

The Rector's decision on

## **HANDLING SUSPECTED VIOLATIONS OF THE ÅBO AKADEMI UNIVERSITY CODE OF CONDUCT**

Confirmed on 12 June 2017

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## **1 BACKGROUND OF THE REGULATIONS**

The members of the university community have the right to a safe and equitable study and work environment, where everyone is treated equally. Everybody at the Åbo Akademi University campus and involved in the university's activities is expected to behave in a respectful and considerate manner. The Åbo Akademi University Code of Conduct stipulates the basic principles for acceptable behaviour. Violations are investigated according to the process described in these regulations. In parallel with the university's internal process, other legal processes may commence or continue in the same matter.

The Universities Act (558/2009) stipulates the students' right to a safe learning environment (section 41a):

*Students have the right to a safe learning environment.*

*The university may adopt its own rules or issue other regulations to promote internal order, unhindered progress in studies and a safe and pleasant university community.*

*The rules and other regulations referred to in subsection 2 above may include provisions on the practical arrangements and proper conduct necessary for university safety and amenability. Regulations may additionally be issued with regard to the handling of university property and to remaining on, and moving about the facilities and grounds of the university.*

The Health Care Act (1326/2010) stipulates that student healthcare services include (section 17, subsection 2):

*1) triennial checks on health and safety in educational institutions and welfare promotion among learning communities.*

The Occupational Safety and Health Act (738/2002) stipulates employees' right to a safe working environment (section 8, subsection 1 and section 28):

*Employers are required to take care of the safety and health of their employees while at work by taking the necessary measures. For this purpose, employers shall consider the circumstances related to the work, working conditions and other aspects of the working environment as well as the employees' personal capacities.*

*If harassment or other inappropriate treatment of an employee occurs at work and causes hazards or risks to the employee's health, the employer, after becoming aware of the matter, shall by available means take measures for remedying this situation.*

## **2 STATUTES**

Åbo Akademi University primarily applies the following statutes and internal rules in the handling of suspected violations.

### **Universities Act (558/2009)**

The act specifies the general rules for handling disciplinary matters concerning students at the universities.

### **Employment Contracts Act (55/2001)**

The act specifies the general rules for handling disciplinary matters concerning employees at the universities.

### **Occupational Safety and Health Act (738/2002)**

The act specifies the employer's responsibilities in ensuring a safe working environment.

### **Non-discrimination Act (1325/2014)**

The act contains prohibitions of harassment and discrimination as well as definitions of these concepts. Please also see the Act on Equality between Women and Men (609/1986).

### **Health Care Act (1326/2010)**

The act specifies the university's responsibilities for ensuring a safe learning environment.

### **Åbo Akademi University Regulations on Internal Administration**

The Regulations on Internal Administration define the university's governing bodies, such as the Examination Board, and their responsibilities.

### **Åbo Akademi University Code of Conduct for a Safe Study and Work Environment**

The Code of Conduct specifies how Åbo Akademi is to guarantee a safe environment for its employees and students, and how to act when violations occur.

### **Åbo Akademi University Plans for Equality and Equal treatment**

The plans define the university's view of equality and equal treatment, and what is regarded as discriminatory behaviour.

### **Management of Substance Abuse at Åbo Akademi University**

National statutes are found in the database [FINLEX](http://www.finlex.fi/en/)<sup>1</sup> and internal regulations on the [Åbo Akademi website for statutes](http://oldwww.abo.fi/personal/forfattningar)<sup>2</sup>.

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<sup>1</sup> <http://www.finlex.fi/en/>

<sup>2</sup> <http://oldwww.abo.fi/personal/forfattningar>

### **3 DEFINITION OF VIOLATIONS**

The Åbo Akademi University Code of Conduct defines the way in which staff, students and temporary visitors are expected to behave in relation to others at the university campus and how to act at the university's premises and with the university's property and equipment. The Code of Conduct defines the following forbidden behaviours and activities:

#### **3.1 Disturbing behaviour**

Disturbing behaviour refers to verbal and/or non-verbal, loud and disturbing conduct that is unrelated to the situation.

#### **3.2 Threatening and violent behaviour**

Threatening and violent behaviour refers to verbal or physical threats and conduct that disturbs public order. This also applies to threatening behaviour via electronic devices and on social media.

#### **3.3 Inappropriate treatment, harassment, and discrimination**

Inappropriate treatment and harassment refer to behaviours or a culture of behaviour that aims at or leads to a direct or indirect affront to a person's human dignity. Discrimination refers to treating a person in an unfavourable way because of a circumstance connected to the individual. Please see Åbo Akademi's Plan for Equality and Equal treatment [oldwww.abo.fi/personal/likabehandling\\_planer](http://oldwww.abo.fi/personal/likabehandling_planer).

#### **3.4 Misuse of multimedia material**

Misuse of multimedia material refers to filming or recording and publishing photographs and films of individual persons without their consent. It is also misuse to film or record and publish lectures or other teaching situations without the teacher's consent. Please see Åbo Akademi's Terms and Conditions for IT Service Use, and Guidelines for Social Media [oldwww.abo.fi/personal/informationssakerhet](http://oldwww.abo.fi/personal/informationssakerhet).

#### **3.5 Misuse of university premises and property**

Misuse of university premises and property refers to unpermitted use of Åbo Akademi's premises and property. Misuse includes intentionally or by negligence causing damage to the premises or property, and not following the user rules set by the university.

#### **3.6 Forbidden possession of hazardous objects or substances**

Forbidden possession refers to persons on the university premises carrying, without an acceptable reason, objects or substances that could be used to harm another person, or that could cause considerable damage if handled carelessly.

#### **3.7 Forbidden use of intoxicants**

Forbidden use of intoxicants refers to participating in teaching or working under the influence of intoxicants. This also includes possession of drugs and smoking in forbidden areas.

## 4 INVESTIGATION OF SUSPECTED VIOLATIONS

The investigation process of suspected violations consists of three phases: an investigation by the person in charge, an administrative inquiry, and a disciplinary investigation.

### 4.1 Investigation by the person in charge

For each reported case, an initial investigation is carried out. The purpose of this is to establish the level of seriousness of the suspected violations.

#### 4.1.1 Reporting suspected violations

Usually a report is submitted by one or all parties involved in the incident causing a suspicion that a violation has taken place. The report can be made verbally or in writing. A written report should preferably be submitted using the form *Administrative Inquiry/Report* (see [oldwww.abo.fi/personal/rattsskydd](http://oldwww.abo.fi/personal/rattsskydd)). The report should be submitted as soon as possible after the incident has taken place.

Students who discover or witness a suspicious situation should report the incident. In an educational context, the report is primarily given to the teacher of the course, but all suspicious cases can be reported to any member of staff at Åbo Akademi University. Employees who receive a report are obliged to report the matter further so that an investigation can be started. An external third party can also turn to any employee at Åbo Akademi. The employee forwards the matter to:

- staff matters: the HR Director;
- student matters: the Director for Research and Education Services.

#### 4.1.2 Investigation and decision by the person in charge

If employees notice a suspicious situation, they should immediately carry out an initial investigation themselves. The purpose of this is to collect information for assessing the situation, concerning what has happened and how serious it is. The decision is based on an overall assessment of the situation. Based on the investigation, the employee should decide whether it is a case of:

**a) An unfounded suspicion.**

No measures are taken, but the need for communication to prevent false rumours concerning the situation is assessed.

**b) A limited incident.**

The employee deems that the situation can be resolved without further inquiries and takes on the responsibility for resolving the situation. The person in charge has the right to give involved parties a **verbal reprimand** to demonstrate that their conduct is not acceptable.

*Example: A porter notices that two students have started behaving threateningly towards each other. The porter intervenes in the situation and interviews both parties in order to find out what has happened. As the row turns out to have started spontaneously over a trivial thing, no actual violence occurred, and the parties accept each other's apologies, the porter chooses not to report the matter further, but gives the persons involved a verbal reprimand emphasising that threatening behaviour is forbidden at Åbo Akademi University.*

**c) A suspected Code of Conduct violation.**

The person in charge deems the matter to be so serious that a thorough inquiry is necessary. A verbal or written report is submitted as soon as possible after the incident has taken place.

Åbo Akademi University wants its campus to be safe. All unclear cases should be treated as suspected code of conduct violations in order to ensure a thorough inquiry.

## **4.2 Administrative inquiry**

All reported cases of a suspected code of conduct violation must be subjected to an inquiry. An inquiry ends in a decision on the case at hand. The inquiry of an anonymous report of violations requires that such an allegation contains strong evidence of the suspected violation. If a report is deemed to be obviously unfounded, the investigator makes a *justified* decision as to why the case is not being investigated further.

For each reported case the Rector appoints an investigator who is an expert in the area concerned. Reported cases involving students are usually investigated by the Director for Research and Education Services, the Director of ICT Services, or the Head of Security. Reported cases involving members of staff are usually investigated by the HR Director. In unclear cases, the Rector decides who will be responsible for the investigation. If several universities or employers are involved, the inquiry is conducted in cooperation with these. The investigator appoints a secretary. The investigator and the secretary must follow the rules for judicial disqualification. In case of disqualification, another investigator or secretary is appointed. The objective is to safeguard an unbiased process, where all parties are given the opportunity to be heard according to the stipulations in section 45a of the Universities Act and section 2 in chapter 9 of the Employment Contracts Act.

The aim of the inquiry is to

- investigate the incident;
- specify the suspected violation(s);
- invite the involved parties to present their view of the incident;
- investigate whether the criteria for violation of the code of conduct are fulfilled for any of the parties.

### **4.2.1 The inquiry process**

When a report on a suspected code of conduct violation has been submitted, the appointed investigator is responsible for communicating

- to the reporting person that the report has been received (this is also a check that the report has actually been submitted by that person) and how the process will continue. If the reported allegation is established to be unfounded, that decision is sent to the reporting person;
- to the person subject to the allegation as well as others concerned, about the allegation and the continuing process;
- (if necessary) to those responsible for certain facilities that a person's access to Åbo Akademi's property or IT resources is to be restricted;
- (if necessary) to those responsible for certain tasks that the handling of an administrative matter is to be discontinued.

A student is allowed to continue his or her studies during the inquiry process. However, Åbo Akademi University is expected to guarantee the safety of its employees and students, and to protect its property and IT resources against misuse. Thus, the student's rights may be restricted in accordance with existing laws, regulations and user agreements. The basic principle is that a student cannot graduate from Åbo Akademi University while an inquiry is ongoing.

Åbo Akademi University decides on an employee's work responsibilities during the inquiry process. Åbo Akademi University is expected to guarantee the safety of its employees and students, and to protect its property and IT resources against misuse. Thus, the employee's rights may be restricted in accordance with existing laws, regulations and user agreements.

The inquiry is based on an individual hearing of the reporting person, the person(s) subject to the allegation and possible witnesses. If necessary, additional persons who might support the investigation may be heard or included in the process. If the reported incident is obviously connected to the person's state of health, an inquiry meeting with all involved parties and healthcare services may be convened directly.

If the report concerns a student at bachelor or master level, a representative appointed by the Åbo Akademi University Student Union is also invited to the meeting. The student can also ask for another person from Åbo Akademi University to act as his or her representative at the meeting.

In their formal invitation, employees and postgraduate students are to be apprised of their right to be accompanied by a trade union representative or another support person from Åbo Akademi at the meeting.

The secretary is responsible for ***promptly*** arranging separate meetings between the investigator and the persons involved. Technical equipment can be used if somebody cannot physically attend the meeting.

The formal invitation is preferably sent by e-mail to the parties' addresses at abo.fi, since the Åbo Akademi e-mail system fulfils the legal requirements concerning identification and data security. The invitation should include a specification of the incident under investigation as well as these regulations. The material is sent as an attachment to the e-mail message or a reference is given to the address where the material is available in electronic form. The invited persons are asked to confirm that they have received the e-mail message and are able to read the material.

#### **4.2.2 The agenda of the inquiry meeting**

**The investigator** opens the inquiry by noting

- the place and time of the meeting;
- the persons present and their e-mail addresses;
- the Code of Conduct and the regulations outlined in this document, as well as any other relevant rules, agreements and plans;
- the purpose of the meeting.

**The person subject to the allegations** is given the opportunity to present his or her view of the incident.

**The representative** is given the opportunity to comment on the matter.

**At the end of the inquiry meeting** the investigator

- summarises the statements made by the parties;
- notes all material submitted during the meeting;
- explains how the matter will be described in an inquiry document;
- explains the parties' right to suggest amendments to the notes from the meeting;
- explains how a decision will be taken in the matter.

At the meeting the investigator may give a preliminary statement on the matter. In addition, the investigator should emphasise the importance of discretion when discussing with outsiders both the content of the meeting and the persons involved.

**Documenting the matter and approving the inquiry document**

The secretary summarises the statements made by the parties and enters this into the form *Administrative Inquiry/Inquiry Report*. The secretary sends the notes from the meeting to all participants by e-mail or, in case a party has not provided an e-mail address, by letter. The parties are given the opportunity to suggest amendments and additions to text in writing **within seven days** of the inquiry document being distributed. The investigator decides what suggested amendments and additions are to be made to the text. Substantial suggestions that have not been accepted are noted. A party who does not respond is regarded as having approved the inquiry document.

**4.2.3 The investigator's decision**

The investigator makes a justified decision on the matter based on a presentation **at the latest 14 days** after the last inquiry meeting has been held. The decision is communicated on the form *Administrative Inquiry/Decision*.

Consequences in a case where the investigator decides that it is

**a) An unfounded suspicion:**

The inquiry into the matter is closed. If the case has attracted attention, information concerning the decision should be made public accordingly.

**b) A violation of the Code of Conduct:**

The investigator decides on the resulting procedures. These might include limiting the person's access to the university's locked premises, IT resources or other facilities for a certain period of time. Another possible consequence is to start or continue multiprofessional discussions within the healthcare services. The investigator decides whether **the case calls for a disciplinary investigation**.

The secretary sends the investigator's decision to all parties concerned by e-mail or by letter; to students at the home address they have given to the study register; to Åbo Akademi staff by internal mail at their place of work, or at their home address. The date of distribution is noted. The investigator is responsible for ensuring that all persons affected by the decision receive information about it.

The documents are filed according to the statutes in the Åbo Akademi University Archives Regulations. The material of an inquiry is public, unless it contains information that, according to law, is subject to secrecy (see e.g. Act on the Openness of Government Activities (621/1999) and Personal Data Act (523/1999)). The material should, in all situations, be handled with discretion; that is, the actual inquiry



is discussed by decision-making or advisory bodies, or published or distributed only if there are weighty reasons to do so. Persons wishing to scrutinise the decision may read the documents in the archives.

## **5 DISCIPLINARY INVESTIGATION**

The administrative inquiry determines whether a reported violation of the Code of Conduct results in limited access to the university's resources. The disciplinary investigation determines whether a confirmed violation is to result in additional disciplinary procedures. The disciplinary investigation is commenced only after the first inquiry process is closed.

### **5.1 Hearing of the party**

Section 45a of the Universities Acts and section 2 in chapter 9 of the Employment Contracts Act stipulate that the person concerned by the decision should be given an opportunity to be heard before disciplinary procedures are put in place. The administrative inquiry forms the occasion when the person is given the opportunity to be heard. The decision on possible disciplinary procedures is taken based on the inquiry and its outcome.

### **5.2 A decision on a student matter**

The disciplinary process in a student matter includes an investigation by the Rector and possibly an investigation by the Board.

#### **5.2.1 The Rector's decision**

The Rector makes a decision on the matter based on a presentation prepared by an administrator whom the Rector has appointed to handle disciplinary decisions. The Rector makes a decision on the matter **within 30 days** of the matter having been reported to the Rector.

The Rector may decide to

**a) *Take no disciplinary action.***

The Rector finds that the offence does not call for any disciplinary action.

**b) *Issue a written caution.***

The Rector finds this to be justified considering the nature and/or extent of the offence.

**c) *Forward the matter to be considered by the Board.***

The Rector finds the matter to be of fundamental importance, or that the nature and/or extent of the offence might justify a withdrawal of the student's right to study at the university for a certain period of time.

#### **5.2.2 The Board's decision**

The Board makes a decision on the matter based on a presentation prepared by an administrator whom the Rector has appointed to handle disciplinary decisions. The Board is to handle the matter speedily. Minutes are taken of the Board's decision.

The Board may decide to

**a) Take no disciplinary action.**

The Board finds that the offence does not call for any disciplinary action.

**b) Issue a written caution.**

The Board finds this to be justified considering the nature and/or extent of the offence.

**c) Exclude the student from the university for a certain period of time.**

The Board finds it justified, considering the nature and/or extent of the offence, to exclude the student from the university for a certain period of time, at most one year. University Services removes the student from the study register (the studies are registered as being discontinued) for the period of time decided by the Board. The student does not have the right to complete any coursework at the university during the period of exclusion. The rights to use the university's locked premises, IT resources and other facilities are discontinued for the entire period of exclusion. Exclusion does not lead to an extension of study time.

### **5.2.3 Communication of disciplinary procedures**

The administrator handling the matter sends the decision taken by the Rector or the Board to the person concerned by e-mail or by letter at the home address the student has given to the study register. The date of the communication is noted.

## **5.3 A decision on a staff matter**

The disciplinary process in a staff matter includes an investigation by the Rector.

### **5.3.1 The Rector's decision**

The Rector makes a decision on the matter based on a presentation prepared by an administrator whom the Rector has appointed to handle disciplinary decisions.

The Rector may decide to

**a) Take no disciplinary action.**

The Rector finds that the offence does not call for any disciplinary action.

**b) Issue a written caution.**

The Rector finds this to be justified considering the nature and/or extent of the offence.

**c) Terminate the employment contract.**

The Rector finds that the criteria for the termination of the employment contract, as stipulated in the Employment Contracts Act, are fulfilled.

**d) Cancel the employment contract.**

The Rector finds that the criteria for the cancellation of the employment contract, as stipulated in the Employment Contracts Act, are fulfilled.

### **5.3.2 Communication of disciplinary procedures**

The Rector's decision is communicated in person to the employee concerned by the HR Director or another employer representative, or by letter at the workplace or home address of the employee. The date of the communication is noted.

#### **5.4 Registration of disciplinary procedures**

The documents are filed in the Åbo Akademi University archives and handled according to the statutes in the Åbo Akademi University Archives Regulations. For publicity regulations, please see section 4.2.3 above. The material should, in all situations, be handled with discretion; that is, the actual inquiry is discussed by decision-making or advisory bodies, or published or distributed only if there are weighty reasons to do so. Persons wishing to scrutinise the decision may read the documents in the archives.

#### **5.5 Lodging an appeal against a disciplinary decision**

The person subject to the disciplinary decision may lodge an appeal against the university's decision at the Åbo Administrative Court. Further information and instructions on the appeal process are included in the decision by the Rector or the Board. The appeal process is regulated in the Administrative Judicial Procedure Act. The general instructions on appeals at Åbo Akademi University are found on the website <http://oldwww.abo.fi/personal/forfattningar>.