Guidelines for the handling of cases of suspected professional misconduct

Lund University is responsible to the Government for the activities at the University and is to ensure satisfactory internal governance and control. Good internal governance and control includes the establishment of procedures and action plans to detect and limit the consequences of undue influence and crime.

These guidelines are intended to ensure prompt and fair processing of cases that concern professional misconduct at the University, and to determine what action should be taken. They also aim to support managers and employees by clarifying who does what in cases of suspected or confirmed professional misconduct. The premise is that the University does not accept professional misconduct as part of its activities. It is the obligation and right of every employee to take action in cases of suspected and confirmed professional misconduct.

Definition

There is no single definition of professional misconduct. This document defines professional misconduct as an act in violation of existing regulations, which is deliberately carried out by one or more employees to achieve an advantage for the person or persons performing the action or someone else, and can result in significant damage and loss for the University. Damage or loss refers for example to financial loss or damage to confidence.

The present guidelines do not cover matters handled within the framework of the Regulations on the handling of matters relating to suspected scientific misconduct in research, artistic research and development or other development work at Lund University (reg. no LS 2012/624), the rules on disciplinary measures for employed doctoral students in Chapter 10 of the Higher Education Ordinance (1993:100) or the Guidelines for handling students’ complaints with regard to first, second and third cycle education at Lund University (STYR 2014/169). In addition, the guidelines are not intended for matters that involve discrimination or harassment, which are to be managed in accordance with the Discrimination Act (2008:567) and the Work Environment Act (1977:1160).
Handling of cases of suspected or confirmed professional misconduct

1. Anyone who discovers or suspects professional misconduct is to immediately report this to the Head of Administration. The report can be submitted anonymously. Alternatively, the report can be submitted to the Head of Department or equivalent who, in turn, is to promptly forward the report to the Head of Administration. If the report concerns the Head of Administration, the report is to be submitted to the Vice-Chancellor. In such case, the rules that apply to the Head of Administration below apply to the Vice-Chancellor.

2. The Head of Administration is, as soon as possible, to determine if the reported action is to be regarded as a matter to be assessed under these guidelines. If the reported action is not covered by these guidelines, the Head of Administration is to reject it or forward it to another unit for processing. In other cases, the Head of Administration is to investigate the matter and to keep the Vice-Chancellor informed of the progress of the investigation. The order of these guidelines may be followed even if a different function performs the investigation.

3. If the matter is to be investigated by the Head of Administration, following a consultation with the Director of Human Resources, he or she is to appoint an investigation team composed of members possessing the expertise deemed necessary for the situation. The Head of Administration is to appoint one person to be responsible for carrying out the investigation.

   It can be an advantage to consult the Head of Audit and, if necessary, seek advice from the Internal Audit Office, which will independently decide whether they should accept the assignment or not.

   The Head of Administration may summon additional internal or external expertise if needed.

4. The management of the organisation concerned in the report are to be informed that an investigation will be carried out at an appropriate time and when there are no obstacles due to secrecy.

5. The investigation is to be done promptly, partly with regard to the parties concerned, and partly so that any measure in accordance with the Employment Protection Act (1982:80) can be taken.¹ The issues of public disclosure and secrecy are particularly to be taken into account.

6. Discussions with employees who have or are suspected of having carried out the action which is being investigated are to be completed as soon as possible, if this does not cause harm to an upcoming police investigation or the internal investigation, and no later than the case is decided.

7. Once the investigation has been completed, the Head of Administration is to inform the Vice-Chancellor of the outcome of the investigation and

¹ Measures such as termination of employment must be taken within a short period of the action which caused the decision on termination.
provide written documentation to support the decision. The Vice-Chancellor shall then decide whether;
- the matter is to be passed on to the Staff Disciplinary Board or the Swedish National Disciplinary Offence Board;²
- the matter is to be passed on to the affected faculty (equivalent) for a decision on a staff matter in accordance with University’s regulations on the allocation of decision-making powers,
- other measures are to be taken,
- the case is to be dropped without further action.

8. The handling of a case under these guidelines is to be documented, registered and filed in accordance with the established rules on records management.

9. Matters under these guidelines that are of considerable significance to the University are to be presented to the University Board.

Negotiations in accordance with Chapter 11 of the Co-Determination in the Workplace Act (MBL) took place on 7 April 2015.

Decision

The University decides that the guidelines are valid from 1 October 2015.

The decision was made by the undersigned Vice-Chancellor in the presence of the Head of Administration Susanne Kristensson after a presentation by General Counsel and Head of Division Annette Nilsson.

Torbjörn von Schantz

Annette Nilsson

(Legal Services and Records Management)

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Lund University Students’ Unions
Doctoral student ombudsman
Student ombudsman
Faculties/equivalent
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Internal Audit Office
Lund University’s Rules and Regulations

² The Staff Disciplinary Board tries cases such as termination of employment due to personal circumstances, liability, prosecution and suspension. The Swedish National Disciplinary Offence Board decides on matters of liability, prosecution and termination of employment with regard to staff employed by decision of the Government and professors.