

Pinar Dinc, Centre for Middle Eastern Studies
Katarina Branzén, Saco-s
Umut Özkirimli, Centre for Middle Eastern Studies
Scheiman Advokatbyrå AB

Investigation on the grounds of complaints of harassment/sexual harassment and victimization

Background

The Dean of the Faculty of Social Sciences has received two complaints received on 2018-10-30 and 2018-11-09 about events/behaviours that can be suspected of being victimization according to AFS 2015:4) or harassment/sexual harassment (according to the Discrimination Act).

The employer has, in accordance with the statutory obligation, initiated and conducted an investigation concerning the complaints in order to clarify what has transpired and whether it may fall within the scope of the definition of victimization in accordance with AFS 2015:4 (actions directed against one or more employees in an offensive way and which can lead to ill-health or that they sense being left out of the workplace fellowship)/ of harassment/sexual harassment (an act that violates someone's dignity and which is linked to any of the provisions for discrimination).

As a background to the current case, the Faculty earlier in 2018 investigated the complaint of harassment/victimization linked to the parties. (ref. no. P2018/2877). The outcome of the investigation was a written reprimand to the then reported co-worker, referred to below as UÖ.

Investigation procedure

The investigation was initiated by the employer based on two complaints:

1. Complaint (Appendix 1) about harassment/victimization dated 2018-10-30 from Umut Özkirimli, (UÖ) senior lecturer at the Centre for Middle Eastern Studies directed at Pinar Dinc, (PD) postdoctoral fellow at the same unit.
2. Complaint (Appendix 2) received 2018-11-09 from PD, postdoctoral fellow at the Centre for Middle Eastern Studies regarding sexual harassment/harassment directed at UÖ, senior lecturer at the same unit.

The Faculty of Social Sciences has carefully investigated the course of events. The investigation was initiated by reviewing the material received. In addition to the complaints, the investigator has taken note of an e-mail dated 2018-11-20 (Appendix 3) from UÖ regarding a book order in August 2018 from Adlibris made to the e-mail account belonging to PD, an e-mail from UÖ to the Dean dated 2018-11-01 (Appendix 4) as well as 2018-11-02 (Appendix 5) containing screenshots from PD's social media.

Both UÖ and PD have been given the opportunity to respond and give their views on what occurred and have responded to allegations directed at them. Both parties state that the situation is psychologically stressful and has led to ill-health and impact on working capacity.

Complaint #1 - Investigation of the suspected turn of events/ behavioural description

PD is accused of harassment and/or victimization by informing various persons via e-mail, SMS and/or verbally about the previous complaint/investigation (ref.no. P2018/2877) directed at UÖ. In her contact/information, PD is claimed to have used terms such as sexual harasser and/or convicted harasser about UÖ.

PD admits that she has talked about her experiences with others. The Faculty has not clarified which of the alleged persons has actually been contacted but notes that the majority of said persons have or have had professional relations with either one or both parties. In response to the accusations, PD refers her conduct to freedom of expression and what she considers to be a civic duty to report on her experiences on various occasions in order to protect others. It is unclear whether PD used the terms sexual harasser and/or convicted harasser in her communication.

The way one party talks about another party with others, especially in cases where there are ongoing conflicts is obviously coloured by their own experience. But speaking to others about your own experiences is not in itself victimization. In view of this, the investigation cannot determine whether there has been victimization. Nor can we see that the described behaviours/actions are harassment that is related to any of the provisions for discrimination under the Discrimination Act.

Nevertheless, it is noted that the events have had negative consequences for UÖ's health and work performance.

Complaint #2 - Investigation of the suspected turn of events/ behavioural description

In the complaint dated 2018-11-09 (Appendix 2), the university lecturer UÖ is accused of harassment by following PD on social media, of sexual harassment by writing on one occasion that they had lived together for 6 months as a family and for talking to others about PD and the events in the previous complaint in a degrading way.

UÖ has followed PD on social media and the internet, which, among others, can be confirmed by screenshots in his complaint against PD. PD has long been blocking UÖ from her social media. UÖ has not interacted with or in other ways harassed PD via social media. The investigator states that social media is widely available to anyone in the world who has access to a computer with internet connection and that it is not possible to ban an employee from following someone on social media. It is quite possible for the individual, in some apps and social media (e.g. Twitter and

Facebook) to block those he/she does not want to see his/her interactions in certain contexts. Otherwise, social media and the internet are to be considered an open and accessible forum, which one should be aware of.

UÖ has on one occasion described (see item 1, Appendix 2) that the parties lived together as a family for 6 months. PD feels insulted by the claim. The parties have previously had an intimate relationship, both of which confirm, but they have neither lived together nor been a couple. It is unclear why UÖ claims that they have lived as a family for a period, but what is clear is that PD was offended by the claim.

UÖ states that he has not had personal contact with either PD or co-workers at CMES since March 2018. UÖ has communicated with others about the events after he received a written reprimand because of harassment against PD (see item 2, Appendix 2). However, the investigation cannot determine to what extent communication has taken place. **If his conversation with others contributes or has contributed to PD being disadvantaged in her continued work at Lund University, then his actions can be regarded as retaliation because of the first complaint of sexual harassment. This is not permissible under the Discrimination Act.**

Book order from Adlibris

In August 2018 PD received e-mail from Adlibris; the e-mail was an order of books on death (How we die, Dying, The bright hour, etc.) that UÖ had done. PD describes the event in her complaint (item 3, Appendix 2). Appendix 3 is UÖ's response to the August incident. UÖ explains that the book order was sent to PD's e-mail by accident. Further explanation is that during the period of the parties' intimacy, PD used UÖ's computer, where her e-mail address is saved as an autofill. This could be the reason why PD's e-mail address came up in connection with UÖ's book order on Adlibris. Nothing in the investigation has been able to support, on the one hand, a conscious act, or, on the other hand, an accidental event.

Assessment and conclusion

As an overall assessment, the investigation can state the following:

Both parties have kept themselves informed about the other party via social media. Both parties have also spoken or otherwise communicated with others about their experiences in a negative way.

Both parties have acted in various ways so that the other's perceived health and/or work environment has been affected. The situation has affected both parties negatively. The behaviour has also spilled over to the work environment at the unit.

Employees at Lund University are obliged to contribute to a good work environment and to participate in investigations and measures aimed at achieving or maintaining a healthy work environment. The investigator finds that the outcome of the Faculty's previous investigation and action is not respected. Nor have the parties acted in such a way that can be expected of employees at Lund University, despite requests.

Recommendations

The investigator recommends raising the awareness of both parties as to what expectations the employer has on co-workers at Lund University and informing them about the obligation to contribute to a good work environment.

The investigator further recommends a follow-up of the written reprimand that UÖ has previously received, emphasizing that retaliation due to a complaint of sexual harassment/harassment is prohibited.

The parties currently have no ongoing work that requires cooperation. Conflict management to repair their working relationship based on this aspect is not needed. Continued individual counselling for the parties is recommended.

[signature]
Christofer Edling
Dean
Faculty of Social Sciences

[signature]
Andréa Björk
Human Resources
Faculty of Social Sciences

Appendices:

- Appendix #1 - Complaint 2018-10-30
- Appendix #2 – Complaint 2018-11-09
- Appendix #3 - e-mail 2018-11-20
- Appendix #4 - e-mail 2018-11-01
- Appendix #5 - e-mail 2018-11-02