



**UNIVERSITY
OF THE ARTS
HELSINKI**



PREVENTION OF INAPPROPRIATE TREATMENT

**GUIDELINES ON DEALING WITH CONFLICT
IN THE UNIVERSITY COMMUNITY**

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INTRODUCTION

The University of the Arts Helsinki focuses on ensuring the wellbeing of its personnel and students, maintaining a safe and equal work environment and promoting good and positive interaction within the community. All members of the community are responsible for the atmosphere and wellbeing at the university, and all are entitled to be treated properly: good behaviour towards fellow community members is a prerequisite for a functioning study and work environment.

The line between appropriate and inappropriate behaviour may be difficult to discern since we all react to situations and our surroundings differently. What is appropriate or not is always defined by an individual. It is therefore crucial that we be explicit about behaviour that we find inappropriate. This way it is possible for the other party to change their behaviour. A simple definition of inappropriate treatment is that it involves behaviour that is generally considered unacceptable. For instance, we all have a different sense of humour: someone may fail to see the humour in our jokes and consider them offensive. If that is the case, the telling of these jokes must stop. Yelling, outbursts of rage and comments on the person of our peers or colleagues are further examples of inappropriate behaviour in a study and work environment. As an educational organisation, the code of conduct regarding student-teacher relationships are enforced and must be respected year-round, within the university and off grounds as well. Students consider teachers to hold a position of authority over them, regardless of how or when this authority is exercised.

The University of the Arts Helsinki has a zero-tolerance policy against improper treatment. This means that

- no form of improper or unequal treatment will be accepted
- every effort is made to prevent bullying and harassment throughout the organisation
- anyone who sees inappropriate treatment must intervene
- anyone experiencing inappropriate treatment will raise the issue, and they will be supported and encouraged by others
- the employer will resolve issues brought to its attention in an appropriate manner and without delay

Every community member has a responsibility to intervene in inappropriate treatment. Personnel with a supervisory, managerial or teaching role have a particular responsibility to act. The intervention responsibility of supervisors and employees is prescribed by the Occupational Safety and Health Act.

These guidelines are intended to support all university community members: personnel, students, supervisors and management. They aim to support early and effective intervention in cases of inappropriate treatment and offer advice to anyone who experiences it. The guidelines are part of the orientation or induction training of all employees and students.

FORMS OF INAPPROPRIATE TREATMENT

BULLYING

The following may constitute bullying:

- humiliation, derogatory remarks or undue criticism
- social exclusion: deliberately not talking to or listening to someone, ignoring a person as if they don't exist
- spreading rumours about a person
- physical violence or threatening behaviour
- assigning unreasonable workload or deadlines to an employee or student,
- the reduction of job responsibilities without grounds, or not assigning any job tasks to a person or assigning mostly trivial tasks below the person's ability.

The following should not be considered bullying:

- the employer using their managerial authority powers to give orders
- disagreements on work- or study-related interpretations or decision
- dealing with problems related to work or study within the workplace or learning community
- referring an employee to a working capability assessment
- changing work tasks when changes have been discussed with the employee
- justifiable supervisory intervention in an employee's job performance, or disciplinary action such as issuing a warning
- disciplinary measures with students.

DISCRIMINATION

Discrimination is treatment of a person or a group of people in a different way than other people in the same position, without an acceptable reason, based on

- nationality or ethnicity
- skin colour
- language
- gender
- age
- sexual orientation
- health
- religion
- opinion or
- other personal characteristics.

In work discrimination, the employer places an employee in an unfavourable position because of a personal characteristic during either recruitment or employment. In such cases, the employer is guilty of renegeing on its responsibility to treat all employees objectively and fairly.

HARASSMENT

Harassment is offending the integrity and value of a person or group of people in such a way that it creates a threatening, derogatory or aggressive atmosphere. Harassment is a form of discrimination.

Sexual harassment entails unwanted physical or verbal engagements or other behaviour of a sexual nature. For example, teachers should always ask the student's permission before touching him or her, even in situations where touching is necessary. This ensures that both parties understand the purpose of the physical contact.

Examples of harassment:

- recurring threats, intimidation, malicious or suggestive messages
- racist jokes and jokes about sexual minorities
- belittling or disparaging language
- continuous unfounded criticism of or interference in work or study
- questioning a person's reputation or position, exclusion from the workplace or learning community.

Examples of sexual harassment:

- sexually insinuating gestures or expressions
- obscene language and sexually insinuating remarks, including e-mail communication and online harassment
- suggestive remarks concerning the body, appearance or private life of an individual
- touching
- suggestions or demands concerning sexual contact
- in its most serious form, rape or attempted rape.

CONFRONT THE PERSON WHO IS ACTING IMPROPERLY. TELL THEM THAT YOU FIND THEIR BEHAVIOUR INAPPROPRIATE AND ASK THEM TO STOP.

INSTRUCTIONS

FOR THE UNIVERSITY COMMUNITY

Work colleagues and student peers who notice inappropriate behaviour play a central role in the university's zero tolerance policy. Immediate intervention helps prevent prolonged, spiralling problems within workplace and learning communities. The members of the university community must show that improper treatment is not tolerated through their actions and attitudes.

All must accept the fact that the university community includes different people and be able to get along and work with each other. All must be able to behave with good manners.

Employees must follow orders and guidelines issued by the employer. According to Section 19.1 of the Occupational Safety and Health Act, employees shall inform the employer without delay of any factors which may represent hazards or risks to the employees' safety or health.

If you become aware of inappropriate treatment

- Confront the person who is acting improperly. Tell them that you find their behaviour inappropriate and ask them to stop.
- Ask the person subjected to improper behaviour if you can help him or her.
- Notify your supervisor or labour protection representative, the harassment liaison of the Student Union or your teacher/course leader.

THE MEMBERS OF THE UNIVERSITY COMMUNITY MUST SHOW THROUGH THEIR ACTIONS AND ATTITUDES THAT IMPROPER TREATMENT IS NOT TOLERATED.

FOR SUPERVISORS AND TEACHERS

The employer is responsible for health and safety in the workplace. A central part of this is the general duty of care, which means that the employer must take into account all factors related to safety and health in the workplace with due care in order to prevent risks to employees' safety or health. All supervisors and managers share this responsibility. Supervisors can consult HR services, legal counsel or the occupational health care service if they need assistance.

The employer has the duty to prevent inappropriate treatment and ensure that the workplace has effective practices in place to address inappropriate treatment. Orientation of new and returning employees to the university's practices and policies is an important part of prevention.

The employer has the duty to monitor the conditions of the workplace and intervene in any problems, including inappropriate treatment. In practice, this means that line supervisors have the duty to monitor how the work-

place is functioning, and managers have the duty to monitor the conduct of supervisors within their departments.

The employer has the duty to intervene when potentially improper behaviour in the workplace community is brought to his or her attention. Intervention does not require proof of inappropriate behaviour or harassment or factual knowledge of the incident. It is essential to respond to any signs of improper behaviour, however subtle.

Instructions for supervisors and teachers on dealing with inappropriate behaviour

- Find out what has actually happened.
- Draft a written record of the incident(s) with concrete details: *What, where, when? Between whom? What did the parties do? Did the incident recur? If so, how?*
- Discuss the incident and listen to both parties' views of what happened.
- If improper behaviour has taken place, draw up the necessary agreements on workplace practice and behaviour with the involved parties to cease the situation. Give the offending party the opportunity to change his or her behaviour.
- Draw up a memorandum including details of the agreements made.
- Decide with the parties which details of the investigation should be released to the workplace community and how.
- Monitor the changes, adherence to the agreements and agreed changes in behaviour.
- Determine whether a follow-up meeting with the parties is needed.
- If no agreement can be reached or if the reported behaviour continues, take necessary action. When considering managerial measures, contact the HR manager, HR director or legal counsel.
- If you find that no inappropriate behaviour has taken place, notify the party who reported the issue and give reasons for your findings.
- Advise your staff on how to deal with any type of conflict.
- It is perfectly normal for occasional differences and misunderstandings or misunderstandings to occur between people within a workplace and learning community. When everyone knows how to address conflict immediately, more serious fall-out can usually be avoided.
- Instruct your staff to resolve any conflicts without any delay and to apologise even if the offence was unintentional in order to avoid jeopardising workplace relations.

FOR EMPLOYEES/STUDENTS WHO HAVE EXPERIENCED IMPROPER BEHAVIOUR

Employees:

Notify your supervisor in writing or, if you are reporting your immediate supervisor, notify his or her supervisor. If the supervisor fails to take action within two weeks, you can take the matter to the supervisor's supervisor. You can also contact the labour protection representative, the union representative, the labour protection officer, HR services or the occupational health service.

Students:

Notify your course leader in writing or, if you are reporting the course leader, notify his or her supervisor. You can also contact other members of the teaching staff, your tutor, the harassment liaisons of the Student Union, the equality officer or the FSHS student health service. All discussions with the contact persons are strictly confidential. The harassment liaison of the Student Union will act as your representative in the matter.

If you have experienced bullying or harassment

- Immediately tell the person that you find their behaviour inappropriate.
- Explain in what way you find their behaviour inappropriate and how it makes you feel. Ask them to stop. Talk about the behaviour, not personality.
- You can ask a colleague or another student to accompany you to the meeting.
- Keep a diary of the bullying or harassment incidents: what happened, when, how did you feel, who else was present. This will help when drafting a written complaint.
- Contact one of the individuals listed above. The contact information is available on the intranet; alternatively, you can contact HR services via the switchboard.

If you have experienced sexual harassment

- Do not blame yourself.
- Discuss the matter with a trusted person - a teacher, a community nurse or occupational health nurse, a labour protection representative, a local union representative or a supervisor.
- Tell the offender that you object to his or her behaviour and that it constitutes sexual harassment.
- Make a note of all incidents. Find out if anyone saw the incident.
- In the case of rape or sexual abuse, contact the police.

FOR SUSPECTED OR ACCUSED PERSONS

An accusation of bullying or harassment can come as a surprise and shock. If your work colleague or student tells you that they find your behaviour inappropriate, or if a supervisor or teacher requests to see you regarding suspected bullying or behaviour, try to remain calm and polite. Bear in mind that all suspicions and subtle signs must be addressed.

Even though you yourself do not believe you are guilty of bullying or harassment, do not belittle the feelings of the complainant, but immediately cease the behaviour perceived as offensive. Sometimes the boundaries between settling differences and bullying are not entirely clear. It is also important to address the matter in order to prevent anyone from being labelled a bully unfairly.

If you are suspected or accused of inappropriate behaviour

- Listen to what the colleague or the supervisor or teacher dealing with the issue has to say.
- Reflect on your behaviour from the point of view of the complainant.
- Explain your own view of the situation.
- Work together and discuss how the situation could be resolved and what would be the ideal outcome.
- Be prepared to apologise.
- If necessary, notify your supervisor or teacher of the accusation made against you.
- And if necessary, contact a labour protection representative, a local union representative, a harassment liaison officer, or the occupational/student health care service.

IT IS PERFECTLY NORMAL FOR OCCASIONAL DIFFERENCES AND MISUNDERSTANDINGS TO OCCUR BETWEEN PEOPLE WITHIN A WORKPLACE AND LEARNING COMMUNITY. WHEN EVERYONE KNOWS HOW TO ADDRESS CONFLICT IMMEDIATELY, MORE SERIOUS FALL-OUT CAN USUALLY BE AVOIDED.

CONSEQUENCES

If discussing the matter and a mutual agreement do not stop the inappropriate behaviour, or if the case otherwise merits a more serious intervention by the employer, the offender can be issued a warning by their immediate superior. If inappropriate conduct is particularly serious and/or continual, it can lead to the termination of the employment contract, including a summary dismissal.

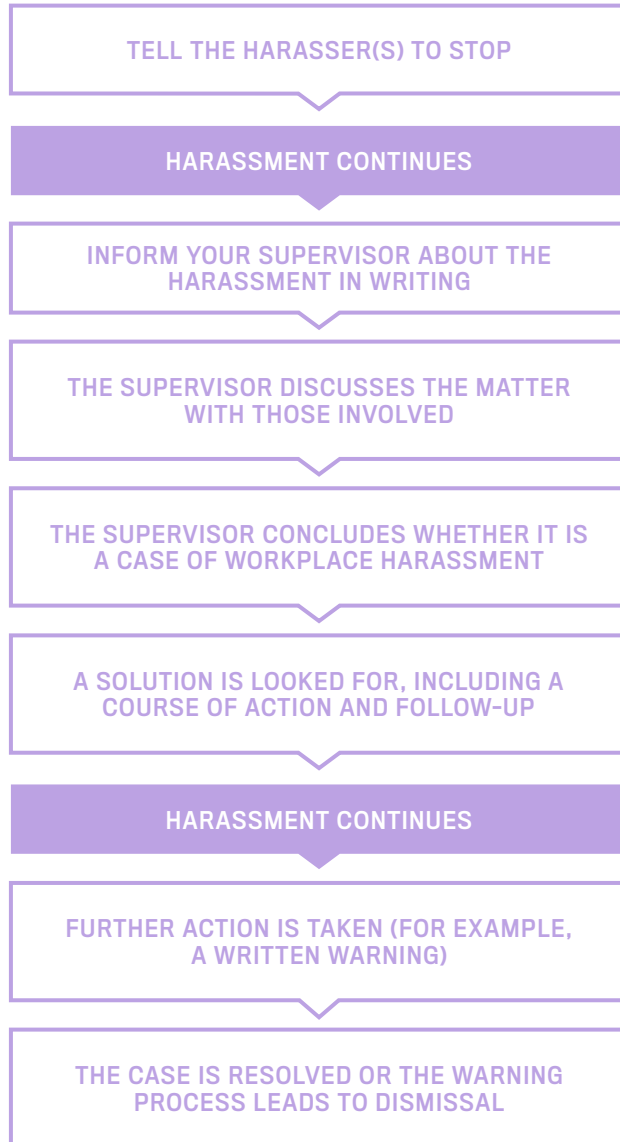
A student who behaves in a violent or threatening manner can be issued a warning and suspended for a fixed period. The warning is determined by the Rector and the suspension by the University Board.

Depending on its nature, bullying or sexual harassment can also be considered a crime. Crimes must always be reported directly to the police.

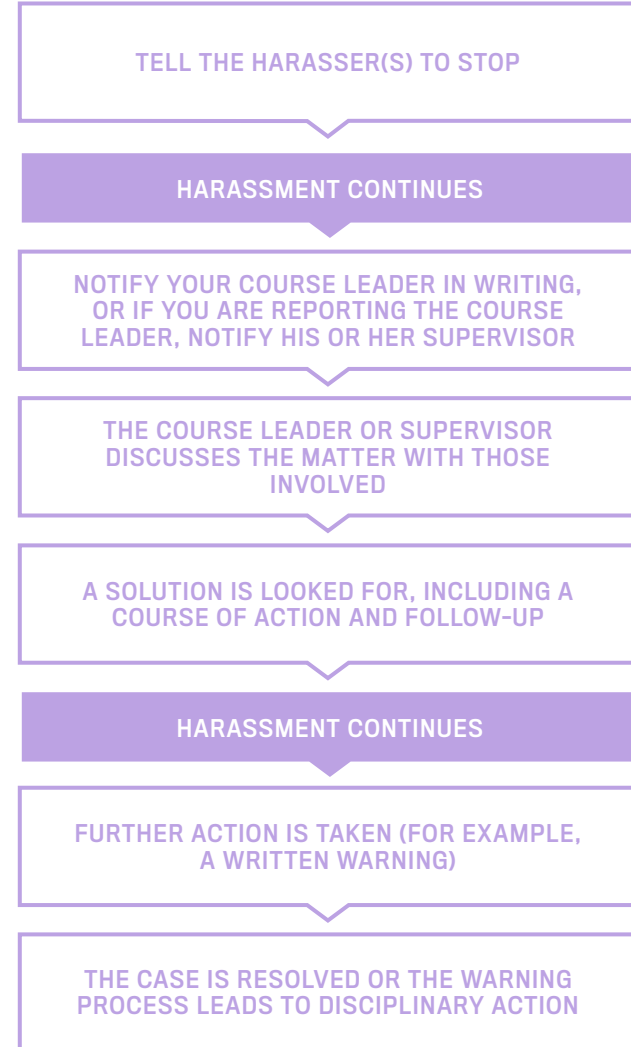
Neglecting supervisory and employer obligations may, in some cases, lead to the employer being punished for an occupational safety offence. In the case of discrimination, the employer may be ordered to pay the person subjected to discrimination a claim in accordance with the Non-Discrimination Act or the Act on Equality Between Women and Men. Cases concerning improper treatment are referred to a court at the employee's initiative.

THE PROCESS OF ADDRESSING INAPPROPRIATE TREATMENT

FOR EMPLOYEES



FOR STUDENTS



OBSTACLES TO STARTING THE INVESTIGATION PROCESS

- A report made by an employee who is on a sabbatical or leave of absence may not be processed until the employee returns to work.
- If the reported inappropriate treatment involves a matter that is subject to a legal appeal process (e.g. a claim for a revised decision), the matter will not be investigated as harassment regardless of whether an appeal has been filed.
- The university has no obligation to reinvestigate matters which have already been addressed by the investigation process described on the previous page, unless new information has come to light.
- The university will only investigate incidents reported within two (2) years of the incident. Incidents dating back more than two years cannot be investigated.

CONTACT PERSONS

Contact persons for the academies are the labour protection representatives, equality officers and the harassment liaison officers of the Student Union.

Current contact information can be obtained on the intranet: artsi.uniarts.fi/en/for-the-staff/cooperation-occupational-safety-and-equality/equality or by contacting the HR services via the university switchboard on 0294 47 2000.

Statutes:

Statutes covering improper behaviour can be found e.g. in the following acts:

- The Constitution of Finland
- The Occupational Safety and Health Act
- The Criminal Code
- The Act on Equality Between Women and Men
- The Employment Contracts Act
- The Non-Discrimination Act
- The Universities Act

Detailed information about the contents of the acts is available in the Finlex database of up-to-date judicial information at www.finlex.fi/en

Sources:

- Occupational healthcare provider Mehiläinen.
- PRIMA-EF guidance sheets 10: Best Practice in Workplace Violence and Bullying Interventions.
- The Finnish Confederation of Professionals' guidelines on the investigation of sexual harassment cases.
- Ministry of Social Affairs and Health: Opas väkivaltaa kokeneen auttajille.
- Ministry of Employment and the Economy: Working Life Barometer 2012.
- Occupational Safety and Health Guides and Instructions 42: Inappropriate Treatment at Work - Guidelines for Preventing and Dealing with Harassment and Inappropriate Treatment in the Workplace.
- The Finnish Institute of Occupational Health: www.ttl.fi/sopuisa.
- The Centre for Occupational Safety & labor market organizations: Good behaviour preferred. http://www.akava.fi/files/3394/Good_behaviour_preferred.pdf

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