

Rules for preventing bribery at Stockholm University

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Responsible administrative office	Office of the President
Responsible administrator	Dennis Jutterström

Description:

The purpose of this governing document is to clarify the rules on bribery and give guidance for preventing bribery at Stockholm University. The rules are aimed at employees of Stockholm University and their purpose is to maintain the requirements for objectivity and impartiality that apply for employees in public administration.



Introduction

Employees of Stockholm University, exactly like other employees in public administration, have a specific responsibility to maintain the requirements for objectivity and impartiality in the performance of their duties. It is easy to damage confidence in an organisation, so it is therefore important that employees who work at the university do not become influenced by irrelevant wishes or considerations in their work. Accepting any kind of gifts and advantages from persons or companies with which one has dealings professionally involves a risk of bribery.

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The principle of objectivity

Representatives of Swedish government agencies have an obligation to act objectively. The principle of objectivity is expressed in chapter 1 section 9 of the Instrument of Government and may also be found in section 5 paragraph 2 of the Public Administration Act (2017:900). The purpose behind the principle is that the general public should be able to have confidence that government agencies act objectively and impartially and do not make decisions that are based on irrelevant considerations. Serious forms of breach of this basic principle are criminal offences under the rules of the Criminal Code (1962:700) on abuse of office and accepting bribes. In order to ensure that the government agency's representatives act impartially and to reduce the risk of suspicion of biased actions, there are for example rules about disqualification in the Public Administration Act (see Rules on disqualification, ref. no. SU FV-1.1.2-3571-20). Serious cases of breaches of the rules on disqualification may also be an irregularity of the type that is handled at Stockholm University under the Rules and procedure for handling suspected irregularities and crime (ref. no. SU FV-1.1.2-1066-20).

What is considered to be bribery?

The rules on bribery are found in chapter ten of the Criminal Code. A person who is an employee or performing a commission, and receives, accepts a promise of, or requests an undue advantage for the performance of their employment or commission is guilty of *taking of a bribe*. A person who gives, promises or offers an undue advantage to an employee is guilty of *giving of a bribe*.

It is a requirement that the advantage (such as a gift or reward) is undue for it to be considered as bribery. Where the borderline lies for an advantage to be considered undue is not regulated in the code. In a trial in court, a total assessment of all the circumstances is always made in the individual case.

A public employee should consider every advantage to be undue if it could be suspected to influence the performance of their duties. Even a gift or reward with no financial or material value (such as distinctions, awards etc.) may be so attractive to the employee that they could be thought to influence the performance of their duties. Even if the value of a gift or reward is very low, it



is thus important that it is entirely clear that it cannot be perceived as a bribe. Gifts given, for example, by a student before an examination run a great risk of being considered to be bribes, but farewell gifts given after an examination at the end of the course could also be judged to be undue rewards and fall into the definition of a bribery offence. An advantage that is given afterwards, as a reward for what an employee has done in the performance of their duties, could also lead to criminal liability.

The assessment of whether an advantage is “undue” is an objective assessment, not a subjective assessment of whether the individual civil servant feels influenced by the advantage. A total assessment shall be made, considering the value of the advantage and the context in which it is given (type of activity). Generally, it can be said that the tolerance level of what is undue is much lower in the public sector than the private, which is hard to remember for someone who has not previously been employed in a government agency such as Stockholm University is. Advantages are especially sensitive in contexts that involve the exercise of authority (typically decisions), granting permits and similar activities. Procurement is especially sensitive.

To consider regarding advantages

Offering gifts, discounts, travel, conferences, leisure activities and services are some of the typical situations that should be thought about carefully.

Examples of undue advantages that are never permitted

- Gifts before examinations or decisions
- Monetary gifts in cash, securities or similar
- Monetary loans on especially advantageous terms
- Guarantee commitments or debt coverage
- Cancelling purchase prices or claims, amortisation or interest
- Bonus arrangements of various kinds if the advantage comes to the employee and not the employer
- Having access to vehicles, boats, holiday homes or the like for private use
- Fully or partially paid pleasure or holiday travel

As a rule, advantages that exist only to create good relations and are not intended to influence decisions or similar are permitted, but this assessment should be made in close consultation with a legal counsel.

Examples of due advantages that are normally permitted

- Flowers or simple presents (under SEK 100), for example in connection with a departure, although not if connected with an examination or result
- Individual justified working meals of an everyday nature
- Simple marking of birthdays or illness



- Small product samples and simple ornamentation, as well as souvenirs

Informing a manager about a gift or reward does not make it lawful. However, if the employee immediately gives the reward back or shows that he or she does not intend to keep it, no bribery has occurred.

Questions that employees should ask themselves when something is offered by an outsider

- Why is this advantage being offered to me?
- Is there any connection between the advantage and the performance of my duties?
- What type of gift is it (see list of examples above) and what is it worth?
- What position and what influence do I have in the workplace, i.e. do I have the opportunity, directly or indirectly, to benefit the person who is giving the gift?

Gifts from students

It can be appropriate for a teacher to take up the question of receiving gifts from students right at the start of the course. It can sometimes be perceived as impolite to refuse a gift from a student. If the value of the gift is very low, it may be permissible to accept it, but it must then be completely clear that it cannot be perceived as a bribe. It is not only gifts from individual students that risk being seen as bribes; in the case of farewell gifts from a whole student group, the risk of a bribery offence must also be considered.

Summary

Remember that very strict requirements are set for employees in public administration. If you are offered a gift or advantage, ask yourself the questions above and make a total, objective assessment of all the circumstances that are of significance in this context. The higher the value of the gift, the greater is the risk of it being perceived as a bribe. To avoid difficult problems of where to draw the line, you should always choose to completely refrain from accepting gifts and advantages.

For advice in individual cases, contact one of the legal counsels in the Office of the President.