and-guidelines/student-health-and-safety-representatives

The Student Ombudsman at Lund University Students' Unions

Sandgatan 2 (AF-borgen), 4:e vån

www.studentombudet.se

Lund University doctoral students' union

www.ldk.lu.se/your-rights

LEGAL TEXTS AND GUIDELINES

Discrimination Act

www.do.se/diskriminering/lagar-om-diskriminering/diskrimineringslagen

Work Environment Act

www.av.se/arbetsmiljoarbete-och-inspektioner/lagar-och-regler-om-arbetsmiljo/arbetsmiljolagen/

Victimisation

www.av.se/halsa-och-sakerhet/psykisk-ohalsa-stress-hot-och-vald/mobbning

LUND UNIVERSITY STUDENTS' RIGHTS AND RESPONSIBILITIES (LIST OF RIGHTS)

www.lunduniversity.lu.se/current-students/academic-matters-and-support/student-rights-and-guidelines



Lunds Doktorandkår
Ekonomiska Doktorandrådet (EDR)



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