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Process
11.1 Operations and administrative law

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Guidelines for the handling of irregularities

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1. Introduction

Employees at Luleå University of Technology have a joint responsibility to maintain the public's and client's trust in the university's activities. Irregularities and other things that damage trust are things that can cause extensive and permanent damage to the business, both of a financial nature and damage in the form of a lack of trust from the surrounding society.

2. Purpose of the Guidelines

The guidelines aim to clarify the University's view of irregularities within its activities, to provide employees with guidance on how to proceed in the event of suspicion of or in the event of confirmed irregularities, and to establish procedures for investigative work in such cases.

3. The concept of irregularity

An irregularity is a dishonest or fraudulent procedure. The act must have been carried out intentionally, through negligence or negligence and entail a risk of harm or detriment to the authority. The conduct does not have to have taken place with the aim of obtaining unauthorised or unlawful personal advantage.

Actions or behaviour that may constitute irregularities are those that are contrary to law, regulations, agreements, guidelines or such normal requirements that follow from the nature of the employment.

The following are examples of what can be considered irregularities:

- misuse or misappropriation of the university's resources;
- breach of trust,
- abuse of a position of trust;
- lack of commercial conduct in connection with procurement;
- illegal or improper payments and benefits – See "Guidelines regarding taking and giving bribes at Luleå University of Technology"[1]
- improper use of the University's resources,
- decision-making power used to benefit the decision-maker or a close relative;
- espionage and sabotage;

[1] LTU-4251-2022

- conflict of interest – see "Guidelines for handling conflict of interest issues at Luleå University of Technology"[2]
- secondary occupations of a trust-damaging and competitive nature – see "Guidelines regarding secondary occupations at Luleå University of Technology"[3]
- misconduct in research/deviations from good research practice – see "Guidelines for the assessment of misconduct in research and other deviations from good research practice at Luleå University of Technology"[4]

4. Processing of irregularities

Suspicion of irregularities or confirmed irregularities must be investigated and measures taken. Pure mistakes, illness or that an employee has been assigned tasks for which he or she did not have the necessary skills or instructions may result in liability not being considered to exist. It is important to note that prior to the initiation of an investigation, the trade union organization concerned must be informed. Furthermore, the designated person must be offered support during the implementation of the investigation.

It is noted that a special procedure has been decided regarding misconduct in research/deviations from good research practice – see "Guidelines for the examination of misconduct in research and other deviations from good research practice at Luleå University of Technology".

In addition to this, special procedures have been developed due to provisions in the so-called Whistleblower Act[5]. In short, this Act provides protection in the form of discharge from liability in connection with breach of professional secrecy, as well as protection against reprisals and obstructive measures for those who - in work-related contexts - provide information about irregularities that are of public interest.

The procedures below for the handling of misconduct cases apply in the event that there is no other special processing procedure.

[2] LTU-2319-2022
[3] LTU-3564-2017
[4] LTU-253-2022
[5] Act (2021:890) on the protection of persons who report misconduct

4.1 Urgency

It is the responsibility of the University to carry out the investigation promptly and legally with legal certainty in the event of discovery or suspected irregularities, and to take the necessary measures.

4.2 Documentation and confidentiality

Documents prepared during the investigation process may constitute public documents which are thus public. However, some information may fall within the scope of applicable confidentiality regulations and thus become confidential. Confidentiality assessment must take place prior to the disclosure of documents and information regarding cases of irregularities.

4.3 Duty to communicate

Throughout the processing process, the designated person shall be given the opportunity to take part in all documents that are added to the case, from the notification to the summary report, and be offered the opportunity to comment on material that has been received.

4.4 Notification

If any form of irregularity is suspected, the immediate manager must be informed. It is then the responsibility of the person to report the phenomenon to the head of the support services, who will make a decision on the initiation of an investigation. It is also possible, where necessary, to contact a lawyer at the University's legal function directly in the event of suspicion of irregularities, in order to request the necessary measures.

4.5 Investigation

The investigation will be carried out by an investigation team led by a lawyer at the University's Legal Function. The group – whose detailed composition is decided by the head of support – will include resources from Area HR and other required expertise.

The results of the investigation shall be summarized in a report which shall include a report on the report, documents received, experiences from the implementation of the investigation, considerations and conclusions. The report must be submitted to the Vice-Chancellor together with a reasoned proposal for a decision.

The preparatory lawyer must present the matter to the Vice-Chancellor and submit a proposal for a decision.

5. Rector's decision on measures or referral to the Personnel Disciplinary Board

The Vice-Chancellor shall decide on the necessary measures. How intrusive the measures will be depends on how serious the irregularity is judged to be.

If it appears from the investigation and the circumstances in general that irregularities have not occurred or have been of a minor nature, the Vice-Chancellor may decide to dismiss the case without further action. In the case of misdemeanours of a minor nature, it may be a question of a decision to instruct the employee's manager to conduct corrective discussions with the employee.

Otherwise, if the investigation shows that irregularities of a more serious nature have occurred, the Vice-Chancellor shall decide on such immediate measures as are found necessary and refer the matter to the Personnel Disciplinary Board for a decision of a disciplinary nature and a decision on any charges being filed.