

BETA guideline for dealing with undesirable behaviour

The purpose of this guideline is to describe actions that we can take at our faculty when it comes to students that display undesirable or intimidating behaviour. It goes without saying that we will first explore all other options before resorting to any of these actions. This guideline serves as a handle for situations that cannot be solved in any other way.

1. Background

Although the number of students involved is fortunately still limited, every year there are students at the BETA faculty who repeatedly show undesirable or intimidating behaviour (which may or may not result from psychological problems), causing disturbances for VU students and staff.

Examples include discriminatory comments, threats, stalking etc. – either in face-to-face setting or via electronic channels.

When such a situation arises, we discuss the incident with the social safety coordinators (centrally appointed at VU) during BETA case meetings. It has become clear from these meetings that there is a need for a guideline that programmes can use to take measures against the students involved. This memo will first summarise what has already been established across VU (§2) and will then translate this into a faculty guideline (§ 3).

2. What has already been established across VU?

VU has drawn up a Student Charter ¹ which outlines:

- I. Rules of conduct for students and staff;
- II. Disciplinary measures in case of undesirable behaviour;
- III. Due process for taking disciplinary measures.

Ad I.: Rules of conduct

The Student Charter (chapter 10) states: “VU expects students and staff to adhere to certain norms of conduct and behaviour. This includes dealing with each other respectfully, which is manifested in the style and tone of communication, both in face-to-face setting as well as via electronic channels” .

The Code of Conduct and disciplinary measures state that:

- a. no damage, either direct or indirect, is caused to the university and/or to third parties, and that
- b. they do not cause a nuisance;
- c. they do not infringe on the rights of the university or the rights of a third party;
- d. they do not break the law or fail to abide by statutory provisions;
- e. they perform no act nor omit any act in violation of written or unwritten law;

1. https://assets.vu.nl/d8b6f1f5-816c-005b-1dc1-e363dd7ce9a5/c00cc90a-3da3-4ebd-a565-da1f6125e50f/Student_Charter_2010-2020.pdf

- f. they do not breach the regulations in force at Vrije Universiteit Amsterdam.

Ad II. : Disciplinary measures

The Student Charter states the following regarding disciplinary measures taken in response to undesirable behaviour:

If a student disrupts proper procedure or breaches these house rules, then one or more of the following measures be taken:

- a. The student may be issued a warning by a lecturer or other staff member;
- b. The student may be ejected from teaching/study facility by a lecturer or other staff member;
- c. The student may be denied access to the lectures or seminar of a specific lecturer at the lecturer's request or at the request of the Faculty Board;
- d. The student may be given a written reprimand by the Faculty Board;
- e. The student may be denied access to the university campus for up to seven days by the Faculty Board. The Executive Board will be informed of the measure and may decide to prolong it or extend its reach.
- f. The student may be ejected from the university for up to one year by the Executive Board in the case of serious misconduct or repeated violation of the rules of conduct.
- g. The student may be ejected from the university permanently by the Executive Board in particularly serious cases of misconduct.

The chapter on the termination of enrolment (chapter 3.3) refers to "serious misconduct with respect to employees or other students of VU Amsterdam" but also to "serious violation of the Code of Conduct, or if the student is likely to act in violation of this Code of Conduct" and that "a violation of Dutch law will be considered to be a serious violation of the Code of Conduct".

Ad c: Due process

Regarding the procedure to follow in case of undesirable behaviour "The student involved will be heard by or on behalf of the Faculty Board (instances c, d, e) or by or on behalf of the Executive Board (instances f, g) prior to the ruling on the disciplinary measure. The severity of the disciplinary measure must be proportionate to the seriousness of the offense. Recidivism may lead to more severe disciplinary measures, at the discretion of the Dean of the faculty or the Executive Board".

3. Faculty guideline

Translating the Student Chapter to the situation at our faculty results in the below guideline for dealing with undesirable behaviour.

Please note that, as a rule, the steps in the guideline should be taken in the order in which they are listed. Each next step is only taken if this is absolutely necessary, in other words, if there is no improvement in behaviour. Only in very severe situations, where things quickly get out of control, can some of the steps be skipped.

We all need to be aware of the fact that a course coordinator is expected to monitor or even safeguard social and physical safety on behalf of VU, which is no easy feat.

We use the term course coordinator on purpose to avoid confusion as to who should take action, yet please note that the Student Chapter explicitly states the following rule: *Instructions issued by university*

employees must be followed in the context of maintaining order and the procedures during teaching, practicals, exams and the like.

Within the context of this guideline it is of crucial importance that the student is heard anew for every next step. This is because the student should get the opportunity, when told that a certain disciplinary measure is being considered, to share their own view on their behaviour and to decide to adjust their behaviour. In conclusion, if the student involved comes across as confused and (most probably) has psychological problems, the programme has a duty of care to attempt to find a suitable solution. It might then be more beneficial to provide the student with extensive support rather than enforce disciplinary measures.

Guideline for dealing with undesirable behaviour

For a first incident, the below 3 steps will be taken (a and b and c)

- a. Verbal warning and ejection from teaching/study facility by a course coordinator or other staff member, plus – for the purpose of creating an official record – an email sent to the student describing the incident. The description of the incident should be formulated as specifically as possible (where/when/how). As an example “the student did not have a respectful attitude toward the teacher and other students during the lecture” is too vague. Instead, state explicitly in the description in which way the student did not show respect, using which words/actions, and in which tone etc. If the student responds to the email, this should also be kept on file;
- b. Reporting the incident to the Faculty Board (attn. Mareanne Karszen, Director of Education) by the course coordinator or other staff members in specific terms.
In response to the report social safety coordinator will be informed.
- c. Conversation with the student in relation to the incident reported with the Director of Education (representing the Faculty Board) and the Head of the Education Office. The programme management will be informed and, if necessary, involved in the matter.

If the student’s behaviour does not improve, the course coordinator or programme management will report this to the Faculty Board in specific terms (where/when/how); once this is done the below 3 steps will be taken (d and e and f).

- d. Message to the student by the course coordinator (and/or programme management) stating that the case will be escalated to the Faculty Board. Again, the description should be as specific as possible.
- e. Invitation for the student to be heard by the Faculty Board. After the hearing the student will receive minutes. The Faculty Board involves a social safety coordinator; it is preferable that the coordinator is present during the hearing.
- f. Written reprimand by the Faculty Board and an announcement that disciplinary measures may be taken if the behaviour – described in specific terms continues. These measures may constitute limited access or denial of access to the university campus, but can also take a digital form (for instance the temporary deactivation of their VUnetID).

If the student again fails to improve their behaviour, the course coordinator or programme management will report this to the Faculty Board in specific terms (where/when/how); once this is done the below 2 steps will be taken (g and h)

- g. Invitation for the student to be heard by the Faculty Board. After the hearing the student will receive minutes. The Faculty Board involves a social safety coordinator; it is preferable that the coordinator is present during the hearing.
- h. Denial of access to the lecture/seminar and university campus by the Faculty Board *for a maximum of seven days*. As part of this the VUnetID will be deactivated for seven days. The Executive Board will be informed. The student will be informed of this in writing by the Faculty. This will be accompanied by an announcement that more severe disciplinary measures may be taken if the behaviour continues and that the case will be escalated to the Executive Board.

If the student again fails to improve their behaviour, the course coordinator or programme management will report this to the Faculty Board in specific terms (where/when/how); once this is done the below 2 steps will be taken (i and j)

- i. Invitation for the student to be heard by the Faculty Board. The hearing should make clear that the Faculty Board intends to nominate the student for suspension for a longer period or even for termination of enrolment. After the hearing the student will receive minutes. The Faculty Board involves a social safety coordinator; it is preferable that the coordinator is present during the hearing
- j. Escalating the case to the Executive Board by informing the student in writing. The written communication should include an appeal/objection clause at the bottom to inform the student of their options.

Please note that for all of the steps outlined above the following rule holds: any measures taken *cannot* involve participating in assessments, as this is the domain of the Examination Board. The Faculty Board and Executive Board must mention in their communications to the student that the Examination Board will be informed of the measure. If the measure prevents the student from taking an exam, they are entitled to submit a request to the Examination Board asking for an alternative assessment.