



Stockholms
universitet

Rules and procedure for handling suspected irregularities and crime

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Responsible administrative office	Office of the President
Responsible administrator	David Palmqvist

Description:

This governing document covers rules for the handling of suspected irregularities and crime, as well as a procedure that describes the process for this.

Introduction

This governing document begins by presenting national rules for an authority's handling of irregularities. With them as a point of departure, the term "irregularities" is defined based on the conditions at Stockholm University. In addition, a responsibility is established for managers at Stockholm University to 1) inform about the governing document and to 2) handle a reported case in the manner described in the governing document.

In the governing document's second section, a procedure is presented. The first steps (items 1-4) in the procedure describe the investigation phase. Item 5 describes the decisions the investigation may result in, i.e. (1) not taking any action, (2) the case being submitted to the President for referral to the Staff Disciplinary Board at Stockholm University ("PAN") or the Government Disciplinary Board for Higher Officials ("SAN"),¹ or (3) the case being submitted to the President for a decision on another action.

¹ Refer to the Procedure for the Staff Disciplinary Board at Stockholm University and the report to the Government Disciplinary Board for Higher Officials (ref. no. SU FV-1.1.2-1072-20).

Rules for handling suspected irregularities and crime

National regulations and the purpose of the governing document

Pursuant to Section 3 of the Government Agencies and Institutes Ordinance (2007:515), an authority's management is responsible for the operations being conducted according to current law. At Stockholm University, this responsibility rests with the Board according to Chapter 2 Section 2 of the Higher Education Ordinance (1993:100). Stockholm University must also comply with the Ordinance regarding Internal Governance and Control (2007:603), which states that the university's management is responsible for there being a process that prevents the operations from being subjected to "corruption, undue influence, fraud and other irregularities" (Section 2). Internal Audit's review of the operations' risks must include an analysis of the risk of the recently aforementioned types of irregularities.²

Regulations regarding a notification of prosecution and misconduct of office are in the Public Employment Act (1994:260) (Section 22), as well as the Swedish Penal Code (1962:700) (Chapter 20 Section 1). A decision on the notification of prosecution is handled by PAN or SAN if the President referred the case to the respective board for handling.

In order for Stockholm University to live up to the above requirements, a governing document is needed that includes rules and procedures for the handling of the aforementioned phenomena. In addition to this, the governing document contains rules for the handling of other crimes that are not included in the aforementioned phenomena and concern the university. The procedure clarifies the division of responsibility and the procedure for the reporting of suspected irregularities and crime, as well as the handling of reported suspicions. There are no obstacles to reporting crime directly to the Police or Prosecution Authority.

² This obligation is presented by the Swedish National Financial Management Authority's instructions regarding Section 4 of the Internal Audit Ordinance (2006:1228).

Local rules

Definitions and delimitations

By a broad definition, the term impropriety refers to *an employee using his or her position to achieve personal gain or benefits for others in conflict with laws, rule, internal regulations (and in some cases ethical principles)*.³ This definition includes both various kinds of criminal acts (e.g. theft, fraud or accepting bribes) and undue influence or other impropriety.

Within the scope of the governing document, the term crime refers to punishable acts according to the Swedish Penal Code or another statute committed by unknown or external personnel (e.g. students), or by an employee with no benefit to the employee him- or herself or anyone else⁴ that is directed at Stockholm University or has a connection to the employee's performance of his or her duties.

The following matters fall outside this governing document:

- disciplinary measures according to the Higher Education Ordinance against students or doctoral students,
- research misconduct,
- matters concerning discrimination and harassment according to the Discrimination Act (2008:587),
- matters according to the Work Environment Act (1977:1160),
- matters concerning crime committed by, or against, employees in their private sphere,⁵ and
- matters concerning violations of the employment agreement.⁶

The matters listed above are handled, where applicable, according to other governing documents. It is also worth emphasizing that if the crime is directed at a student at the university, the crime shall normally not be handled according to this governing document. Also in the situation that an employee is suspected of having committed a crime without ties to the employment and that is directed at an external or unknown person, this shall normally be handled outside the governing document.

³ This mainly corresponds to the definition used by the Swedish National Financial Management Authority, in "Vägledning – Oegentligheter och intern styrning och kontroll – Att komma vidare i arbetet med att förebygga och upptäcka oegentligheter", s. 8. The guide is not translated to Swedish.

⁴ This may e.g. be a matter of vandalism.

⁵ These cases are covered by customary criminal regulations

⁶ These matters are handled in some cases according to the aforementioned Procedure for the Personnel Disciplinary Board and the report to the Government Disciplinary Board for Higher Officials.

Managers' and employees' responsibilities according to the governing document

The head of department/equivalent has the overall responsibility for all employees being informed of the contents of this governing document. An employee's immediate manager is responsible for handing over reported irregularities or crime to the person appointed as the investigation manager according to the procedure below.

Employees at Stockholm University are responsible for staying informed of the content of the governing document and reporting suspected irregularities and crime that they become aware of to the immediate manager or otherwise in accordance with item 1 in the procedure below. Crimes can always be reported to the Police or Prosecution Authority. If a preliminary investigation is initiated, it does not preclude the university's continued investigation of the event although the university may not decide on disciplinary measures due to the crime.

If it is difficult to determine if an impropriety has occurred or a crime has been committed, it is often better to primarily report it to the immediate manager. The head of department/equivalent or employee can contact the Finance Office, the Human Resources Office, the security organisation at the Property Management Office or the legal counsel at the Office of the President for advice.

Procedure for handling suspected irregularities and crime

In the following, the handling steps are described in the process for the handling of suspected irregularities and crime (“the Procedure”). The first steps (items 1-4) describe the investigation phase. Item 5 describes the decisions the investigation may result in, i.e. (1) not taking any action, (2) the case being submitted to the President for referral to the PAN or SAN, or (3) the case being submitted to the President for a decision on another action. The final two items (items 6 and 7) are about measures after a decision according to item 5.

1. Report of suspected irregularities and crime

Employees must as a starting point report suspected irregularities or crime to the immediate manager, who in turn is responsible for turning the matter over to the right function as per below.⁷ If the report concerns the immediate manager, it can always be made to that person’s immediate manager. It is also possible to report the suspicion anonymously through the university’s tip line at +46-8-16 11 55, in an anonymous e-mail or through Stockholm University’s incident reporting system, in which case the report is not made anonymously.

Matters where there is an **employee** who is suspected of having committed irregularities or the crime is deemed to have a major risk of harming confidence in the university are therefore handled by the Head of the Human Resources Office. In matters where an **unknown or external person** is suspected of having committed the crime, the Security Manager is the investigation manager. If in the course of the investigation, it turns out that it is an employee who is suspected of committing the crime, the investigation shall be turned over to the Head of the Human Resources Office. In the following, the definition “Investigation Manager” is used for both of these appointed functions.

2. Assessment of whether the matter shall be handled according to the Procedure

The Investigation Manager shall decide if what has been reported is an impropriety or a crime and thereby an act that shall be handled according to the Procedure. For the report that is deemed to be covered by the Procedure, an investigation shall be initiated.

⁷ If the report pertains to any of the people, who according to the description in the subsections in this section are normally appointed as the manager for the investigation, the matter shall instead be turned over to the person’s immediate manager.

If it is an **employee** that is suspected of the impropriety or the crime, the assessment as per above shall be made by the Investigation Manager after consultations with the General Counsel. If an investigation is initiated, the Director of Administration shall be notified.

If an unknown or external person is suspected of having committed the crime, the assessment shall be done by the Investigation Manager after consultation with the legal counsel who has been appointed for the handling of the matter by the General Counsel.

3. Decision on continued handling

The Investigation Manager decides if a potential investigation group shall be appointed and if so who shall be included in that group. Consultations may need to be held with the Head of the Finance Office, especially in issues concerning financial irregularities or crimes. Additional internal or external expertise may be consulted or tied to the group if necessary.

4. Investigation of the suspected impropriety or crime

The Investigation Manager investigates, or arranges an investigation of, the matter and where applicable leads the investigation group. The investigation shall be focused on preparing input for a decision according to item 5 below. The investigation work shall take place promptly in consideration of those affected. A possible period of limitation shall also be taken into account in the investigation work.

The Investigation Manager shall inform the manager of the operation concerned if there is no obstacle to this for reasons of secrecy. Questions concerning secrecy can be posed to the Legal Counsels at the Office of the President.

Discussions with the employee(s) suspected of committing the act being assessed shall be held as soon as possible unless it entails harm to an upcoming police investigation or the internal investigation. Such an assessment shall be made in consultation with the General Counsel.

After consultation with a labour lawyer at the Human Resources Office, information is given to union organisations in accordance with applicable regulations and routines.

5. Decision on action in connection with the conclusion of the investigation

When the preparation is finished and it is an employee who is suspected of having committed the act, the Director of Administration shall make a decision on one of the following after consultations with the Investigation Manager (Head of the Human Resources office) and the Director of Administration:

- 1) To not take any action.
- 2) That the matter be submitted to the President for referral to the PAN or SAN (depending on which employee committed the impropriety). It is the PAN or SAN

that decides on notification of prosecution of suspected crime; this applies even if an individual employee took an own initiative to file a police report on the event.⁸

- 3) That the matter be submitted to the President for a decision on another action, such as assigning the immediate manager to determine if any action shall be taken other than those decided on by the PAN or SAN.

Those affected by an event shall, when necessary and also appropriate otherwise, be informed of the event and the results of the investigation insofar as is appropriate, considering among other things a future preliminary investigation secrecy at the Police Authority.

When the suspect is an **unknown or external person**, once the investigation is concluded, a decision shall be made on a possible police report by the Investigation Manager (the Security Manager) in consultation with a legal counsel at the Office of the President. When the act has been committed by a student at Stockholm University, the Security Manager shall inform the Director of Administration if a decision is made to file a police report.

6. Documentation and registration

The handling of a matter according to the Procedure shall be documented, registered and archived according to regular rule on case management. Note that the matter may be subject to secrecy. Questions concerning secrecy can be posed to a legal counsel at the Office of the President.

7. Follow-up

If the matter has been reported to the police, the Investigation Manager shall monitor the Police Authority's handling of the matter. To facilitate this work, the police report should include information on who the contact person is at Stockholm University, that the university expects feedback in the matter and that the contact person can assist with information in the matter.

The Director of Administration decides on the need for evaluation of the handling of individual cases according to the governing document after the investigation has been concluded with a decision according to item 5 above.

⁸ Also refer to the Procedure for the Staff Disciplinary Board at Stockholm University and the report to the Government Disciplinary Board for Higher Officials for more information on the PAN and SAN, respectively.