

Guidelines for the prevention and dealing with allegations of offensive behaviour, including bullying and sexual harassment



1. Purpose

The purpose of these guidelines is to support the prevention of offensive behaviour and to describe the framework for dealing with offensive behaviour when studying and working at the University of Copenhagen.

These guidelines apply to all staff, managers and students¹ at the University of Copenhagen. The University also expects external partners and suppliers, patients or other visitors to respect the intention of these guidelines.

Enquiries from students about specific course content and methods used in classes, or about which lecturer is responsible for individual teaching assignments, are dealt with according to educational regulations and are not covered by these guidelines.

2. Prevention through efforts to promote a good psychological working and study environment

With these guidelines, the University of Copenhagen wishes to emphasise that bullying, sexual harassment or other kinds of offensive behaviour towards staff and students are not accepted. Staff and students have the right to object to offensive behaviour without compromising their working life or student life at the University of Copenhagen.

Staff, managers and students have a joint responsibility to promote a culture that not only encourages an open and critical academic discussion, but also builds on inclusion and respect. The University of Copenhagen is committed to protecting freedom of speech and academic freedom and offers creative and professional development with respect for the community and the University's objectives. The University is a workplace where unequal power relations and general power structures can affect the individual as well as the working and study environment. This should be reflected in the local discussions about prevention.

It is the manager's responsibility to communicate that offensive behaviour is unacceptable. The manager must promote an environment that supports an open and honest dialogue and where action is taken if cases of offensive behaviour should occur.

There are several options for addressing the psychological working and study environment with a focus on dialogue and prevention:

- The annual working environment discussion in the OHS organisation
- The collaboration committees' discussion of conditions relating to employee satisfaction, well-being and the psychological working environment, including offensive behaviour
- Workplace Assessments (APV) and follow-up action plans
- The educational environment assessment, the study environment survey and follow-up action plans.

¹ PhD students who are enrolled without an employment contract are in this context considered as students; however, cases involving non-employed PhD students are dealt with by the PhD schools.

In addition, it may be relevant to discuss this topic in, for example, Group Performance Development Reviews (GRUS), Manager Development Reviews (LUS) and Performance and Development Reviews (MUS), at staff meetings or the annual meetings between collaboration committees and occupational health and safety committees as well as in the study start programme or in various dialogue forums between management and students. Read more on how to create a good working environment on KUnet².

3. Acts and utterances in research and education

Academic freedom is the condition for, and the key element in, the University's activities³.

At the University of Copenhagen, acts and utterances that serve a legitimate academic purpose – within research or education – are protected by academic freedom. This means that it is permissible to raise all questions regarding research and teaching and the freedom to seek answers must be ensured⁴. It is a key value for the University to encourage an open and critical academic discussion.

Academic freedom does not exempt staff and students from behaving properly and communicating constructively, also in situations of disagreement.

4. Offensive behaviour

The University of Copenhagen's definition of offensive behaviour is based on the definition given in the Danish Working Environment Authority (WEA). In the WEA guideline 4.3-1 from February 2019, the definition is worded as follows: *"In connection with the performance of working tasks, it must be ensured that the work does not entail a risk of physical or mental health deterioration as a result of offensive behaviour, including bullying and sexual harassment. [...]"*

Offensive behaviour is when one or more people, grossly or several times, expose other people to behaviour that is perceived as degrading by such people. Offensive behaviour is used as a collective term for bullying, sexual harassment and other forms of violations.

Whether the offensive behaviour entails a risk of physical or mental health deterioration depends on the severity, duration and frequency of the behaviour⁵.

Bullying

Bullying includes, for example, hurtful remarks, being yelled at or ridiculed, slander, unfair removal of responsibility for tasks or unfair degrading of students' or employees' performance or skills.

Sexual harassment

Sexual harassment includes, for example, unwanted touching, unwanted requests for sexual contact, obscene jokes and comments.

Denigration

Denigration on grounds of race, skin colour, religion or faith, political views, sexual orientation, gender, age, disability or national, social or ethnic can also be offensive.

The examples above do not constitute an exhaustive list⁶.

² [Prevention of offensive behaviour](#)

³ [The University Act, the Statutes of the University of Copenhagen, the Code of Conduct for Responsible Research at the University of Copenhagen, 2018.](#)

⁴ [Policy paper on academic freedom at the University of Copenhagen](#), 2015 (in Danish)

⁵ [WEA guidelines 4.3.1 Offensive behaviour, including bullying and sexual harassment \(In Danish only\)](#) (in Danish).

⁶ Sexual harassment, discrimination, etc. are also regulated by Danish and international legislation, for example in the [Criminal Code](#), [the Working Environment Act](#), [the Gender Equality Act](#), [the Non-Discrimination Act](#), [the Act on Ethnic Equal Treatment](#) and the [ILO Convention no. 111 concerning discrimination in respect of employment and occupation](#).

5. Framework for dealing with offensive behaviour

Anyone in who experiences offensive behaviour directly or indirectly in a work-related or educational context has several different options to address the problem.

Everyone is obliged to deal with enquiries concerning offensive behaviour in a way that seeks to de-escalate the conflict.

The employee's or the student's experience of offensive behaviour is key to dealing with the enquiry, cf. item 2 of the WEA guideline 4.3-1. This does not exclude situations where a person has felt offended, but the management assesses that it does not need to take further action under these guidelines.

If criminal offences such as rape, attempted rape, violence, racism or similar are experienced in a work-related or educational context, the University of Copenhagen encourages that such crimes be reported, both to the management and the police.

5.1 If employees experience offensive behaviour

Employees' options

- **Say no in the situation:** Employees who feel that they are being subjected to offensive behaviour have the right to say no. Colleagues who are aware of offensive behaviour are encouraged to react by giving collegial care and support.
- **Talk to someone about it:** If employees experience situations that they perceive as offensive, it is recommended that they talk to colleagues about it. Employees can also confidentially contact the union representative or occupational health and safety representative. This applies to both the person who feels subjected to offensive behaviour and to the person who is perceived to have acted in an offensive way.

Everyone can anonymously contact the [University's psychological counselling service](#).

- **Contact the manager:** If the situation cannot be resolved by the parties directly involved, the employee can contact their line manager. If the offensive behaviour involves the line manager directly, the employee can contact their manager's manager. If the employee feels uncertain about contacting the management, they can consult their union representative or occupational health and safety representative. The manager cannot guarantee anonymity to employees that approach them. See below about the management's duty to act.

Management's response to allegations of offensive behaviour

The manager must take all enquiries seriously and must deal with all enquiries as quickly as possible.

The manager may have a duty to act in cases of offensive behaviour. This depends on the severity of the offence. If, for example, the enquiry is about alleged sexual harassment or breach of contract, the manager may have a duty to proceed with a formal enquiry.

How the manager conducts an enquiry will depend on the specific case. The manager must take the severity, duration and frequency into consideration. The manager must be aware that there are several parties to the case, who all have the right to be treated with care and respect.

The manager cannot guarantee anonymity to employees that approach them. Whether an employee can be anonymous will depend on an individual assessment of the opposing considerations relating to the parties involved, including the other party's ability to look after their own interests in the case.

When dealing with such cases, the manager must seek to de-escalate the conflict. The manager can consult with HR in this regard.

The manager is to proceed in the following way:

- 1. The manager first identifies the specific circumstances:** The manager thoroughly investigates the allegation by talking to the relevant parties. All parties have the opportunity to involve a union representative or another observer. The purpose of the investigation is to clarify who was and is involved in the case and what happened, and to help the manager to determine the next steps. At this stage, the manager may be obliged to make notes⁷.

To protect the employee's legal rights, it may, in exceptional cases, be necessary to conduct the conversation as a disciplinary interview. In case of a disciplinary interview, the employee must be encouraged to seek assistance as early as possible from their union representative or another observer.

- 2. The manager decides on the further process:** Offensive behaviour covers a wide range of situations, and individual enquiries will therefore be dealt with differently.

Some cases may be closed after the initial investigation of the specific circumstances, if the manager assesses that the enquiry is unfounded or concerns non-offensive behaviour. In other cases, a dialogue between the parties can solve the situation and thereby close the case. The manager can propose that the dialogue takes place in the presence of a neutral third party, if the parties so wish. Finally, there may be enquiries that must be dealt with as actual complaints or breach of contract.

- 3. If a complaint about an employee has been filed:** Where a case is initiated by the manager receiving a complaint about an employee, the procedure described in the [Guidelines for dealing with written complaints about employees](#) is to be followed. In situations where an employee complains about offensive behaviour on the part of a student, the [Disciplinary measures towards students at the University of Copenhagen](#) are to be followed. The employee can choose to involve their union representative or another observer.

- 4. If the manager⁸ – after the above-mentioned investigation – assesses the case to be a breach of contract:** The case is handled according to the [General Collaboration Committee's guidelines on breach of contract and dismissal](#). At this stage, the employee will normally be called for a disciplinary interview.

- 5. The manager informs about closure of the case:** The manager informs the employee who has made the and other relevant parties involved that the case has been closed. The manager's options for providing information about the case depend on the individual case.

- 6. Restoring a good working environment:** In order to restore a positive relationship between the parties, the manager can offer the parties a dialogue involving a neutral third party, if they so wish. Such a dialogue requires that the case has been closed. Cases of offensive behaviour often affect others than those directly involved. It is important that the manager is aware of this in order to restore a good working environment.

⁷ Cf. Section 13 of the [Open Government Act](#) on the obligation to make notes (in Danish only).

⁸ The person responsible for dismissal as laid down in the Rector's delegation powers.

- 7. Consideration of reporting an occupational injury/illness:** Isolated offensive behaviour that causes physical or psychological personal injury constitutes a work-related accident. The manager must ensure that the case is reported as a work-related accident if it results in leave of absence beyond the day on which the violation took place. Offensive behaviour may also lead to a work-related illness, which is typically reported by the victim's family doctor.

5.2 If students experience offensive behaviour

Students' options

- **Say no in the situation:** Students who feel that they are being subjected to offensive behaviour by a fellow student or a university employee have the right to say no. Fellow students or others who know of offensive behaviour are encouraged to react by giving care and support.
- **Talk to someone about it:** If students experience situations that they perceive as offensive, it is recommended that they talk to other students about it. Students can contact the student counselling or the student ambassador. Enquiries will be handled confidentially, unless legislation stipulates that information about the enquiry is to be disclosed or disclosure in exceptional circumstances is considered to be necessary.
- **Contact the head of studies or the head of department:** If the situation cannot be resolved by the parties directly involved, the student can contact the head of studies or the head of department. If the offensive behaviour involves either the head of studies or the head of department, the student can contact the next-level manager. The manager cannot guarantee anonymity to the student who makes the enquiry. This is further described below under: "The manager's dealing with cases of offensive behaviour".

Management's response to allegations of offensive behaviour

The manager must take all enquiries seriously and must deal with all enquiries as quickly as possible.

The manager may have a duty to act in cases of offensive behaviour. This depends on the severity of the offence. If, for example, the enquiry is about alleged sexual harassment, the manager may have a duty to proceed with a formal enquiry.

How the manager conducts an enquiry will depend on the specific case. The manager must take the severity, duration and frequency into consideration. The manager must be aware that there are several parties to the case, who all have the right to be treated with care and respect.

The manager cannot guarantee anonymity to students who make an enquiry. Whether a student can be anonymous will depend on an individual assessment of the opposing considerations relating to the parties involved, including the other party's ability to look after their own interests in the case.

When dealing with such cases, the manager must seek to de-escalate the conflict. The manager can consult with HR in this regard.

The manager is to proceed in the following way:

1. **The manager first identifies the specific circumstances:** The manager thoroughly investigates the allegation by talking to the relevant parties. All parties are allowed to bring an observer. The purpose of the investigation is to clarify who was and is involved in the case and what happened and to help the manager to determine the next steps. At this stage, the manager may be obliged to make notes. If the enquiry involves an employee, the procedure described in 5.1 above is to be followed.

2. **The manager decides on the further process:** Offensive behaviour covers a wide range of situations, and individual enquiries will therefore be dealt with differently. Some cases may be closed after the initial investigation of the specific circumstances, if the manager assesses that the enquiry is unfounded or concerns a non-offensive act. Other cases may be closed after a dialogue between the parties. Finally, there may be enquiries that must be dealt with as actual disciplinary measures towards students or as breach of contract.
3. **In case of a complaint filed by a student, applicable procedures are to be followed:** If the complaint concerns a fellow student, the procedure described in [Disciplinary measures towards students at the University of Copenhagen](#) is to be followed. If a student files a complaint against an employee, the [Guidelines for dealing with written complaints about employees](#) are to be followed. The employee can choose to involve their union representative or another observer. See the process described above in 5.1.
4. **If the manager assesses – after the above-mentioned investigation – that sanctioning a student is necessary:** The case is dealt with according to the [Disciplinary measures towards students at the University of Copenhagen](#).
5. **If the manager assesses⁹ – after the above-mentioned investigation – that sanctioning an employee is necessary:** The case is dealt with according to the [General Collaboration Committee's guidelines on breach of contract and dismissal](#).
6. **The manager informs about closure of the case:** The manager informs the student who has made the complaint and other relevant parties involved that the case has been closed. The manager's options for providing information about the case depend on the individual case.
7. **Restoring a good study environment:** In order to restore a positive relationship between the parties, the manager can offer the parties a dialogue involving a neutral third party. This could, for example, be the student ambassador. Such a dialogue requires that the case has been closed. Cases of offensive behaviour often affect others than those directly involved. It is important that the manager is aware of this in order to restore a good study environment.

6. The tasks of OHS committees and collaboration committees regarding offensive behaviour

As one of the tools to prevent and deal with cases involving offensive behaviour, the management at the relevant organisational level must ensure that a local action plan against offensive behaviour is prepared. The collaboration committee and the OHS committee must approve the action plan and make sure it is kept up to date. It is advisable to raise the topic at least once a year, for example, as part of the annual OHS discussion or at a joint meeting between the OHS and collaboration committees, regardless of whether offensive behaviour has taken place.

Guidelines and template for local action plans are available on KUnet.

⁹ The person responsible for dismissal as laid down in the Rector's delegation powers.

7. Termination and validity

These guidelines take effect when adopted by the General Collaboration Committee.

Termination must comply with the rules in the collaboration committee circular according to which either of the parties may give three months' notice of termination of the guidelines. Before termination, the collaboration committee is to seek to amend the existing guidelines to make them acceptable to the parties in the collaboration committee.

The guidelines replace the previous guidelines on dealing with offensive behaviour such as sexual harassment and bullying dated 25 June 2018.

Henrik C. Wegener
Rector

Ingrid Kryhlmand
Vice chair

The guidelines have been approved by student representatives in the student council, who are to be consulted if significant changes to the guidelines are requested.