

**Report factual investigation
Department of Astronomy and
Theoretical Physics
Lund University**

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The assignment

Nils Ryde (referred to as NR or the claimant in this report), a researcher at the Department of Astronomy and Theoretical Physics, Lund University, placed a formal complaint 30th September, 2020 that he had been subject to victimisation and harassment. This was reported to Human Resources (HR) at the Department of Astronomy and Theoretical Physics. LifeWise AB was requested to conduct an investigation to assess whether the situations described in the report can be defined as victimisation and/or harassment, according to Swedish legislation concerning the work environment.

LifeWise conducted interviews with seven people. The first interview with the claimant October 16th, 2020, the second interview with the accused October 19th, 2020. Further interviews with the witnesses were conducted November 10th, 12th, 16th and 25th and December 7th, 2020. Two interviews were digital because of the ongoing pandemic. E-mail correspondence has also been reviewed, as well as a powerpoint-presentation dated 2015-08-15 (regarding resources), a report "Teknisk och administrativ support vid Institutionen för Astronomi i Lund" dated 2008-05-22 (regarding secretary resources), the accused own notes (referred to as MDs key points in this report) and a press release dated 2018-10-19. LifeWise has also had access to an OSA work environment survey that was conducted at the department during the spring of 2020.

The claim

In the claim NR addresses his experiences of victimisation and harassment. The formal complaint states that in several situations and over time NR has been subjected to different types of victimisation and harassment. Professor Melvyn Davies (referred to as the accused or MD in this report) who works at the faculty, is the accused party concerning these claims.

The purpose of this investigation is to investigate and determine whether the allegations specified in this report, of victimisation and harassment, can be defined as such according to Swedish legislation concerning victimisation and harassment and according to policies regarding the social and organisational work environment as well as Lunds University's internal policies.

The focus of the investigation

The focus of the factual investigation is to evaluate the complaints made by the claimant, NR September 30th 2020, regarding the incidents that took place between the parties (the claimant and the accused) during a period of several years. The investigation will also report any type of risk factors that may have contributed to the occurrence of victimisation, bullying or discrimination in the organisational and social work environment. The investigation does not take into account any other situations, nor does the investigation suggest any measures or decisive or legal action to be taken.

Method and theory

Factual investigation is a method that provides employers with an objective and reliable written evaluation concerning a claim of victimisation, bullying and discrimination in the work. The method has been developed by researchers, in collaboration with lawyers working within environmental law. The method factual investigation provides the employer with an objective evaluation of the

Client reference

Gunilla Thylander, Human Resources manager

Participants

Claimant: Nils Ryde

Accused: Melvyn Davies

Witnesses: Colin Carlile, Leif Lönnblad, Ross Church, Brian Thorsbro, Hampus Nilsson

Time frame

Formal complaint registered with HR: 30th September, 2020

Contract of Mandate signed: 4th October 2020

Interviews:

Nils Ryde 16th October 2020

Melvyn Davies 19th October 2020 (2nd and 5th December, 2020 - by phone and email)

Colin Carlile 10th November 2020

Leif Lönnblad 12th November 2020

Ross Church 16th November 2020

Brian Thorsbro 25th November 2020 by Zoom

Hampus Nilsson 7th December 2020 by Zoom

Consultants:

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situations specified in the claim, in compliance with legislation as well as taking into account the organisation's internal policies.

The factual investigation is based upon the principle of defense: each party has the right to submit their version of the events and to respond to what the counter-party or others express in defense of their case.

A factual investigation involves documenting the facts, by evaluating material collected through interviews with the involved parties, as well as witnesses, and also statements from interviews, e-mails, social media texts and other evidence. The principle purpose is to collect and report the facts only. These are documented in a report which specifies whether or not the situation can be regarded as a violation of the Swedish Work Environment Act (AML) and/or the Discrimination Act (DL (2008:567)).

The information collected is evaluated according to the context in which the situations have occurred. The factual investigation is documented in a written report which provides a reliable evaluation of the facts and a conclusion upon which the organisation can make a decision about possible measures to be taken. The report also includes issues in the organisational and social work environment which may have increased the risk of victimisation, harassment or discrimination such as leadership roles, organisational change processes, stress, unresolved conflict and/or unclear roles or tasks.

There are always two investigators, experienced organisational consultants who collaborate throughout the investigation in order to ensure objectivity and reliability.

When the report is completed and handed over to the client it becomes the property of the client organisation. This report as well as all material and evidence collected in connection to this report and the investigation will also be deleted on completion of this assignment.

Contract of mandate

Prior to the factual investigation, a contract of mandate is signed by the client organisation, giving LifeWise AB the mandate to carry out the investigation according to the method "Faktaundersökning". The mandate defines the employer's and employee's obligations when participating in the investigation, making sure that these are understood, accepted and agreed upon.

Disclaimer

LifeWise holds a neutral position and does not represent the interests of any one party. LifeWise reserves the right to not be held accountable for any possible misunderstandings that may have occurred during the interviews. This report has been requested in English, therefore the legislation and quotes from Swedish are translated into English. LifeWise cannot be held accountable for any possible incorrect translation.

Legal and organisational policies

Below we define the laws, policies and legal definitions relevant to the investigation and referred to in this report.

The employers obligations

The Swedish Work Environment Act (AML) aims to ensure that the individual employee has a work environment free of health risks and that they are protected against bullying and victimisation. Furthermore, it is an important principle that the employer should investigate whether conditions in the work environment can be a health risk to those involved or if they are more directly exposed to bullying and victimisation.

Chapter 3 also states:

1a§: "Employers and employees must work together to create a healthy working environment." (Paragraph amended by 1994: 579)

2§: "The employer shall take all measures necessary to prevent the employee from being exposed to ill-health or accidents. A starting point should then be that all factors that can lead to ill-health or accidents should be changed or replaced so that the risk of ill-health or accidents is eliminated. "

§ 2a: "The employer shall systematically plan, manage and control the business in a way that leads to the working environment fulfilling the prescribed requirements for a good working environment. He shall investigate work injuries, continuously investigate any risks at work and take measures to prevent and alleviate them. Measures that cannot be taken immediately should be scheduled. "

The employees obligations

4§: "The employee shall participate in the work environment work and participate in the implementation of the measures needed to achieve a good work environment."

AFS

In the guidelines "Organisatorisk och social arbetsmiljö" (AFS 2015:4) the organisational work environment is described as encompassing conditions and prerequisites for the work that include: Management and governance, communication, participation, room for action, and allocation of work tasks, as well as demands, resources, and responsibilities.

The social work environment deals with conditions and prerequisites for the work that include social interaction, collaboration, and social support from managers and colleagues.

AFS

"I föreskrifterna Organisatorisk och social arbetsmiljö (AFS 2015:4) beskrivs den organisatoriska arbetsmiljön omfatta villkor och förutsättningar för arbetet som inkluderar; ledning och styrning, kommunikation, delaktighet, handlingsutrymme, fördelning av arbetsuppgifter samt krav, resurser och ansvar.

Den sociala arbetsmiljön handlar om villkor och förutsättningar för arbetet som inkluderar socialt samspel, samarbete och socialt stöd från chefer och kollegor."

According to the Swedish Work Environment Authority, a starting point for preventing risks of abusive discrimination is that the employer primarily reviews the organizational conditions in the workplace. It is about how to organize your business, how to collaborate and communicate and how the work is led. Risks can be; ambiguity in terms of division of labor, expectations of performance and working methods, high workload, conflicts, reorganization, rationalizations and restructuring, which leads to insecurity and competitive relations between employees.

The Swedish Work Environment Authority's regulations (AFS 2015:4) provide the following guidelines regarding situations where employees have reported a serious incident:

"The employer is always obliged to ensure that the work can be performed without risking health and safety".

"The employer always has a responsibility to investigate an incident."

"Regardless of whether the reported incident leads to measures being taken or not, the employer is always obliged to investigate what happened and then take the necessary measures to prevent what happened from happening again."

AFS

"I föreskrifterna Organisatorisk och social arbetsmiljö (AFS 2015:4) beskrivs den organisatoriska arbetsmiljön omfatta villkor och förutsättningar för arbetet som inkluderar; ledning och styrning, kommunikation, delaktighet, handlingsutrymme, fördelning av arbetsuppgifter samt krav, resurser och ansvar.

Den sociala arbetsmiljön handlar om villkor och förutsättningar för arbetet som inkluderar socialt samspel, samarbete och socialt stöd från chefer och kollegor."

Enligt Arbetsmiljöverket är det viktigt att arbetsgivaren ser till att arbetsmiljön är god och att arbetet kan utföras utan risk för hälsa och säkerhet. Detta innebär att arbetsgivaren ska se till att arbetsmiljön är god och att arbetet kan utföras utan risk för hälsa och säkerhet. Detta innebär att arbetsgivaren ska se till att arbetsmiljön är god och att arbetet kan utföras utan risk för hälsa och säkerhet.

14§: "The employer must ensure that there are routines for how victimisation should be dealt with. The procedures must state

1. who should receive information that victimisation is occurring,
2. what happens to the information, what the recipient should do, and
3. how and where those who are exposed can quickly get help. "

The employer must make the procedures known to all employees.

Legal definitions

Victimisation

Victimisation is defined in accordance with the Work Environment Act as "acts that are directed against one or more workers in an abusive manner and which may lead to ill health or to be placed outside the community of the workplace". Note that according to the current definition, it does not have to be about repetitive behaviors.

Victimisation is a broader concept than discrimination and can, for example, be a rude response from one colleague to another. Examples of victimisation are: sexual harassment, derogatory or ridiculous comments about work, abusive comments on persons, opinions, appearance or privacy, aggressive outcomes, threats of violence or other violations, spread of rumors that undermine a person's dignity.

Discrimination

Discrimination is defined according to the Discrimination Act as anyone being disadvantaged or offended in connection with one of the seven grounds of discrimination, gender, gender identity or expression, ethnic affiliation, religion or other beliefs, disability, sexual orientation and age. Discrimination can be direct or indirect. Lack of access, harassment, sexual harassment and instructions to discriminate are also forms of discrimination.

Harassment

Harassment is a concept that occurs in the Discrimination Act and is defined there as an undesirable behaviour that violates someone's dignity with connection to the seven grounds of discrimination. It is the exposed person who decides what is undesirable and abusive. If an abusive behaviour contains any of the seven grounds for discrimination, it can be considered as harassment.

Lunds University's internal policies

According to Lund University's internal policy on equality, equal treatment and diversity, there is zero tolerance for abusive discrimination. Furthermore, it is clearly stated in the internal policies regarding abusive discrimination and discrimination that the employer is obliged to initiate an investigation if one of the employees feels exposed to such behaviour. If abusive discrimination is confirmed, measures to stop and prevent the abuse from reoccurring should be implemented as soon as possible. The investigation carried out should consider the workplaces' systematic reviews of the work environment and the regulation Organisational and social work environment, OSA, AFS 2015: 14.

All managers at Lund University must work to prevent victimisation. In order to be able to prevent victimisation, knowledge of the different aspects of the organisational and social work environment is required. This means that as a manager one must have the knowledge to be able to detect and deal with collaboration problems and other possible sources of victimisation at an early stage. The manager must be able to identify signs that indicate that victimisation is occurring, and need to have the ability to assess which measures are appropriate.

Managers are responsible for ensuring that ongoing reviews and interventions concerning the workplace environment comply with the legislation and the division of tasks concerning all aspects of the organisational och social work environment. Employees and students should participate in these tasks by taking responsibility for their own behaviour, following instructions and reporting risks.

Other definitions relevant to a factual investigation

Definition of conflict

A conflict can be defined as a situation "where one or more persons have wishes they are unwilling to let go of and when they feel that someone else is blocking them from fulfilling those wishes. When the blocking of important wishes remains, frustration arises, which drives at least one of the parties to act in one way or another towards the other party". In a conflict where this occurs, the behaviours can develop into and be defined as victimisation, harassment or discrimination, if they conform to the definitions of these concepts. However the difference between harassment and behaviours displayed in interpersonal conflict is not always completely clear.

Furthermore, secondary conflicts can develop from an original conflict. In this case there is an increased risk that emotions take over as that the conflict becomes more connected to personal attributes.

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The factual investigation of this report

The content of the formal claim and the interviews

The formal claim and the complaints made in the following interview statements are evaluated. The responses of the accused and witnesses to these complaints in the interviews specified below are also evaluated. The report is structured according to themes of the claims, as follows:

1. Control
2. Minimisation
3. Exclusion

Allegations of victimisation stated by NR concerning MD

1. NR experiences that MD tries to control and influence him through various statements and behaviors.

MD supposedly threatened NR by saying "if you don't follow my command you won't have a career in Astronomy".

From NR's complaint: "In one situation when I was forced to investigate whether we could cut down on the number of administrators (which made me unpopular among them) and I would annually report my research to Melvyn and explain what parts I had not had time to finalise since last year, I said I did not want to be involved in this and many other ideas. I was an independent researcher with a prestigious research position. I now realise that this was the beginning of a long painful journey with bullying and mockery as a result."

NR: "How Melvyn manipulates people to get them to work for them. I was supposed to investigate why we should reduce the number of administrators. I was his secretary. He wanted to document a reason for why we should do it. It was not an unreasonable task but you do not do that to people. One can obtain that type of information in other ways. It was a way to get rid of people. I talked to others who had been subjected to a lot of unreasonable things. I said, "No, I'm not doing this.""

From MDs key point: "Nils is correct that I asked him to look at issues related to the technical and administrative support at the dept. But he does not mention that I asked both him and Lennart Lindegren (a former prefect) to do it together. He also does not explain that Lennart and Nils were one of a number of working groups set up to essentially look at ways of saving money. We were setting up these working groups in May 2008 because we had realised we faced a major budget shortfall in the coming years unless we changed significantly how much money we spent."

MD: "This is about when he says that he is "hunsad". This was in late April and we looked at the budget and realised that we had an "underskott"... We had a challenge and had to figure out how to save money. Nils was away at the 5th of may-meeting. I then called him to tell him what we talked about at that meeting. Everyone knew about the financial situation. Lennart Lindegren is a former prefect. Dainis is a senior professor. Torben is a professor. It's not random. We needed people to go together. We paired them up because it's easier to do it together. So I paired them up with a senior and a junior. Lennart sent a report. He never complained at the time. I have gone through all emails from Nils. He never said that he didn't want to do that. Lennart was active in this and contributing to that. It's a misrepresentation of the reality."

Evaluation of the facts

The accused confirms the incident but denies the claim of victimisation made by the claimant. There are no witnesses. The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

MD supposedly threatened NR by saying "I will make sure you won't get a permanent position"

From NR's complaint: "It did not take long before it became clear to me that total loyalty and subordination to Sofia and Melvin's informal leadership and governance was required in order to avoid exclusion and minimization, but also to be able to "survive" as a researcher - which is also central in understanding the seriousness of the situation."

NR: "When we sat there, Melvyn became very angry and frustrated. The situation is etched in my memory. He then threatened me outright saying that if I did not do as he said, he would make sure that I would not get the desirable permanent position that I had been promised. This was a decision that Melvyn could make, as prefect and representative for the subject. I took this threat extremely seriously."

MD: "That's completely false...I never said that, and he knows the process. I have never ever heard of a person in that position not getting a position as a lecturer. The idea that I would have that power, what would be the reason, I mean what would you have to do? Maybe accuse him of fusk or something."

Evaluation of the facts

The accused denies this statement made by the claimant. There are no witnesses.
The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

MD supposedly forced NR to come to a meeting when he was on parental leave

NR: "I did all these strange things for him for a while. He forced me to come in and once I was standing outside with the baby, the baby was screaming and I stood outside. It is these underlying threats.

MD: "I completely recognize the important values when people are on parental leave. I wouldn't force someone to come to a meeting. It's offensive if I would say anything like that. It's an important point in Sweden, because there are different values in different countries."

Evaluation of the facts

The accused denies this statement made by the claimant. There are no witnesses.
The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

NR claims that MD controls NR by sitting in different committees

From NR's complaint: "When I applied for a promotion to be a senior lecturer, I was extremely nervous that all signatures would be in place and that Melvyn or Sofia, who always sat on important committees (at that time in the faculty board), would stop something. I still remember the horror, when it took a long time for the dean to sign it. I called and talked to people at the faculty several times, and was reassured each time. When I finally got the papers signed, I was extremely relieved. It became a journey of terror, when it should actually have been a triumphant journey. It's easy to become paranoid. But in this case, it was justified."

NR: "Sofia sits on 20 committees, she is everywhere. It's completely grotesque. She sits in power structures everywhere. For me, it's about being promoted or being proposed to a committee, she has the power not to let you in. Now that I am "ämnesansvarig" power structures look completely different. It is completely liberating. Then, when Melvyn was ämnesansvarig, you had to apply to him first, then you go up to the board where Sofia is a member."

MD: "There are a number of committees that I am on. Mostly because someone has appointed me. Ämnesansvarig for example was made by the board in 2008. I organize the seminars and I agreed to take over from Anders Johannsen. My utvecklingsamtal from 2019 was that I wanted someone to take over the seminars. A lot of what we do is driven from the grass roots. I get things going, I work with other people on them, but the idea that I run things to be powerful?"

RC: "I think until very recently they controlled every aspect of what happened at the department. A lot of it has been not always the position that they have had themselves but control they have had through other people. But yes also positions that have helped themselves. Melvyn was ämnesansvarig and that is a position with very much authority. Sofia was a master coordinator. There was a period when Melvyn was prefect, that was a disaster. I was not here, I only saw the aftermath. Since then they realised you don't have to be prefect to control. If you make a decision they don't like, it's not a pleasant experience."

Evaluation of the facts

The accused denies this statement made by the claimant. The witness confirms the subjective experience of the statement. The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

NR claims that MD controls the funds for presumptive doctoral students

From NR's complaint: "When I received my VR grant in 2014, I needed funds from the department to be able to advertise a new full-time position. The person responsible for the subject was Melvyn and I asked him if it was financially possible. He said he had to look at it but it would not be easy ... He does not advise me to apply (he sits on the committee) because it is so uncertain whether the department can contribute the funds needed in order to advertise a doctoral position. The day after my conversation with Melvyn, Sofia called a meeting to discuss doctoral studies. Then it turns out that it looks incredibly likely and that I would without problems get funds for half of a position. I am relieved and very happy and grateful (Hampus Nilsson was present at the meeting and can also tell where it happened). It turned out that it actually looked so good that even Thomas Bensby (in a position of dependence on Sofia) could then also be allowed to advertise an entire position on institutional funds. The reason was that we are at "the same stage in terms of research". I had received a whole doctoral position when I got my KVA research position from extra faculty funds because I chose to put my position in Lund. The faculty then went in with extra funds for a doctoral position, my first. Since Thomas did not receive that, the department would now, huxflux, provide a full time position for

Thomas. "All new senior lecturers have received this." The new funds I now received were the first funds I received from the department (half a job). The others were external funds, something Sofia pretended not to know of. Of course, Thomas Bensby will get funds for a doctoral position, especially when there is money available. But the whole power play between the living-together couple Melvyn and Sofia, which leads to extra resources for her research environment, was indecent. The clumping together, once again, of me with Thomas, who after all defended his dissertation four years after me, was once again pure belittlement of me."

NR: "It was at Fysiografen. It was money for travel expenses of a doctoral student. The department must cover half of these expenses. Melvyn said "it does not look good". He sits on the physiographer's committee. He said it is no point because we do not know if there is money for doctoral students. This is the day before Sofia calls a meeting about money for doctoral students. I had talked to her about this before the meeting, Lennart Lindegren, Melvyn and everyone. I have to beg for money and there must be a consensus. Melvyn is responsible for the finances and has control of the finances. Then when the meeting is over, there are suddenly places for 3 doctoral students. It would have been good to know that .. Then Sofia says, "yes Nils has applied for half a doctoral position". That was when Brian was going in. I was extremely relieved. Then, as in a skilled chess game, then there is another position and Thomas can have that one. Then he got funds for a full-time position, that generally doesn't happen – one getting funds for a full time position. As leverage, she used the fact that I had received money from the faculty, Uppsala gives a million extra as free money, LU gives a doctoral student position when you got a KVA position. So I got it when I arrived. So to compare me and him, Sofia treats us equally. Since I got a full-time position, she thought Thomas should get one too. It was not really true, it was money from outside but she doesn't distinguish that. Common practice is to co-finance so you get twice as much. We must have doctoral students because they are resources to merit us. You should teach doctoral students. You should not have to bow and beg for it. They have total power over the finances and the distribution of funds. Nobody has given them this. It is a matter of trust. "

From MDs key points: "NR did come to see me about the departments co-financing a PhD student the summer of 2015. At the time David Hobbs and I had a role of looking at budgets in astronomy (a role appointed to us by the prefect). We did some fairly complicated calculations which David summaries in slides for a meeting in the last week of August, 2015. With these calculations we decided at that meeting that department could indeed co-finance a PhD student with Nils (using his VR grant). And also that other new PhD students could be funded. And that one of these would be a student to work with Thomas Bensby. We then filled in and signed the Agreement form for financing a PhD student in astronomy, on 2015-08-28. Scan of the form was then sent to Nils and others. Regarding Fysiografen grant applications the deadline is around 30 September. So NR would have known in good time before the deadline that he has fundings for his PhD student. I did point out to Nils that in general Fysiografen were less likely to fund travel costs and a computer for an unidentified PhD student i.e. from the financing form see that the new student would only start in July 2016. "

MD: "It wasn't the day after, it could have been a week. David and I shared a role appointed by the prefect Leif. We did the budget at the time. Not everyone knows who does these things. Maybe when we got that role everyone should know, maybe it's not clear for everyone. We try to look forward to see if we can fund a PhD for 4 years. We pay some of the phd-students, mostly by grants but it's saying we can afford 3 phd-students. We could afford Nils's student. But also what else can we afford? This was 25th of august. 28 of august we filled in the form. We told Nils as soon as we got the answer. We done this calculation but because we did the calculation with all the money and that is why we decided to fund 2 more students. We have to discuss this collectively. I didn't say "this doesn't look good". I might have said that we have to look at it, that's my point. He knew that he got the funding. The problem is that Nils says things that are untrue. It makes no sense. The document says that he knows 28/8 that the uni is funding the phd. The phd starts in july 2016, the deadline for fysiografen is in september. Regarding the fysiografen he implies that I did because it was uncertain. Fysiografen weren't going to give travel money for someone who is not there. In practice that was the advice I gave him, that it's better to wait a little bit. He knows that because he had the form 28th of august."

HN: "No one knew what it looked like at the department, information about the funding were kept a secret. At the meeting, Melvyn and Sofia said that Nils got half a doctoral position and Thomas a whole. No one spoke out because it felt like there was the risk of it being taken from Nils. It was not

unreasonable for Thomas to get a position. But that they withheld facts, it is not certain Nils gets something and then at the meeting; now we are kind and give you half a position and then Thomas gets a whole position. This is not okay, I think more people reacted. It was so obvious that it had been settled in advance. What was specific regarding Nils was that they kept the information, they wanted him to sweat a little. I cant say what is true and what is not, but it is not unreasonable to me that it is as he says."

LL: "Melvyn and David had a general mission to look over it. We had a situation 2013/2014 when the numbers were in the red and the departments were individual cost centers and we had regular meetings with representatives from each of these centers in order to discuss funding assignments"

Evaluation of the facts

The accused confirms the incident but denies the claim of victimisation made by the claimant. The witness confirms the subjective experience of the statement. The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

2. NR feels in different ways minimised by MD

NR claims that MD minimised his work experience

NR: "No, it's more that I'm not worth anything. Though, Melvyn, there was once a student who got into trouble: He (MD) was an examiner. His name was Jonas Andersson. Melvyn was very critical of the approach to star atmospheres. Based upon Bengt Gustafsson, the great professor in Uppsala. He has read 2 pages in some kind of theory book and tells me how it should be done. Then I try to argue based on my 10 years of experience. This was when he completed his bachelor's thesis. It was in like 2009."

MD: "I don't even know for sure, I don't remember this, it was 11 years ago. I will tell you what I remember. I think I was critical because the writing wasn't clear. It's more about the quality. Criticism is part of what we do. I had a conversation with Nils afterwards. We criticised, both Henrik and I. The writing doesn't make sense. I didn't threaten anyone, I didn't say that it was bad for his career or anything like that. It's not victimization. It's really important. I am blunt. I try to help people practice their talk. I help people practice their talks at EAC."

Evaluation of the facts

The accused denies this statement made by the claimant. There are no witnesses.
The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

NR claims that MD never asks NR about his research

From NR's report: "In research, it is not the salary paid that matters, but the recognition. Not achieving recognition is like getting a bad review from one's colleagues."

NR: "It may not matter but on the whole. Little things like when you get a press release. Then it is completely silent, they say nothing. Not achieving any recognition means so very much."

MD: "I could imagine that I don't ask him about his research often. Just as much as he doesn't ask me about my research. It's about 50 people and a lot of research articles (about 60 a year). The idea that I never asked him about it is not true. I have shown an interest in his papers. I have never said to anyone to not read his papers. I read his papers. Reading everything would be reading about 40 articles a day."

Evaluation of the facts

The accused confirms the incident but denies the claim of victimisation made by the claimant. There are no witnesses. The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

NR claims that his research was diminished by MD for a long time

From NR's complaint: "As the only research group, I have been given observation time on the world's largest telescope, the American KECK telescope (3 times in a row) ... Sofia and Melvyn met this with total silence and do not mention a word about it. The feeling that gives me must, again, be understood in light of the dominant (informal) leadership they have exercised."

NR: "Your research does not exist. As the only Swede I got time on the largest telescope in the USA, 3 years in a row and they don't mention a word about it. Everyday in the corridor, you must be pay notice to each other. If you are not seen, you do not exist....I am incredibly happy to have been able to use this telescope. No one else has done it and it's great. It is fun. The research received a press release on the university's front page. They didn't say a word about it. They don't even mention it. They should say "oh wow that's great". Then there was a meeting about the new telescopes we had 3 years ago. At this meeting they said that it will be exciting because in Sweden no one has used Keck. Nah, yees, I did. I'm so happy I got to use it. "

From MDs Key points: "I followed the link to the press release on Nils Ryde's webpage. I went back to check what has happened during that week (week beginning Monday 8th October 2018). The press release came out on 9th October, so probably out in the department for 10th-11th. Checking my diary I see that this week was unique for me in my time in Sweden. I had to go to see a doctor at the Vårdcentralen. I made the booking on either the 9th or 10th and saw a doctor on the 11th. So I was pretty distracted that week"

MD: "I didn't see the press release so I never commented on it. I was at the doctors with my elbow."

RC: "In general an email would go around. We would be told about it, it's impressive. You become congratulated. There was one very recent with Brians work. I didn't see it on the coffee table. I should have gone to Nils and congratulate him, that would be an obvious thing to do."

LL: "Normally you would expect that, there are some prints in the coffee room, an article maybe and I would have put it there if I had a press release.... Yes, I think so. I would have said "oh, how nice."

Evaluation of the facts

The accused confirms the incident but denies the claim of victimisation made by the claimant. The witnesses confirms the subjective experience of the statement. The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

NR claims that MD removed the press release from the coffee table

From NR's complaint: "In this context, I can also mention that on the day of the press release, I put a printout of the press release on the high round small coffee table in the kitchen where today's interesting article printouts are available, to inform those interested. When I come back shortly afterwards, it's gone, but not the other items. I do not know who had removed it. "

NR: "We have a coffee table where Melvyn usually puts interesting articles. I put my press release there. A few hours later it's gone. He puts it out, no one else has the energy. Someone has removed it but I do not know who could have done something that stupid if not Melvyn. "

MD: "The press release, I absolutely deny taking the press release from the coffee table. It's a bizarre explanation. Something embarrassing happened to me that week. The press release was October 9th. I looked it up and that doesn't happen very often. I never took anything from the coffee room."

Evaluation of the facts

The accused denies this statement made by the claimant. There are no witnesses.
The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

NR claims that MD criticised his research

From NR's complaint: "Ross Church told me (4th September, 2020), while apologizing for what he caused by being Melvin's henchman, that he had never read any of my scientific articles, and this was because Sofia and Melvyn told him they are not worth reading. "

NR: "Ross has told me that my research was worthless. He came in and apologized to me. I have no grudge against him. I told him that I know how he has been forced into this role. I know that underneath he is nice. He is a very good researcher but he has acted for Melvyn. He said it implicitly. He said I'm sorry I didn't read any of your articles because M&S have said it's not worth reading. "

MD: "I completely and utterly deny saying that. I never said that to Ross. I have never said that. Why would I put it (his research) on RQ20 if I thought it was worthless. Whenever we have a concrete moment I can prove that it's untrue. He is clearly not happy."

RC: "Yes that's true...The insinuation "why would you read this, it's not interesting"...I think they don't like having colleagues that they can't control. Nils has always been independent, not putting up with this. He ended up outside the circle. It's a powerplay."

RC: "He was, behind closed doors, very critical against Nils. He insinuated that his work wasn't good, he also criticised how much work he did...I can't think of a situation that he has been positive about Nils for the 10 years we have been working together...Quite a lot..There were lots of these little criticisms along the years. Nils was a studievägledare, it's a job that requires a lot of work. Melvyn would tell me behind closed doors, he would insinuate that Nils didn't do it very well and that he didn't put much effort into it. I remember it because it was a departmental duty and his teaching was always very good. In order to become an ETP (excellent teaching practitioner), it's a pedagogical qualification. He's the only person with this in Astronomy in Lund and that tells you how good he is."

how would
you know?

Evaluation of the facts

The accused denies this statement made by the claimant. The witness confirms that the situations implying victimisation have occurred. The alleged experience of victimisation can be proven according to the evaluation of the facts.

NR claims that MD gives his student BT a hard time as a way of minimising NR's research

From NR's complaint: "Brian Thorsbro was the best student I had taught in the basic course in Astronomy (which I held for 5 years). Melvyn also thought that Brian was a catch for the department when he later took additional courses and wanted to continue at the department. However, Brian chose to work with me as a master's student, which I was very proud of. According to Ross Church (September 4, 2020), Melvyn then said that Brian was no longer someone you could hope to work with anymore ... His dissertation really did not have a chance for higher grades. Thomas Bensby (dependent on Sofia) was the examiner. However, Dainis Dravins, who is the department's representative at the doctoral students' development talks, has a completely different and more realistic picture of Brian's capacity and level of research. Brian was thus judged by Melvyn ... because of his work with me. Probably the reason was to prove that I do not carry out any good research ... Brian is strong as a person and could see beyond this silly talk and he knew his own value. In this situation, he managed himself ok. However, this does not apply to everyone."

NR: "He was very talented. When they start the basic courses, you want to snatch them up. He was the kind of person everyone wanted to get. Ross said that Melvyn also thought so. He is my age and has had his own companies and was financially independent. He started studying astronomy and decided he wanted to do a dissertation with me. Then Melvyn tells Ross that there is no point in bothering about him anymore. He has no value."

MD: "I didn't say anything about that. I have no idea that I have said this. I did not say this."

RC: "Brian Thorsbro was performing very well in courses and Melvyn was very keen on involving him in things because he was clearly very capable. But then BT decided to work with Nils and I remember one of these meetings at Melvyn's office he said: "Brian has decided to work with Nils so he is not of interest anymore"."

MD: "I don't remember that conversation, it could have been in a context of recruiting a master candidate."

BT: "When I did my dissertation, I started to take some of Melvin's courses. Then we talked about changes and some of them have been implemented. Since I started working with Nils, communication has stopped. No collaboration or further discussion have taken place since then. Small talk in the corridor but no more than that ... It was clear that it had to do with Nils. Nils had put out a vacant doctoral position and Thomas had a vacant doctoral position and I chose the wrong one. I think I chose the right one, I would like to say. "

Evaluation of the facts

The accused denies this statement made by the claimant. The witness confirms the subjective experience of the statement. The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

NR claims that MD gives his student MF a hard time to prove that NR's research was worthless

From NR's complaint: "Mohsen Farzone was another student who was crushed by Melvyn (see his report to the Faculty in 2012). He then started with me as a master's student and was harassed, among other things, because he did not "work" hard enough, according to Melvyn and Sofia. He was hard hit by Melvyn and Sofia, and I took it very badly. It was, among other things, his association with me that caused these harassments. They wanted to get to me and prove that my research was not

worth much. I felt an enormous frustration and powerlessness that I was the cause of what he was difficult situation."

NR: "He told me what he thought. He was Melvyns candidate and it was awful. Melvyn said "now you will do this and that". Then Mohsen said "no, I won't do that". After that he became a master student with me. Then Melvyn got on his case and Sofia said in the kitchen "he is so annoying". He filed a report with the faculty against Melvyn. [REDACTED]

[REDACTED] He was crushed by the system. It's word against word. We see the systematics in it. When I was his supervisor, I saw how badly he was affected. It was difficult to see him like that. Nothing happened after it was reported. There was one meeting to talk about it then it is dismissed. "

From MDs key points: "The complaint was made by Mohsen Farzone and Kalle W Jansson. Mohsen and Kalle met Gunilla Thylander and Leif Lönnblad on 2012-03-05. No written complaint that I ever saw. Both Mohsen and Kalle worked on bachelor theses with me earlier (2010). Complaint concerned my interactions with them during supervision of their projects with me. I met Gunilla and Leif on 2020-03-14. Then I met with Kalle with meeting going well and differences were resolved."

MD:" He did this with one other student. It was with Kalle Jansson...Mohsen was a bachelor student, I think back in 2010. They worked with me. They said that I was a bit pushy, I pushed less. Mohsen didn't like that we had a set meeting every week. He found it too stressful so we arranged for him to come when he put together something new. I taught Mohsen a couple of courses. It's not about Mohsen doing a project with Nils. It was about my interactions and it was fair. I was a little too invasive. That his private space was invaded. I came into his room and he looked gloomy. I told him to take a walk and enjoy the sun because that's important. I think it was good advice, get out, exercise and eat healthy food. He thought that was too invasive...That I crushed him, that's absolutely rubbish"

LL: "We had a meeting with Melvyn and the two students and it led to Melvyn saying that he would improve. Mohsen and Kalle. As far as I understand, it was all dealt with. I had no reason to bring it up any more. "

Evaluation of the facts

The accused confirms the incident but denies the claim of victimisation made by the claimant. The witnesses confirm the incident. The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

3. NR describes feeling excluded

NR claims that MD manipulated people to exclude NR

From NR's complaint: "Melvyn and Sofia's behavior has meant an isolation of my research in my field at the observatory that Sofia, Thomas, to some extent Ross (at the time completely controlled by Melvyn, i.e Sofia's partner) and their doctoral students conduct...I can see no other reason for this other than that they have been advised to do so. This has been a very hard situation of exclusion for me. Ross Church and Thomas Bensby have been in a strong position of dependency and acted on behalf of Sofia and Melvin, when they also have displayed victimisation behaviour. However, I am absolutely convinced that they have not acted on their own behalf. Ross has also admitted that he was manipulated by Sofia (and also Melvyn) and apologized for his behavior towards me."

NR: "They manipulate other people and it should absolutely not be like this...Ross Church has been manipulated by them. If you do not do as they say, you won't get a permanent position, etc. You are extremely vulnerable. Some act in a certain way. Ross has told me a lot and he has become aware."

MD: "I have forskningsföreläsningar, seminars. I always ask for seminar speakers. The interaction is often made at coffee. September 18th I sent an email about a seminar speaker that's relevant for Nils and I am letting him know. I have konferenser every year. Every February we have a meeting"...for all". Nils was an organizer. He was really involved. I have not excluded him. I don't understand how...RQ20 - I was involved in the astronomy bit of that. I was the ämnesansvarig. I was the mail contact. We had a meeting on zoom with this panel. I show slides that I put together. Only 3 of the academic staff were involved. Nils was one of them. I pointed out how good he was...This about Ross being in "beroendeställning" or that I am controlling Ross. They must be independent. A key merit is to demonstrate that. He is saying that these people are controlled by me. Ross has been very upset having read the working environment survey. I think that he thinks it's a verdict. It's a

sammanställning of what people have said. It's not the same. I don't think he understands that based on emails from him. The department has not done a good job explaining that to people."

BT: "Well, I would say they never talk about it (NR's research) ... They ignore or exclude his research."

RC: "Melvyn speaks a lot, it's an enormous volume of words whenever you interact with him. He has a tendency of dropping criticism, I absorbed his opinion without thinking about it. It's a form of manipulation. He operated as if there is a circle, people who he likes and people who he doesn't like. And the people he doesn't like he criticizes. If you are in the circle his behaviour is extremely different. His behaviour in public, towards me he has always been friendly and supportive but the things I had not seen before. Asking challenging questions in meetings, that's ok if you trust the person...He was, behind closed doors, very critical against Nils. He insinuated that his work wasn't good, he also criticized how much work he did...I can't think of a situation that he has been positive about Nils for the 10 years we have been working together...Yes I have to say I have (excluded NR), sadly...Because I internalized these opinions of him and then I suppose I treated him as they were true. I hadn't worked with him and I didn't have a true opinion. He was always standoffish to me because I was Melvyns tool."

speculatively

CC: "Sofia and Melvyn have succeeded over 12 years to reduce the scientific impact by pushing different areas out. They want to push out Nils because he does the same thing. To be able to dominate the whole thing."

Chodi!

Evaluation of the facts

The accused denies this statement made by the claimant. The witnesses confirm that the situations implying exclusion have occurred. The alleged experience of victimisation can be proven according to the evaluation of the facts.

NR claims that MD excluded his research on the institutions web page

NR: "One example is the website. Your research does not exist...What is on the website is what we do. When we look for external financiers, they search on the website and if you are not listed there, they wonder why you should give funds. Dainis and I are not involved, so we cannot be eminent researchers."

MD: "I have some notes. Keeping web pages up to date is hard. I wasn't in the first email. Nils quotes from Dainis email but he excludes the first paragraph. Dainis says it needs a clear improvement. "

RC: "I was asked to redesign the research pages on the website. When Melvyn asks you to do things he always has a detailed plan on how to do it. He has a micromanagement-way of doing things. There were a set of boxes describing research done in the department and none of them had Nils's work in them. This was a way of pushing his work further. If your department does not mention your work on

the website that says something of how your worth is valued....Melvyn said that "this is a really small part of what we do here". I should have taken a step back and thought about it."

Quote from email 2013-11-08. RC: "In connection with the PhD position that we will advertise shortly, Sofia asked me to update the departmental research webpage."

Evaluation of the facts

The accused confirms the incident but denies the claim of victimisation since he after feedback changed the information. The witness confirms the claimants experience of the situation. Since the accused change was in accordance with the complainant's wishes, the accusation of violation cannot be substantiated according to the facts that have emerged in this investigation.

NR claims that MD demands full loyalty to avoid exclusion

From NR's complaint: "It did not take long before it became clear to me that total loyalty and subordination to Sofia and Melvin's informal leadership and control was required to avoid exclusion and to be minimised, but also to be able to "survive" as a researcher - which is also central to understanding in order to realise the seriousness of this situation. "

NR: "Mohsen is one example. If you go against, it will be difficult. Magnus Axelsson was here for a period and was exposed to Melvyn's behaviour, he went against him and got to experience how it is. After that it is impossible to work your way back. If you are convicted, you are convicted. Then they have all this power and distribute services and money. "

MD: "I don't know what he means by that. It's a vague non quantitative statement. It's fiction that I have these people that I run. "

Evaluation of the facts

The accused denies this statement made by the claimant. There are no witnesses. The alleged claim of victimisation cannot be proven according to an evaluation of the facts.

A summary of the evaluation of the facts in this investigation

The situation regarding excluding the claimant by criticizing his research is denied by the accused. Witnesses confirm the claimant's description and the situation can be defined as victimisation based on the definition in AFS 2015:4.

The situation regarding slandering the claimant and manipulating others to exclude him is denied by the accused. Witnesses confirm the claimant's description and the situation can be defined as victimisation based on the definition in AFS 2015:4.

The remaining fourteen accusations cannot be substantiated as the accused denies the situations, the accused has a different view of the situation, there are no witnesses or the witness cannot substantiate the claimant's description. Thereby the situations cannot be assessed as being severe enough to be defined as victimisation from the facts presented. The factual investigation concludes that regarding these fourteen charges no violations have occurred based on the definition in AFS 2015:4).

Conclusion

The factual investigation concludes that the accused has committed violations of the Work Environment Act regarding two accusations.

The two accusations concerning victimisation have been individually assessed. Each accusation is separately defined as victimisation according to an evaluation of the facts.

The first accusation concerns how the accused criticized the claimants research. The second accusation concerns how the accused humiliated the claimant and manipulated a co-worker to exclude him. The witnesses present in these situations confirm that the accused expressed himself negatively and condescendingly towards the claimant's work. The assessment of the situations based on the context is credible. The descriptions of the situations that took place are not behaviours that a co-worker should be exposed to in the workplace. Both parties hold positions in an academic hierarchical structure and as such there is an imbalance of power in the workplace. The situations have contributed to significant psychological stress for the claimant, and this has also to some degree contributed to exclusion from the workplace.

Clarity regarding the roles and responsibilities of leadership as well as clarity regarding the employee's tasks, work roles and division of responsibilities is crucial for a healthy organizational and social work environment. This is also of great importance for preventing risks in the work environment such as conflicts, abusive discrimination and discrimination

According to Swedish law (AML) the employer should take measures to maintain a healthy work environment and take measures to alleviate possible risk factors in order to achieve this.

But what about other legal considerations that may weigh more heavily and included this conclusion?

Antisocial!

retentivitas
konst
men retentivitas är inte vilka
när arbetsplatsen
kan hållas

Psychological stress

Below are relevant quotes from the claimant regarding his perceived psychological stress caused by the reported victimisation

From NR's complaint: "Melvyn Davies, but above all Sofia Feltzings, victimisation has created great ill health for me. Crucial to understanding how my experiences of the victimisation have affected me is to keep in mind the strong, albeit informal, leadership the couple Sofia and Melvyn have exerted at the department...During all the years I have been in Lund, I have at the annual employee talks with the prefects been told about the attacks and the victimisation, every year ... After this flagrant case with Maria Lomaeva that led to it being reported, I told the prefect Anders Johansen that Melvyn and Sofia can beat me but that their attacks on my students must come to an end. I demanded that neither Melvyn nor Sofia, nor any of their subordinates who are in a position of dependency, be allowed to be examiners for my students."

NR: "Scientifically speaking, I have had a good situation. That's my reason for being here. But it has been very difficult to be so excluded. It is extremely hard because it has affected my students. This is what I think about 24/7. You try to push it away. Frustration. Powerlessness. Feeling of injustice. Exclusion. What we usually call bullying."

1. The claimant has
 2. The claimant has
 3. The claimant has

4. The claimant has
 5. The claimant has
 6. The claimant has

7. The claimant has
 8. The claimant has
 9. The claimant has

According to Swedish law (AML) the employee has a responsibility to collaborate with the employer and co-workers concerning measures which alleviate risks and contribute to a healthy social and organisational work environment.

According to Swedish law (AML) even employees should contribute to a healthy working environment. All management and employees at all levels should bring attention to any risks or factors which could have a negative effect on health and safety and also collaborate to eliminate and prevent them.

The employer has, according to The Swedish Work Environment Act (AML) and Lund University's policies regarding prevention of victimisation, in this instance concerning this factual investigation neither succeeded in preventing nor stopping the alleged victimization of the claimant.

When a violation of the Work Environment Act has occurred, "employers must take the necessary measures to ensure that what has happened does not happen again". The accused has despite meetings and an investigation (OSA) of the social and organizational working environment continued with behaviours which risk health and safety of the social and organizational working environment.

An evaluation of both the above facts and situations concludes therefore that victimisation has contributed to the claimant's exclusion from the social community within the workplace. This assessment takes into account the context in which the situations have taken place.

The factual investigation report

This report provides an independent, objective analysis of the specified situations that have occurred and evaluates the facts in these situations according to Swedish legislation and organisational policies.

The organisation is responsible for any subsequent decisions and/or interventions based upon this report. This report becomes the property of the client organisation after completion. All material in connection with this investigation is deleted once the assignment is completed.

Abbreviations and definitions

| | |
|-----|--|
| NR | Nils Ryde |
| MD | Melvyn Davies |
| CC | Colin Carlile |
| LL | Leif Lönnblad |
| RC | Ross Church |
| BT | Brian Thorsby |
| HN | Hampus Nilsson |
| AML | Work Environment Act (Arbetsmiljölagen AML) |
| AFS | The Swedish Work Environment Authority's regulations |
| LU | Lunds University |

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