



VRIJE  
UNIVERSITEIT  
AMSTERDAM

HRM,  
Arbo & Milieu

## Regeling Ongewenst Gedrag *Inappropriate Conduct*

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The Inappropriate Conduct Regulation aims to ensure a wholesome climate for study and work at Vrije Universiteit Amsterdam. The regulation is based on Article 1.12 of the Collective Labour Agreement, Article 3 of the Working Conditions Act, Article 2 of the Management Regulations of Vrije Universiteit Amsterdam and the general standards that apply within Vrije Universiteit Amsterdam for matters related to integrity.

Collegiality, respect and consideration for others are all part of the norms of behaviour that are expected in a healthy study and work environment. Inappropriate conduct, on the other hand, will be reacted to immediately and corrected swiftly. A climate such as this calls for an active contribution from VU Amsterdam employees and students, not only with regard to our own individual behaviour, but also by nurturing a vigilant attitude towards any form of inappropriate conduct that may crop up in our work or study environment. Inappropriate conduct should always be addressed, either by confronting the individual or individuals involved directly, or by calling in the assistance of third parties.

### **Scope of the regulation**

This regulation applies to all staff members and students of Vrije Universiteit Amsterdam and other individuals as referred to in Section 1 who are present on the grounds or in the buildings of Vrije Universiteit Amsterdam.

**Section 1 Definition of terms**

University:	Vrije Universiteit Amsterdam
Executive Board:	The Executive Board of the university;
Collective Labour Agreement:	The Collective Labour Agreement for Dutch Universities;
Inappropriate conduct:	Verbal, non-verbal or other physical or digital conduct or behaviour that affects the personal integrity of another person, including harassment, discrimination, sexual harassment, racist behaviour, aggression and violence.
Report:	Notifying a confidential counsellor verbally or in writing of alleged inappropriate conduct.
Informant:	An individual <ol style="list-style-type: none"> <li>1. who has been the victim of or who has observed alleged inappropriate conduct in the context of their studies or their work at the university and</li> <li>2. who submits a report on this conduct to a Confidential Counsellor and</li> <li>3. who at the time of the alleged inappropriate conduct             <ul style="list-style-type: none"> <li>• had an employment contract with the university or worked at the university in another capacity, or</li> <li>• was registered as a student or external student at the university, or</li> <li>• had courtesy privileges, or</li> <li>• was taking a course or programme under the auspices of the university, or</li> <li>• was present on the university grounds as a visitor.</li> </ul> </li> </ol>
Complaint:	A written complaint about the alleged inappropriate conduct submitted by a complainant to the Executive Board;
Complainant:	An individual <ol style="list-style-type: none"> <li>1. who has been the victim of alleged inappropriate conduct or who has noted the occurrence of inappropriate conduct on the premises of Vrije Universiteit Amsterdam, or in the digital work or study environment of the university or on a field trip and</li> <li>2. who has filed a complaint with the Executive Board and</li> <li>3. who at the time of the alleged inappropriate conduct             <ul style="list-style-type: none"> <li>• had an employment contract with the university or worked at the university in another capacity, or</li> <li>• was registered as a student or external student at the university, or</li> <li>• had courtesy privileges, or</li> <li>• was taking a course or programme under the auspices of the university.</li> </ul> </li> </ol>
Field trip:	the collection of research data as part of the curriculum by groups of students outside the buildings or grounds of the university and under the supervision of a university employee or a person who works for the university in another capacity.
Accused:	An individual <ol style="list-style-type: none"> <li>1. against whom a report or complaint has been filed and</li> <li>2. who at the time of the alleged inappropriate conduct             <ul style="list-style-type: none"> <li>• had an employment contract with the university or worked at the university in another capacity, or</li> <li>• was registered as a student or external student at the university, or</li> </ul> </li> </ol>

- had courtesy privileges, or
- was taking a course or programme under the auspices of the university, or
- was present on university grounds as a visitor (only applies to reports).

Confidential counsellor:  
Complaints Committee:

The person referred to in Appendix 1. Confidential Counsellors Regulation;  
The committee appointed by the Executive Board, as referred to in Appendix 2. Complaints Committee Regulation.

## **Section 2 General**

### Article 1

Prohibitory provision

All persons listed under 'accused' in Section 1 are forbidden to engage in inappropriate conduct in the buildings or on the grounds of the university or in the digital work or study environment of the university or on a field trip.

### Article 2

Confidentiality in the case of a report/complaint

1. All reports and complaints will be kept confidential. This means that anyone who is directly or indirectly involved in the report or complaint must maintain confidentiality with regard to the report or complaint.
2. The provisions of the previous paragraph do not apply to the confidential counsellor or to legal counsel in the client-counsellor relationship. An exception also applies to a complainant or an accused person who wishes to inform his or her immediate manager about the complaint. In this situation, the exception covers notification of the manager by the complainant or the accused that a complaint has been filed, what the nature of the complaint is and the identity of those directly involved. If the manager in question is the complainant or the accused, the aforementioned notification may be made to the senior manager to whom the manager reports. The requirement to maintain strict confidentiality applies to both the manager and, where applicable, the senior manager.
3. Confidentiality applies to the preliminary process, during the complaints procedure and after a decision has been taken by the Executive Board. If rumours persist within the decentralized organizational unit in question, the management of the unit is permitted, after the Executive Board has issued its decision, to inform the relevant employees whether or not the Executive Board has upheld the complaint, how the complaints procedure was conducted and what practical consequences have ensued. All parties must make every effort to prevent any damage or further damage to persons or interests, or to limit such damage as much as possible.

### Article 3

Assistance from a Confidential Counsellor

The confidential counsellor appointed within the context of this regulation has a part to play in its implementation. The duties of the Confidential Counsellor are covered by Article 4 of Appendix 1: Confidential Counsellors Regulation.

### **Section 3 Reporting procedure**

#### Article 4

##### Filing a report

Reports will be made to the confidential counsellor appointed within the context of this regulation for staff or students depending on the matter in question.

#### Article 5

##### Registration of report

1. Reports to the confidential counsellor and all actions taken on them are to be recorded.
2. The following details of all reports are to be recorded:
  - the date of receipt;
  - (if possible) the name of the accused;
  - the place where the alleged inappropriate conduct took place;
  - an indication of the nature and extent of the alleged inappropriate conduct and, if possible, the date;
  - the nature of the report;
  - the names of any witnesses;
  - a brief description of the care, mediation or support provided.
3. The following details of the informant are to be recorded:
  - name
  - telephone number and/or
  - email address and
  - student number or work unit.
4. There is a closed archive for the confidential counsellors, which is accessible only to them.
5. Reports that do not evolve into complaints will be kept in the archives of the confidential counsellors for a period of three years, after which they will be destroyed.
6. Reports that do lead to complaints and set the complaints procedure in motion will be kept in accordance with Article 14 paragraph 3 of this regulation.

### **Section 4 Complaints procedure**

#### Article 6

##### Filing a complaint

1. A complaint must be preceded by a report to the staff confidential counsellor or the student confidential counsellor as stipulated in the terms of this regulation. If the confidential counsellors believe they are unable to act independently in a given case, the report may be made to an external confidential counsellor as set out in Article 4 of the Confidential Counsellors Regulation (Appendix 1).
2. A complaint must be submitted in writing to the Executive Board, c/o the Executive Board Secretariat.
3. A complaint contains
  - the name of the complainant;
  - the name of the accused;
  - an account of the alleged inappropriate conduct;
  - if possible, the place(s) and circumstances in which the alleged inappropriate conduct took place;
  - names of witnesses, if possible;
  - if appropriate, the period in which the alleged inappropriate conduct took place;
  - the steps already taken to put an end to the alleged inappropriate conduct.
4. The Executive Board will send the complaint immediately to the administrative secretary of the Complaints Committee for consideration.

5. As soon as possible but no later than within ten working days after receipt of a complaint, the administrative secretary of the Complaints Committee will send a confirmation of receipt and a copy of the Inappropriate Conduct Regulation to the complainant.
6. As soon as possible but no later than within ten working days after receipt of a complaint, the administrative secretary will send a request to the confidential counsellor to transfer all correspondence related to the report to the Complaints Committee. The confidential counsellor will consult with the informant about the correspondence to be sent to the Complaints Committee. The correspondence will be sent to the Complaints Committee as soon as possible but no later than within ten working days.
7. The complainant has the right to retract the complaint at any time. If the complainant instructs the administrative secretary to retract the complaint, a reflection period of three weeks applies before the retraction becomes final. The administrative secretary will inform the complainant about this reflection period.

#### Article 7

##### Police

If the Executive Board has due cause to suspect inappropriate conduct, it may decide to file a report with the police if circumstances so warrant, without prejudice to the complainant's right to file a report with the police independently.

#### Article 8

##### Admissibility

1. A complaint is inadmissible if:
  - a. it has already been dealt with by the committee, unless new facts and/or circumstances have arisen.
  - b. it has previously been retracted and there are no facts or circumstances that justify the complaint being filed once again.
  - c. in the opinion of the committee, the interest of the complainant or the severity of the conduct in question are clearly insufficient.
  - d. an objection procedure against the complainant's conduct is ongoing or imminent within the university.
  - e. it centres on a legal dispute or a conflict in the workplace.
  - f. the conditions in Article 6 paragraphs 1 through 3 have not been met.
  - g. the complaint concerns a visitor as referred to in Section 1.
  - h. the complaint does not relate to inappropriate conduct in university buildings, university grounds or in the digital work or study environment of the university, with the exception of field trips.
  - i. the complaint is submitted more than two years after the alleged inappropriate conduct took place. However, in cases where the alleged inappropriate conduct involves sexual assault or rape the complaint is only inadmissible if the applicable limitation period under the Criminal Code has expired.
  - j. the accused at the time of filing of the complaint not
    - had an employment contract with the university or worked at the university in another capacity, or
    - was registered as a student or external student at the university, or
    - had courtesy privileges, or
    - was taking a course or programme under the auspices of the university.
2. No later than fifteen working days after receipt of a complaint, the chairperson of the Complaints Committee issues a ruling on behalf of the committee regarding the admissibility of the complaint. This period may be exceeded in the event of special circumstances.
3. If a complaint is deemed inadmissible, the chairperson of the Complaints Committee will inform the complainant in writing, stating reasons for the ruling.
4. If a complaint is deemed admissible, the administrative secretary will immediately inform the accused in writing that a complaint has been filed against him or her and that the complaints procedure has been

initiated. The secretary will include a copy of the complaint, a copy of the ruling on admissibility and a copy of the Inappropriate Conduct Regulation.

5. In the event of admissibility, the administrative secretary will immediately inform the complainant and the Executive Board in writing of the admissibility of the complaint.

#### Article 9

##### Complaints procedure

1. The Complaints Committee will hold one or more hearings.
2. The accused may send a written objection to the administrative secretary before the hearing to which he or she has been summoned.
3. If there is a suspicion that the complaint may be related to a criminal act, the Complaints Committee will immediately inform the Executive Board of this suspicion.
4. If the accused is assisted by legal counsel, the Executive Board may in exceptional circumstances decide to provide legal assistance or financial support to the complainant.
5. If the complaint is not upheld, the Executive Board may in exceptional circumstances decide to compensate the accused for all or part of any legal costs incurred.

#### Article 10

##### Hearing

1. The chairperson of the Complaints Committee will set the date and place of the first hearing as soon as possible, but in any case within three weeks of receipt of the complaint.
2. As soon as possible but no later than two weeks before the hearing, the secretary will send a written summons to the complainant, the accused, witnesses and/or other persons mentioned in paragraphs 10 and 11 below.
3. The hearing or hearings will take place within four weeks after the committee has ruled that the complaint is admissible. The hearings are closed.
4. The complainant, accused persons and witnesses summoned by the committee will be obliged to appear, unless the chairperson – having received a request to this effect – establishes that attendance cannot reasonably be demanded of the person concerned. If a person fails to attend the hearing, the committee will determine which facts and circumstances have been established or made plausible. If the chairperson establishes that there are reasonable grounds for non-attendance, the person in question will be given the opportunity to respond in writing.
5. Both complainant and accused may be assisted by someone of their own choosing. Parties may be heard separately at their own request or at the behest of the committee.
6. At the request of any one of the parties, the chairperson may decide to postpone a hearing due to compelling circumstances for a period not exceeding four weeks.
7. A written report is kept of each hearing. The reports are sent to the complainant and the accused. The content of the reports is fixed once it has been sent.
8. Persons other than the complainant and the accused who are heard will receive a report of their own hearing(s).
9. Everyone who is heard, or who has been given the opportunity to submit written documents instead of being heard, may append a response to their own report within ten days after the report was sent.
10. The Complaints Committee may hear witnesses and other persons who may be able to provide information concerning the alleged inappropriate conduct and the circumstances under which it took place.
11. The Complaints Committee may hear experts as referred to in Article 4 of Appendix 2 Complaints Committee Regulation.
12. The Complaints Committee may ask the complainant and the accused to attempt to reach a mutual settlement. To this end, the Complaints Committee may propose appointing a mediator. If a settlement has not been reached within two weeks, the committee will continue with proceedings.

13. The Complaints Committee may recommend that the Executive Board take a temporary interim measure.
14. All documents related to the investigation are of a confidential nature.
15. If compelling circumstances should arise, the time limits laid down in this article may be exceeded.

#### Article 11

##### Anonymous witness

1. A witness who wishes to remain anonymous may submit a written request to the committee for anonymity.
2. In the event that the committee does not honour the request, in a written statement stating its reasons, the witness may withdraw at any time.
3. When hearing an anonymous witness, only the members of the Complaints Committee, the administrative secretary and, at the request of the witness, a confidential counsellor are to be present.
4. The anonymous testimony may be given in writing in exceptional cases. In this case, the committee may pose questions to the witness in writing.
5. The report of the hearing is anonymous.

#### Article 12

##### Statement on whether the complaint is upheld or ruled to be unfounded and the Complaints Committee's recommendation

1. When the investigation has been completed, the committee will issue a written report of its findings to the Executive Board.
2. The committee's report will at least include the reports of the hearings, all documents relevant to the complaint, the committee's findings and its conclusions.
3. The recommendation will include the committee's assessment of the complaint (upheld or unfounded).
4. On the basis of a majority vote, the Complaints Committee rules on whether to uphold the complaint or declare it to be unfounded.
5. The statement on whether the complaint should be upheld or declared unfounded will be submitted to the Executive Board within three weeks after the hearing(s). The complainant, the accused and the confidential counsellor(s) receive a copy of the statement together with the ruling as referred to in Article 13, paragraph 1. The complainant and the accused receive an invitation for an explanatory interview from the chairperson. If the complaint is upheld, the Complaints Committee may recommend that the Executive Board take certain measures or impose certain penalties.

#### Article 13

##### Decision by the Executive Board

1. The Executive Board will rule within three weeks after receipt of the statement on whether the complaint should be upheld or declared unfounded and decide on any recommendation based on the decision, notwithstanding the contents of paragraph 3. If compelling circumstances should arise, this term may be exceeded.
2. The Executive Board's ruling on whether the complaint should be upheld or declared unfounded can include penalties against the accused and/or other measures based on the committee's statement and the nature of the reproachable conduct.
3. The Executive Board may ask the committee to provide additional information before making its ruling. The Executive Board will inform the complainant and the accused in writing accordingly.
4. If the Executive Board does not adopt the committee's recommendation, then reasons must be given.
5. The Executive Board will make its ruling on the measures to be taken known to the complainant, the accused, the Complaints Committee and the confidential counsellor(s) involved.

Article 14

Registration of complaint

1. Only the administrative secretary has access to the archives of the Complaints Committee.
2. At the request of the members of the Complaints Committee, the complainant or the accused, the secretary will grant access to the corresponding file in his/her presence.
3. The files relating to the complaints procedure will be kept in the closed archives of the secretariat of the Complaints Committee for ten years after the matter has been resolved. The file will then be destroyed by the administrative secretary of the committee.
4. A withdrawn complaint as referred to in Article 6 paragraph 7 of these regulations will be kept for a period of two years.

**Section 5 Final provisions**

Article 15

Final provisions

1. If a complaint is filed against a member of the Executive Board, then 'Supervisory Board' should be read for 'Executive Board' in this regulation.
2. This regulation was adopted with the approval of the Staff Council and with the approval of the Student Council.
3. This regulation can be cited as the 'Inappropriate Conduct Regulation'.
4. This regulation entered into force on 1 December 2007 and was last amended on 7 July 2020. Complaints submitted before 7 July 2020 will be subject to the rules in force before that date.

## **Appendix 1 Confidential Counsellors Regulation on inappropriate conduct**

### *Article 1 Appointment of Confidential Counsellors*

1. The Executive Board will, on the recommendation of the Director of Human Resources, Occupational Health, Safety and Environment, appoint the following confidential counsellors who meet the competency profile for the position of confidential counsellor:
  - a. a male and a female person for the students of the university;
  - b. a male and a female person for those who work under the authority of the Executive Board and for university visitors.
  - c. a person who does not have an employment contract with the university.
2. The confidential counsellor will be directly accountable to the Executive Board for his or her work or to an official appointed by the Executive Board.
3. The confidential counsellor must have adequate training and must take regular refresher courses in order to continue in the position of confidential counsellor.
4. The confidential counsellor who is not employed by the university as referred to under c. will only be engaged if the confidential counsellors referred to in paragraph 1 under a or b respectively of this article are of the opinion that they cannot act independently. The Director of Human Resources, Occupational Health, Safety and Environment will engage an external confidential counsellor on request.

### *Article 2 Authority of the confidential counsellors*

1. The confidential counsellor has the authority to gather information related to the alleged inappropriate conduct and the circumstances surrounding the alleged inappropriate conduct, subject to the requirements of confidentiality and as necessary for the execution of his or her duties.
2. The confidential counsellor may consult experts in order to obtain advice or assistance if this can reasonably be considered necessary in order to process the report.
3. Those approached in this context have a duty of confidentiality.

### *Article 3 Legal protection of confidential counsellors*

1. The Executive Board will ensure that the confidential counsellors are able to execute their duties without disadvantage to their position with regard to the university.
2. If there are specific facts or circumstances that could hamper the impartial judgement of the confidential counsellor, then he or she may refer the informant, complainant or the accused to another confidential counsellor referred to in Article 1, paragraph 1 under a or b respectively or to the external confidential counsellor referred to in Article 1, paragraph 1 under c and 4.

### *Article 4 Duties of the confidential counsellors*

1. A confidential counsellor's duties include:
  - a. acting as a point of contact for people who are confronted with inappropriate conduct or who are aware of such conduct;
  - b. providing assistance and referrals if needed to agencies for psychological and social support;
  - c. to consider potential solutions together with the informant and assist and advise at the request of the complainant/informant in order to put a stop to the inappropriate conduct. If the informant is unable to put an end to the inappropriate conduct independently, then the confidential counsellor can try to devise a solution together with the accused and the accused's direct manager;
  - d. making proposals to the direct manager(s) concerned before a complaint is filed;
  - e. providing assistance as requested to persons who wish to file a complaint with the Complaints Committee or who wish to file a police report;
  - f. to counsel or arrange counsel for an accused person on request.

2. In cases where the direct manager is himself/herself involved in the alleged inappropriate conduct, the term 'direct manager' in this Article should be read as 'the manager immediately senior to the direct manager'.
3. A confidential counsellor may counsel either the complainant or the accused, but never both at the same time. The confidential counsellor must refer the other party to a fellow counsellor.
4. The confidential counsellor will not undertake any action on behalf of the complainant or the accused without his or her consent.
5. Policy advice:  
The confidential counsellor is authorized to provide advice to the Executive Board, on request or otherwise, regarding the university's policy on inappropriate conduct.
6. Annual report:  
The confidential counsellors prepare an annual report for the Executive Board. The annual report includes an anonymous survey of the number of reports and the nature of the reports. The annual report may include recommendations.

*Article 5 Right of non-disclosure, breaking confidentiality and duty of confidentiality*

1. Right of non-disclosure  
The confidential counsellor has the right to refuse to disclose information entrusted to him or her by informants in his/her role as confidential counsellor. The confidential counsellor may invoke his/her right to confidentiality and privacy and does not have to answer questions from third parties, including those from managers or the employer. However, there is no legal right of non-disclosure (external, judicially) as is the case for doctors and lawyers.
2. Breaking confidentiality  
The 'confidentiality unless' rule applies to confidential counsellors. The confidential counsellor is authorized to break confidentiality if:
  - he/she is obliged to comply with a legal obligation to report an incident (in the event of rape, murder or crimes against the state, for instance) or if the police or judicial authorities are authorized to request information and the confidential counsellor cannot invoke the right of non-disclosure;
  - it would appear to be beneficial and the informant agrees, subject to the conditions set by the informant;
  - there are good reasons to assume that there is a demonstrable and serious threat of damage or harm to the informant or to third parties and that informing a certain official or body is the only potentially effective way to avert this threat, and the informant's consent – despite considerable efforts to this end – has not been obtained.
  - If the confidential counsellor consults other officials on the matter put to him/her, this will not be considered a breach of the duty of confidentiality, provided that it is done in such a way that it may be assumed that the other official concerned is not able to deduce the identity of the informant.
3. Duty of confidentiality  
The confidential counsellor also has a duty of confidentiality and will not divulge information given in confidence. Observing confidentiality is an obligation to third parties. Informants/complainants must be able to rely on the confidential counsellor not disclosing their report to others.

## **Appendix 2 Complaints Committee Regulation**

### *Article 1 Appointment of the Complaints Committee*

1. The Executive Board appoints the members and chairperson of the Complaints Committee and a maximum of two vice-chairpersons.
2. The Complaints Committee will consist of a minimum of six and a maximum of nine members, including at least two women and at least two men, and its members will provide sufficient legal and behavioural expertise.
3. The members of the Complaints Committee do no other work for the university.
4. The members of the Complaints Committee are appointed for a period of five years and are eligible for reappointment for a second period of five years.
5. Committee membership is dependent on impartiality.
6. The chairperson of the Complaints Committee appoints three members per complaint to handle the complaint on behalf of the committee. These members will include at least one man and one woman, and together they will meet the expertise requirements referred to in paragraph 2. One of these three members will be the chairperson or a vice-chairperson. In terms of handling the complaint, the latter has the duties and authority accorded to the chairperson of the committee in the Inappropriate Conduct Regulation or this regulation. If the chairperson is not available, a vice-chairperson will appoint the members who will deal with the complaint. The Complaints Committee will be assisted by an administrative secretary appointed by the Executive Board.
7. The administrative secretary is not a member of the Complaints Committee and has no voting rights.

### *Article 2 Challenge and disqualification*

1. Any relevant member of the Complaints Committee may be challenged for removal from the complaints procedure by one or more of the parties involved on the basis of facts or circumstances which could undermine the member's impartiality. Challenges for removal are to be submitted to the committee's chairperson.
2. The members who have been designated to handle the complaint will decide on the challenge for removal, except for the member at whom the challenge is directed. In the event of a tied vote, the challenge for removal will be upheld.
3. A member may ask to be excused on the basis of facts and circumstances as referred to in paragraph 1.
4. If challenge for removal is upheld or if a member is excused, the chairperson will appoint an alternative member to the committee to handle the complaint. If the challenge concerns the chairperson, one of the vice-chairpersons will take over the chairperson's role. If the challenge concerns a vice-chairperson, the chairperson or the other vice-chairperson will take over the chairperson's role.

### *Article 3 Duties and authority of the Complaints Committee*

1. The Complaints Committee assesses whether a complaint is admissible and if so, whether it should be upheld or declared unfounded. The Complaints Committee may submit a written recommendation to the Executive Board on measures to be taken if a complaint is upheld.
2. The Complaints Committee may gather further information as required in preparation for the hearing.
3. The Complaints Committee can establish implementation regulations under its rules of procedure. The Executive Board must approve the committee's regulations and rules.
4. The Complaints Committee keeps a record of the nature and extent of the complaints it deals with. The record is anonymous and is included in the annual report that the committee prepares for the Executive Board.
5. The Complaints Committee may advise the Executive Board on policies for preventing and combatting inappropriate conduct.
6. The administrative secretary of the Complaints Committee keeps a record of all complaints submitted to the committee and the ensuing complaints procedures and files them in the committee's closed archives.

*Article 4 Consultation of experts*

1. If a complaint is filed by a student of the university, the committee may consult with a university employee who has expertise in student affairs. This university employee may not be employed at the faculty, service or institute where the complainant or the accused studies or works.
2. If a complaint is filed by an employee of the university, the committee may consult a Human Resources expert employed by the university. This university employee may not be employed at the faculty, service or institute where the complainant or the accused studies or works.

## **Explanatory notes on the Inappropriate Conduct Regulation**

Inappropriate conduct as defined in the Inappropriate Conduct Regulation (bullying, discrimination, sexual harassment, aggression and violence) can occur in situations throughout society, including the fields of educational and employment.

Sexual harassment, aggression, violence and discrimination are considered to be conduct that is in violation of Article 2 of the Management Regulations of Vrije Universiteit Amsterdam and Article 1.8, paragraphs 2 and 3 of the Collective Labour Agreement.

The Working Conditions Act requires the employer to prevent or control work-related psychosocial stress, which in addition to pressure of work, includes inappropriate behaviour such as bullying, discrimination at work, sexual harassment, aggression and violence. Inappropriate behaviour can take place wherever people work or study together. The four definitions below are taken from the Working Conditions Act:

### *1. Bullying*

Bullying is recurring inappropriate behaviour against which it is not possible for the victim to defend themselves. It takes many forms, from belittling remarks to open criticism and intimidation, from silly jokes to physical violence, and from gossiping to social isolation and cyber bullying. Bullying can be perpetrated by students and lecturers, co-workers, managers and subordinates.

### *2. Sexual harassment*

Remarks, gestures and actions of a sexual nature that are considered inappropriate by the victim. Examples of verbal and non-verbal harassment include sexually suggestive remarks, messages, pictures or gestures, but also staring or intimate advances. Physical harassment ranges from grabbing someone or blocking their way to assault and rape.

### *3. Discrimination*

Discrimination occurs when certain employees or students are treated differently from others because of their race, gender, sexual orientation, age, disability or chronic illness, political opinions, working relationship, employment contract, marital status, nationality, religious or philosophical beliefs.

### *4. Aggression and violence*

Broadly speaking, there are three types of aggression, namely verbal aggression (swearing, shouting or excessively fierce debate), physical aggression (kicking, pushing, hitting, spitting, biting, destructive behaviour) and psychological aggression (verbal or written threats, intimidation, blackmail or humiliation, bullying or cyber bullying).

### *What should be done in the event of inappropriate conduct?*

Inappropriate conduct can be dealt with in different ways. In many cases, the party involved is capable of taking measures to bring an end to the inappropriate conduct. The person who is behaving inappropriately may, for example, be called to account for his/her actions. If desired, the manager can be invited to help an employee or, if the manager is involved in the inappropriate conduct, the manager at the next level can become involved. In the case of a student, an academic advisor may be called in. Parties may of course consult one of the university's psychologists or staff welfare officers.

There are situations in which contact with the perpetrator of the inappropriate conduct may no longer be feasible or may not lead to an acceptable solution for both sides. In this case, other means will need to be found to bring an end to the inappropriate conduct.

#### *Reporting inappropriate conduct to a confidential counsellor*

This regulation provides for an informal procedure for confidential counsellors in dealing with reports of inappropriate conduct by someone who has observed or experienced such conduct. The confidential counsellors' duties include providing assistance and support to those who report inappropriate conduct and facilitating steps to eliminate the inappropriate conduct. The confidential counsellor may advise the informant or complainant on potential steps to be taken and provide support in carrying them out. The confidential counsellor can establish contacts with individuals, such as the manager, who are close to the complainant and can offer assistance. In this case, it will have to be made perfectly clear that the confidential counsellor is acting on behalf of the complainant or informant.

Those who are confronted by inappropriate conduct benefit the most if the inappropriate conduct is stopped or prevented. They also benefit from the creation of a normal study or work environment. It is therefore essential that a confidential counsellor is first consulted before a complaint is filed.

#### *Undesirable conduct*

A term that largely corresponds to the term 'inappropriate conduct' is 'undesirable conduct', which is understood to mean intimidating, threatening, aggressive or violent behaviour, either verbal, digital or physical, that can lead to a socially unsafe or threatening situation.

Undesirable conduct will in many cases also be qualified as inappropriate conduct. However, conduct that does not qualify (or not yet qualify) as undesirable according to the definition in this regulation may nevertheless raise suspicions or threaten to lead to such conduct at some point, with potentially harmful consequences for the person concerned or his/her environment. In such situations, it is advisable to contact the Head of Security, who is responsible for the security and safety of everyone at the university [contact details: Mr R.M. Pel, telephone 020-5985955; email [security-rob.pel@vu.nl](mailto:security-rob.pel@vu.nl)].

#### *Complaints about inappropriate conduct and the Complaints Committee*

The nature of the inappropriate conduct may be so serious that filing a formal complaint with the Complaints Committee is the best course of action. A formal complaint may also be advisable if informal means of dealing with the problem fail to achieve the desired outcome. It is for this reason that a Complaints Committee and a formal complaints procedure have been established.

The Complaints Committee decides on the admissibility and validity of a complaint by conducting hearings with the complainant, the accused, witnesses and any other parties concerned. The committee may submit a recommendation to the Executive Board on the best course of action to take in order to remedy the complaint.

#### *Penalties and measures*

If the committee finds that a complaint should be upheld, the Executive Board may decide to impose penalties or take other measures. Measures taken by the Executive Board against staff members are based on the individual employment contract, the Collective Labour Agreement and the provisions in the Netherlands Civil Code that govern contracts of employment. The measures that the Executive Board may take against students have been laid down in Section 10 of the Student Charter.

The Executive Board may of course also act in cases where the Complaints Committee rules that a complaint is unfounded, for example by taking measures against the complainant and/or measures to repair the reputation of the accused. If the complainant withdraws a complaint, the Executive Board may also take measures to exonerate the accused.

Employees who have had a penalty or other measure imposed on them by the Executive Board can appeal to civil courts. Students who have had a penalty or other measure imposed on them by the Executive Board can appeal to the Higher Education Appeals Tribunal or civil courts.

If the inappropriate conduct involves a criminal act, then a police report should be filed. This does not mean that the internal procedure will be abandoned. Aside from any criminal proceeding, the Executive Board, being

an employer and potentially liable, will take any measures relevant to the outcome of an independent internal investigation. If the inappropriate conduct involves assault or rape, the condition that a complaint submitted more than two years after the incident is inadmissible will lapse and the complaint can be submitted as long as the statute of limitations for criminal charges relevant to the incident has not expired.

If warranted by the results of a criminal investigation, as in the case of assault or rape, for instance, the Executive Board may in any event impose penalties on employees or students, or take other measures, regardless of whether an investigation has been carried out by the Complaints Committee and regardless of how much time has elapsed since the incident.

### **Confidential counsellors' contact details**

*For students:*

Ms Mariken Blom, tel. +31 20 59 85027

Ms Fatiema Khadje, tel. +31 20 59 82094

Mr Bas Scholten, tel +31 20 59 82851

email: [vertrouwenspersonen-studenten.dsz@vu.nl](mailto:vertrouwenspersonen-studenten.dsz@vu.nl)

*For staff:*

Ms Marielle Rozemond and Mr Sandjai Bhulai

email: [vertrouwenspersonen.personeel@vu.nl](mailto:vertrouwenspersonen.personeel@vu.nl)