

Preamble

Erasmus University Rotterdam Holding BV (EUR Holding BV³) believes in the fundamental principle that all persons involved with EUR Holding BV and/or one of its subsidiary companies (i.e., employees, members of a Supervisory Board, students, and clients) should behave respectfully and ethically towards each other as they all have the right to a safe and harmonious workplace and study environment. EUR Holding BV has therefore decided to introduce a policy aimed at preventing and deterring undesirable behaviour, particularly sexual harassment, bullying, discrimination, aggression (including intimidating behaviour) and violence⁴. Undesirable behaviour is behaviour which:

- creates an unpleasant, hostile, or even threatening workplace or study environment; and/or
- has a detrimental effect (physically or mentally) on the person subjected to undesirable behaviour; and/or
- obstructs, disrupts or disadvantages the person who is subjected to the undesirable behaviour, either wholly or partially, in relation to access to institution facilities, benefits, and opportunities associated with the person's work or study.

Despite the preventive policy, undesirable behaviour may still occur. The *EUR Holding BV Regulations on Reporting Undesirable Behaviour and Complaints Procedure*, which are based on the fundamental principles of respect, integrity and safety, will be applied in such situations.

The legal basis for these regulations is the (Dutch) Working Conditions Act (*Arbowet*), Article 3, paragraph 2) and the Equal Treatment Act. The Working Conditions Act lays down the obligation of due care for employers to protect employees as much as possible from any psychosocial stress. Factors that might cause such stress include work demands or pressure, but also undesirable behaviour, including sexual harassment, discrimination, bullying, aggression, and violence. Undesirable behaviour within the context of EUR Holding BV might not only occur between employees, but also between employees and students, between students and other students, and between employees and persons working for one of the clients of EUR Holding BV (and/or subsidiary companies). These regulations are intended to cover all these situations. Any other person, who is subjected to undesirable behaviour by an employee or a student of EUR Holding BV, in the context of a work or study situation, can refer to these *EUR Holding BV Regulations on Reporting Undesirable Behaviour and Complaints Procedure* to report it as an informant or submit a formal complaint as a complainant.

The starting point is that every incident report or complaint of undesirable behaviour will be handled carefully and as much as possible, confidentially. In the regulations, an explicit distinction is made between the informal procedure and the formal procedure. This means that a person who is confronted with undesirable behaviour in the context of a work or study situation has two ways of bringing the undesirable behaviour to an end. It is also possible to engage both procedures, one after the other. The first, informal procedure involves the person reporting the incident as an informant to the Confidential Counsellor, who will discuss the situation with the informant. A formal complaint can be submitted to the Complaints Committee. EUR Holding BV would encourage trying to first resolve cases of undesirable behaviour informally, in other words, to reach resolution through mutual consultation of the involved parties. If the informal procedure does not resolve the situation satisfactorily, or if the person does not wish to pursue the informal route, then a formal complaint may be lodged in accordance to the complaints procedure laid down in these regulations. The person lodging a complaint, the complainant, may be the person experiencing undesirable behaviour or a third party witnessing undesirable

¹ This text is an English translation of the Dutch original. In case of any divergence of interpretation, the Dutch text shall prevail.

² In these regulations, 'he' or 'him' should also be understood to mean 'she' or 'her'.

³ BV (*besloten vennootschap*) is a Dutch business structure similar to a private limited liability company (LLC).

⁴ See Article 1 of the Regulations for the definitions.

behaviour. While the informal route is preferred, both the informal procedure and the formal procedure may be used for complaints of undesirable behaviour.

In practical terms, these two procedures are as follows:

Informal procedure: The aim of the informal procedure is to address and stop the undesirable behaviour through mutual consultation with the persons directly involved, and if necessary, their manager (if either directly or indirectly involved in the situation). The complainant can report the incident of undesirable behaviour to the Confidential Counsellor of EUR Holding BV. Before submitting a complaint verbally or in writing, he may report to the Confidential Counsellor in order to discuss how the undesirable behaviour can be brought to an end. This is referred to as an 'incident report'.

Formal procedure: This involves the submission of a formal written complaint (which satisfies the requirements in Article 6 of these regulations) to the Committee on Undesirable Behaviour and Misconduct (COOM). This is referred to as a 'complaint'. In due course, the COOM holds a formal hearing with the complainant and the accused, and investigates the complaint. The COOM sends a report of its findings, along with recommendations and a transcript of the hearing to the CEO of EUR Holding BV or subsidiary company (LLC) involved in the case, or to the Supervisory Board Chair of the relevant LLC if the CEO is himself involved or the subject of the complaint.

The CEO / Supervisory Board Chair of the subsidiary company involved in the case subsequently sends a written notification of investigation findings to the complainant and the accused, informs them of his decision about the complaint, the reasons for this decision, and any consequences attached to the decision.

EUR HOLDING BV REGULATORY TEXT ON REPORTING UNDESIRABLE BEHAVIOUR AND COMPLAINTS PROCEDURE

Article 1 - Definitions

In these regulations, the following terms have the following meanings:

1. **Undesirable behaviour:** direct or indirect undesirable language or actions in the context of a work or study situation, which are manifested in verbal or non-verbal behaviour towards a person, which is experienced as undesirable or unwanted by this person, and which constitutes a violation of their integrity, in such a way that this leads to work or study-related psychosocial stress. Undesirable behaviour is also understood to include sexual harassment, intimidation, bullying, and discrimination.
2. **Sexual harassment:** any form of verbal or non-verbal behaviour with a sexual connotation in the context of a work or study situation, which has the purpose or consequence of violating a person's dignity, or creating a threatening, hostile, degrading, humiliating, or offensive environment.
3. **Aggression and violence:** all cases where an employee, student, client, or third party is psychologically, verbally or physically harassed, threatened, or attacked under circumstances that are directly related to a context of a work or study situation.
4. **Bullying:** all forms of denigrating and intimidating behaviour of a structural nature, committed intentionally, persistently and repeatedly by one or more employees, students or clients against another employee, student, client or third party in the context of a work or study situation and who is unable, or finds it difficult, to defend himself against this behaviour.
5. **Discrimination:** all statements and actions in the context of work or study situation, which lead to unequal treatment, prejudice, or disadvantage on the grounds of protected characteristics by law, such as age, sexual orientation, marital status, race, skin colour or ethnic origin, gender, (physical or mental) disability, political opinions, religion or beliefs.

6. EUR Holding BV: Erasmus University Rotterdam Holding BV (EUR Holding BV) is the private company and entity as incorporated under its articles of association, as well as the subsidiary companies in which EUR Holding BV has a controlling interest.
7. Subsidiary company: a limited liability company in which EUR Holding BV has a controlling interest.
8. LLC: the limited liability company (LLC) involved in the case, either the parent EUR Holding BV, or one of its subsidiary companies as referred to in paragraph 7 of this Article.
9. CEO of EUR Holding BV: the Chief Executive Officer (managing director) of EUR Holding BV.
10. CEO or Supervisory Board (Vice) Chair: the managing director or (vice) chair of the Supervisory board of EUR Holding BV or one of its subsidiaries (LLC). If a complaint is submitted by the CEO, or that he is the subject of the complaint, the Chair of the Supervisory board of the involved LLC may exercise *mutatis mutandis* the powers of the CEO. The vice chair of an LLC may also exercise the powers of the Supervisory board chair of the involved LLC under these regulatory provisions.
11. Supervisory Board: the Supervisory board of the subsidiary company (LLC) referred to in the complaint.
12. Employer: the subsidiary (LLC) with whom the person involved in the case has a binding employment agreement.
13. Employee: a person who is permanently or temporarily employed by an LLC or a person who carries out, or who has carried out activities for an LLC, under a contract with a third party or otherwise, such as a guest lecturer or guest researcher, a seconded member of staff, a work placement trainee, a flex worker or temporary employment agency worker, as well as a member of an LLC Supervisory Board or any person who works for or is hosted by an LLC by invitation or on a contractual basis. The term "employee" also includes ex-employees who have had an employment contract with an LLC within the past three years.
14. Student: a person who is enrolled with an LLC in either a postgraduate programme, course, workshop, seminar, conference, or other form of educational activity. The term "student" also includes ex-students who have studied with an LLC within the past three years.
15. Client: a physical person or legal entity making use of the services supplied by an LLC, as well as their employees. The term "client" also includes ex-clients who have had a contract with an LLC within the past three years.
16. Third party: any person other than an employee, student or client who experiences or witnesses undesirable behaviour committed by an employee or student, insofar as related to the workplace or study environment.
17. Incident report or complaint: a statement of dissatisfaction made by an employee, student, client or third party about the undesirable way in which another employee or student has behaved towards them or someone else. This can relate to both verbal and non-verbal behaviour and to digital, telephone, or text message communication.
18. Informant: an employee, student, client or third party who contacts and reports a case of undesirable behaviour to the Confidential Counsellor.
19. Complainant: an employee, student, client or third party who submits a formal complaint to the Complaints Committee (COOM) in connection with a case of undesirable behaviour.
20. Accused: an employee or student whose behaviour is the subject of the incident report or complaint, as referred to in Article 4 of these regulations.
21. Legal counsel: any person who advises or otherwise represents the complainant in connection with his/her incident report or complaint of undesirable behaviour, and who is subject to an obligation of confidentiality on account of their position, such as a company doctor, a lawyer, or a trade union legal advisor.
22. Witness: a person who makes a statement about what he/she has observed regarding an alleged misconduct incident or behaviour.
23. Confidential Counsellor: the person as referred to in Article 2 of these regulations.
24. The COOM: the Committee on Undesirable Behaviour and Misconduct as referred to in Article 3 of these regulations.

Article 2 - The Confidential Counsellor

1. The CEO of EUR Holding BV shall appoint an unbiased professional as Confidential Counsellor. Within the context of these regulations, this person shall have the following tasks:
 - a. Provide information about the report and complaint procedure under or pursuant to these regulations, and the consequences thereof;
 - b. Provide assistance and counselling to the informant, *casu quo* the complainant or the accused, provide emotional support and if necessary, make a referral to a professional welfare provider;
 - c. Inform and advise the informant on the available options to bring the undesirable behaviour to an end, by providing solutions aimed at resolving the matter informally and/or by initiating the formal procedure;
 - d. Take steps to reach resolution, among other things, by holding meetings with the persons directly involved;
 - e. Advise the CEOs of LLCs (subsidiary companies) on preventing and deterring undesirable behaviour, either upon their request or proactively in giving advice on the integrity policy of EUR Holding BV;
 - f. Register incident reports and complaints, including an overview of unprocessed complaints and the basis for their non-treatment. Personal details are not included in the registration. The personal details of the complainant or of the person who is the subject of the complaint are recorded on two separate forms. Only the Confidential Counsellor can, if necessary, link the registration data to physical persons. The data may not be used for any other purposes.
 - g. Write an annual anonymised report for the subsidiary CEOs about incident reports and complaints brought to the attention of the Confidential Counsellor, and the nature of these complaints. The Confidential Counsellor can add his advice to the report about preventing and deterring undesirable behaviour.
2. The Confidential Counsellor is authorised to:
 - a. Gather all relevant information necessary to properly carry out his/her assigned tasks, in consultation with the CEO *casu quo* Supervisory Board Chair of the LLC involved in the case;
 - b. Proactively consult internal and external experts, within or outside the LLCs;
 - c. Involve an expert, intermediary, or mediator in order to reach satisfactory resolution;
 - d. Access all organisational units of the subsidiaries (LLCs), and to hold meetings with any LLC employee, student, and client;
 - e. Bring a case to the attention of an LLC CEO, if the Confidential Counsellor receives one or more reports or complaints that have not been or will not be formally submitted to the COOM by the person reporting the incident, and as deemed necessary by the Confidential Counsellor.The Confidential Counsellor shall only exercise authority deemed necessary in performing his/her assigned tasks.
3. The Confidential Counsellor is obligated to maintain confidentiality about all that which is brought to his/her attention in relation to an incident report or a formal complaint of undesirable behaviour. This obligation of confidentiality extends to all persons working for the Confidential Counsellor. However, the obligation of confidentiality does not apply with regard to consultation or discussion with a co-counsellor, the COOM, the CEO of the LLC (unless he is himself the subject of an incident report or complaint), the LLC Supervisory Board Chair (in case the LLC CEO is himself the complainant or subject of the complaint), employees designated by the CEO of EUR Holding BV to work on the case, and if relevant, with a physician, police or judicial officer, or with a labour inspector.
4. The Confidential Counsellor shall only take action(s) in connection with the performance of his/her tasks related to an individual case if the person reporting undesirable behaviour has given permission to do so.
5. The Confidential Counsellor may refuse to handle an incident report on the grounds of a conflict of interest, or if the incident report is deemed inadmissible under the provisions of these regulations.

In case of a conflict of interest, the Confidential Counsellor may refer the person to another confidential counsellor or to another body better suited to handle the case.

6. The Confidential Counsellor is preferably not subordinate to any administrative body within EUR Holding BV. In the event of specific facts or circumstances that might impede impartial judgement, the Confidential Counsellor must refer the complainant or accused to another confidential counsellor.
7. The Confidential Counsellor is only accountable to the CEO of EUR Holding BV for the performance of the assigned tasks, whereby the obligation of confidentiality shall be respected concerning the information in the possession of the Confidential Counsellor. The CEO of EUR Holding BV can only give instructions to the Confidential Counsellor in a general sense.
8. The Confidential Counsellor is not allowed to simultaneously give counselling and assistance to both the person reporting a misconduct or complainant, and the person accused of undesirable behaviour. If approached by both, the Confidential Counsellor must refer one of the parties to a different confidential counsellor.
9. An employee, student or client who has a complaint about the conduct of the Confidential Counsellor must submit this complaint to the Confidential Counsellor in writing. If a discussion about the complaint between the complainant and the Confidential Counsellor does not lead to a satisfactory outcome for the complainant, he can submit the complaint in writing to the CEO of EUR Holding BV.

Article 3 - The Committee on Undesirable Behaviour and Misconduct (COOM)

1. The CEO of EUR Holding BV shall establish the permanent Committee on Undesirable Behaviour and Misconduct (hereinafter referred to as the COOM). This committee handles, investigates, and evaluates all written formal complaints of undesirable behaviour, and provides an assessment of its findings and recommendations on the measures to be taken (e.g. formal warning, disciplinary action, dismissal, expulsion), to the CEO of the subsidiary (LLC) involved in the case.
2. The COOM consists of six members. The Chair and Vice Chair will be appointed officials. The members will be appointed for a period of two years, and can be immediately reappointed at the end of this period. There has to be sufficient expertise within the committee in the field of law and professional knowledge about undesirable behaviour. The COOM shall draw up a retirement schedule. This shall be drawn up so that no more than half of the committee members retire during the same year.
3. The COOM handling a complaint is constituted each time in relation to that particular complaint. Furthermore, the COOM must always be attended by at least three members, including the Committee's (Deputy) Chair.
4. If the Chair, Vice-Chair, or one of the other COOM members is directly or indirectly involved in a complaint submitted for assessment, he is not allowed to be a committee member investigating the complaint. Any of the parties involved in the complaint may petition for recusal of any committee member based on facts or circumstances that might impede that member's impartial judgement. Committee members may also recuse themselves on the grounds of such facts or circumstances. A petition for recusal must be made as soon as the relevant facts or circumstances become known to the petitioner. The committee shall take a decision about a petition for recusal as quickly as possible and inform all parties of its decision, and reasons for the decision.
5. The meetings of the COOM are closed. A decision or resolution shall be passed by a majority of the votes cast by COOM members. In the event of a tied vote, the (Deputy) Chair shall cast the deciding vote.
6. The COOM shall be assisted by an official secretary who is not a member of the COOM. The position of official secretary cannot be held by a Confidential Counsellor. The official secretary is charged with the drawing up of meeting and hearing reports, as well as drawing up the draft recommendations of the committee.

7. The COOM has the authority to gather all information and advice which it deems necessary to conduct its assigned tasks.
8. The COOM has the authority to modify or set additional rules in relation to its functioning. These additional rules must be approved by the CEO of EUR Holding BV.
9. The COOM has the authority to advise all LLC CEOs, either upon request or proactively, about the policy they are to adopt for preventing and deterring undesirable behaviour within their organisation.
10. The COOM secretary is authorised to provide the Confidential Counsellor and those directly involved with a copy of the *EUR Holding BV Regulations On Reporting Undesirable Behaviour and complaints procedure* with additional information about the procedure to be followed and the consequences thereof.
11. The committee members, and all persons called upon by the committee in an investigation, shall have a duty of confidentiality in relation to all that which comes to their knowledge on account of their involvement in the investigation.
12. Each year, the COOM shall provide a detailed confidential and anonymised report to all LLC CEOs and Confidential Counsellors about its activities, including the number of complaints, the nature of the handled complaints, and its recommendations after assessment of the complaints, without being traceable to persons' identities.
13. Records and files relative to cases of undesirable behaviour handled by the COOM (under these regulations) shall be kept in a sealed archive at the COOM's administration office for a period of 10 years after handling. At the end of this period the records and files shall be destroyed by the COOM. If a complaint is withdrawn, the file is immediately destroyed.

Article 4 - The right to report and lodge a complaint

1. An employee, student, client or third party who is subjected to undesirable behaviour or who witnesses undesirable behaviour towards someone else in the sense of these regulations, shall have the right:
 - a. to report the undesirable behaviour (statement or action) to the Confidential Counsellor; and/or
 - b. to submit a formal complaint to the COOM.

When a report or complaint is submitted, the person making the report or complaint shall receive a copy of the *EUR Holding BV Regulations on Reporting Undesirable Behaviour and Complaints Procedure* from the Confidential Counsellor or the COOM respectively.
2. The right to report or submit a formal complaint is limited to a period of three years after the date on which the undesirable behaviour occurred. It is also subject to the condition that the accused is still employed by an LLC, is still enrolled as a student, or still has a contractual relationship with an LLC at that time.
3. A report or formal complaint can be withdrawn by an employee, student, client or third party at any time. On receipt of notice of withdrawal of a report or formal complaint, the handling of the report or complaint will cease immediately, and all the documents pertaining to the report or complaint will be removed from the relevant case files.
4. All persons involved in the handling of a report or formal complaint of undesirable behaviour shall have an obligation of confidentiality, insofar as this can be reasonably required of them, in relation to all that which comes to their knowledge on account of their involvement.
5. All persons who are involved in handling an incident report or formal complaint must make every effort to prevent, or to limit as far as possible, any (further) harm caused to the persons involved or to their interests.

Article 5 - The informal procedure: the incident report

1. (Perceived) undesirable behaviour as referred to in these regulations can be reported to and discussed with the Confidential Counsellor, both verbally and in writing, by the person subjected to experiencing the undesirable behaviour, or the person witnessing undesirable behaviour.
2. If a person reports undesirable behaviour in the sense of these regulations to any other official within the EUR or EUR Holding BV (including the CEO of EUR Holding BV or the CEO of one of the subsidiary companies), this person will be referred to the Confidential Counsellor for further handling of the report.
3. If the person reporting undesirable behaviour is employed by one of the subsidiary companies, the Confidential Counsellor can ask the CEO of the subsidiary company to take over the handling of the report. The CEO must handle the report within six weeks after this request from the Confidential Counsellor, and inform him of the action and measures taken to resolve the situation.
4. If a report does not lead to a formal complaint, it shall remain in the possession of the administration office of the Confidential Counsellor for a period of two years. At the end of this period the report will be destroyed by the Confidential Counsellor.

Article 6 - The formal complaints procedure

1. Notwithstanding the provisions in Article 5, if an incident report is not resolved to the satisfaction of the informant after intervention of the Confidential Counsellor, or if the informant decides not to follow the informal procedure for reporting undesirable behaviour, he may submit a written formal complaint to the COOM.
2. A formal complaint must be submitted in writing and signed by, or on behalf of the complainant, and must contain at least:
 - a. the personal details and address of the complainant;
 - b. the date of signing;
 - c. a description of the undesirable behaviour with the date(s) and circumstances under which it occurred.Furthermore, the formal complaint must also contain as detailed as possible:
 - d. the name of the accused;
 - e. when the undesirable behaviour took place;
 - f. a description of the steps that have already been taken by the complainant, including (where relevant) any contact with the Confidential Counsellor.
 - g. on a separate page: the names of any witnesses.
3. The COOM secretary shall notify the complainant immediately to confirm the receipt of the complaint, and will explicitly inform the complainant about the fact that the identity of the complainant will be revealed to the person accused of undesirable behaviour. In the notification, names of witnesses and other persons mentioned in the report – with the exception of the accused – shall remain at this stage of the procedure undisclosed to the accused, the CEO or the Chair of the Supervisory Board of the LLC involved in the complaint.
4. The complainant, as well as the accused can choose assistance and representation by legal counsel at their own expense.

Article 7 - Non-acceptance of complaints

1. The COOM is not obligated to handle a complaint if it concerns behaviour:
 - a. about which a complaint has previously been submitted, handled and assessed in accordance with these regulations, unless there are new facts and/or circumstances;
 - b. which occurred more than three years before the submission of the complaint;
 - c. to which the complainant could have objected to in some other way;
 - d. against which the complainant can appeal, has appealed or could have appealed;

e. in connection with which legal proceedings are ongoing or have been completed.

The period of three years referred to in subsection b can be deviated from if a complainant was not in a fit psychological condition to be able to submit a complaint the provision under subsection b of this Article. The determination about whether or not the complainant was 'not in a fit condition to submit a complaint' must be made by an expert.

2. The COOM is not obligated to handle a complaint if the interests of the complainant or the seriousness of the behaviour are manifestly insufficient, the complaint is submitted anonymously, or the complaint does not relate to EUR Holding BV and its subsidiaries, its employees or enrolled students.
3. If a complaint is not accepted for handling, the Complaints Committee (COOM) will inform the complainant in writing as quickly as possible, but no later than four weeks upon receipt of the complaint.
4. The complainant can take legal action if he disagrees with the decision as referred to in this article.

Article 8 - The handling of the complaint

1. Upon receipt of a formal complaint, the COOM Secretary will confirm receipt of the complaint in writing, stating that handling of the complaint should take no longer than eight weeks. The complainant can be given the opportunity to supplement the complaint if it does not yet satisfy the requirements in Article 6, paragraph 2 of these regulations.
2. When the complaint form is complete, the COOM Secretary will inform the complainant that his/her complaint is ready for handling.
3. If the eight-week period proves to be unachievable for handling the complaint, the COOM will extend this period by a maximum of six weeks and notify in writing the complainant and the accused of the extended term.
4. The COOM Secretary informs the LLC CEO of handling a complaint and sends the written complaint with it, omitting the page with the names of witnesses. Names of persons mentioned on the other pages of the complaint are redacted to protect their privacy. If the complaint concerns the LLC CEO, the Supervisory Board Chair will be informed, mutatis mutandis, and exercise the powers of the CEO as described in these regulations.
5. If there is a suspicion that the complaint concerns a criminal offence, the COOM shall directly inform the CEO of the subsidiary (LLC) involved in the complaint. If the complaint relates to the CEO himself, the Supervisory Board Chair of the relevant LLC will be informed. In criminal offence cases, the LLC CEO or Supervisory Board Chair must report the offence to the police and subsequently inform the CEO of EUR Holding BV about the given statement to the police.
6. The COOM shall inform the accused about the submitted complaint, by sending the accused a copy of the complaint and any documents submitted in connection with the complaint, with the exception of the page with the names of witnesses. Names of persons mentioned on other pages of the complaint shall be redacted.
7. The complainant and the accused will be given the opportunity to be heard by the COOM as soon as possible after receipt of the complaint, unless they waive the right to be heard in writing, or the complaint is declared unfounded or inadmissible.
8. If the committee summons the complainant and the accused, they have a duty to appear before the COOM.
9. The COOM will give the complainant and the accused the opportunity to be heard separately by the committee. If the complainant or the accused asks to be heard in each other's presence, then the COOM shall agree to this request, unless there are objections against them being heard in each other's presence for reasons of due care or confidentiality.
10. In derogation to the provisions in the previous paragraph, the COOM may decide to hear the complainant and the accused in each other's presence if the committee deems it beneficial to the proper handling of the complaint. A condition for this, however, is that there are no reasons of due care or confidentiality that would oppose such a decision.

11. If the complainant and accused are heard separately, the procedure will be as follows:
 - a. The COOM will ask the accused to respond in writing to the complaint, and send the response to the complainant;
 - b. The separate hearings will take place based on the complaint and the response of the accused;
 - c. The report of the separate hearings will be sent to both parties;
 - d. The complainant and the accused will be given the opportunity to respond in writing;
 - e. The response referred to in subsection d of Article 8, paragraph 10, will then be sent to the other party.
12. The hearings are not open to the public.
13. Reports will be made of the hearings and sent to the complainant and the accused for comment. These reports - together with any comments made by the parties involved - will be attached to the advice to be issued by the COOM to the CEO or the Supervisory Board Chair of the subsidiary company (LLC).
14. At the request of the complainant, the accused, or the COOM, witnesses, experts or other persons directly involved in the case can be heard in accordance with the provisions laid down in Articles 9 and 10 of these regulations.
15. If in the opinion of the COOM the complainant and the accused should be heard further before it can give its advice and recommendations to the CEO or Supervisory Board Chair of the subsidiary company (LLC), it will summon the complainant and the accused to appear at a subsequent hearing in accordance with provisions in paragraph 8 of this Article.

Article 9 - Expert Consultations

1. If a complaint is submitted by a student, the COOM may consult a EUR Holding BV employee with expertise in student matters. The expert may not be employed at the LLC where the complainant or the accused is studying or working.
2. If a complaint is submitted by a member of staff of one of the subsidiary companies (LLC), a person working within EUR Holding BV or Erasmus University Rotterdam with expertise in human resource management (HRM) may be consulted by the committee as an expert. However, this person must not be working within the faculty or subsidiary company where the complainant or the accused is working or studying.

Article 10 - Rules Regarding Anonymous Witnesses

1. Witnesses who do not wish to disclose their identity during the complaints procedure may submit a written request of anonymity to the Committee (COOM).
2. In the event that the Committee does not grant the request, with justification and in writing, the witness may withdraw his/her complaint at any time.
3. When hearing an anonymous witness, only COOM members, the COOM Secretary and at the request of the witness, a Confidential Counsellor may be present.
4. In exceptional cases, the anonymous witness can give a testimony in writing. In such case, the COOM gets the opportunity to ask its questions in writing.
5. The record of the hearing is anonymised to protect the identity of the witness.

Article 11 - Advice of the COOM

1. The advice of the COOM shall contain at least:
 - a. the name and the address of the complainant;
 - b. the name and the address of the accused;
 - c. the nature of the complaint;
 - d. the findings of the investigation carried out by the COOM, and the arguments supporting the decision on whether the complaint is well-founded or unfounded;

- e. the report or reports of the hearings (while respecting the requests of witnesses to remain anonymous).

If the complaint justifies it, the advice can also contain:

- f. recommendations about the measures to be taken in accordance with the statutory regulations applicable to the subsidiary company (LLC) and its General Employment Conditions;
 - g. advice about any relevant follow-up care process.
2. The COOM shall send its advice confidentially to the CEO or Supervisory Board Chair of the LLC to which the complaint refers, and inform the complainant and the accused it has done so.

Article 12 - Complaint Decision by LLC CEO and appeals

1. The CEO or Supervisory Board Chair of the LLC to which the complaint refers shall notify the complainant and the accused in writing of his decision(s) on the submitted complaint and the reasons for the decision(s) within three weeks of receipt of the advice by the COOM. The written notification states his conclusions drawn from the committee's investigation findings into the complaint and recommendations on actions and/or measures to be taken against the accused.
2. Before making his decision as referred to in paragraph 1 of this Article, the LLC CEO or Supervisory Board Chair can instruct the COOM to provide additional information. The LLC CEO or Supervisory Board Chair shall then inform the complainant and the accused of such a request in writing, and state the period within which he will notify both parties again in writing about his decision as well as the reasons for the decision.
3. If the LLC CEO or Supervisory Board Chair wishes to deviate from the advice of the COOM, he will consult with the COOM Chair before taking a final decision. In such cases, the period referred to in paragraph 2 of this article can be extended by 10 working days. The complainant and the accused will both receive a written notification about the extended term.
4. If the LLC CEO's decision deviates from the advice of the COOM, he will send a written justification for this decision to the complainant and the accused, and report it to the Chairman of the Supervisory Board. If it is the Supervisory Board Chair who in his decision deviates from the advice of the COOM, he will inform the other members of the Supervisory Board. Any decision deviating from the advice of the COOM is at all times brought to the attention of the Committee.
5. Correspondence about a ruling upholding the complaint and/or a measure in relation to the accused, who is deemed an employee in the sense of these regulations, shall be placed in a sealed envelope in the personnel file of the accused, and may only be opened under the authority of the LLC CEO or Supervisory Board Chair.
6. The complainant and the accused may lodge an appeal against a decision by the LLC CEO, as referred to in this Article, with the Supervisory Board of the subsidiary (LLC). If a complaint has been handled and assessed by the Chair of the Supervisory Board of the LLC in accordance with the provisions of Article 8, paragraph 4, the Supervisory Board Vice-Chair of the LLC shall set up an ad hoc dispute resolution committee of three members to handle the appeal.
7. An appeal, as referred to in the previous paragraph 6, must be submitted in writing within 14 days after the date the written decision by the subsidiary CEO has been sent, in a sealed envelope with the inscription "confidential" to the Chair of the Supervisory Board of the subsidiary (LLC) the complaint refers to. If a complaint has been handled by the LLC Supervisory Board Chair in accordance with the provisions of Article 8, paragraph 4, then the appeal shall be submitted to the Vice-Chair of the Supervisory Board of the subsidiary company (LLC).
8. Following the submission of this appeal, the Chair of the Supervisory Board of EUR Holding, or as the case may be, the ad hoc dispute resolution committee (as referred to in paragraph 6 of this Article), shall carry out an investigation whereby both sides of the argument shall be heard. The Supervisory Board Chair (or ad hoc dispute resolution committee) renders a decision on the appeal within 4 weeks of receipt of the request. The complainant and the accused shall subsequently receive written notification of the decision with the reasons for the decision.

9. If the complainant or the accused disagree with the outcome of the appeal or the decision as referred to in paragraph 8 of this Article, they may take judicial action.

Article 13 - Actions and measures to be taken

1. An action or measure in the sense of Article 12, paragraph 1, means:
 - a. For an employee with whom an employment contract has been concluded: a disciplinary measure taken by the employer, as referred to in the General Employment Conditions of the LLCs, whereby the most serious measure can lead to dismissal.
 - b. For students:
 - a warning;
 - a reprimand;
 - a temporary and/or conditional, or definitive denial of access to lectures, office spaces and facilities of the LLC involved in the case (maximum of 12 months).
 - c. For persons in a contractual relationship with EUR Holding: the dissolution of the contractual relationship or rejection to extend this relationship.
2. The CEO of EUR Holding BV will be informed of the measures taken in the resolution of a complaint.
3. Both prior and during the handling of the complaint, at the request of the complainant and/or the Chair of the COOM, the LLC CEO or Supervisory Board Chair can take temporary measures, if deemed necessary for the welfare of the complainant and/or if there is an untenable situation for one or more of the persons directly involved. In that case, the CEO of EUR Holding BV must also be informed of any temporary measures taken.

Article 14 – Reporting a possible criminal offence

1. The CEO or Supervisory Board Chair of the LLC shall cooperate with any investigation carried out by the police or judicial authorities if a complainant has reported a case of sexual harassment, aggression or violence, bullying or discrimination to an investigating officer, and there is a suspicion that a criminal offence has been committed.
2. In the event of a situation as referred to in paragraph 1 of this Article, the LLC CEO or Supervisory Board Chair can also order an investigation to be carried out by the COOM, on the condition that legal proceedings have not yet been initiated in accordance with the provision in Article 7, paragraph 1 ad e.

Article 15 – Final provisions

1. In situations that are not covered by these regulations, the CEO of EUR Holding BV may, whether requested or not by one (or more) LLC CEO, take a decision in accordance with principles of reasonableness and fairness.
2. These regulations shall be evaluated and updated two years after the date of entry into force.
3. These regulations shall be cited as *The EUR Holding BV Regulations on Reporting Undesirable Behaviour and Complaints Procedure*, and have been laid down pursuant to a decision of the CEO of EUR Holding BV on 3 July 2016, revised and updated as of 1 November 2018.

Explanatory notes concerning parts of the regulations

In these regulations, the link between the workplace or study environment and the undesirable behaviour is often stressed. This does not mean, however, that one can only report undesirable behaviour if it occurs in the workplace or study environment (on premises), or during working hours or time spent studying. Undesirable behaviour may also occur off premises and outside working hours.

- If someone is confronted with sexually explicit behaviour in the context of work or study situation, which he considers to be unwanted or threatening, then this constitutes a case of sexual harassment. Sexual harassment can take the form of certain gestures or actions, including the sending or displaying of sexually explicit text or images, direct or indirect innuendos, verbal or written comments of an ambiguous or unambiguous nature (e.g., via email), touching, groping, or assault, including rape. It also includes sexual blackmail, such as the promising of a promotion in exchange for sexual favours. The determining factor in all cases is the way in which the victim perceives the behaviour, not how it is intended by the perpetrator.
- Discrimination is the making of an unlawful distinction, based on real or perceived differences with respect to religion, beliefs, sexual orientation, race, gender, political opinion, (physical) disability, skin colour or appearance, or otherwise as referred to in Article 1 of The Constitution of the Kingdom of the Netherlands, which is undesirable or unsolicited, or which can be reasonably perceived as such by the person who is confronted with this behaviour.
- Employers have to protect employees as far as possible against aggression and violence. This includes amongst other things:
 - Verbal abuse: shouting, screaming, spreading malicious rumours, provocation, and harassment.
 - A serious threat of violence, either in words or gestures, in relation to persons (including family members, and including systematic obstruction or stalking), personal property, buildings, and/or stock and inventory.
 - Vandalism or attempted vandalism to personal property, stock and inventory, or buildings.
 - Physical violence: the infliction of pain and/or injury in any way whatsoever, such as by grabbing, kicking, hitting, biting, physical obstruction, throwing of objects, stabbing, or shooting from any type of firearm.
- Bullying is hostile, degrading, or intimidating behaviour, which is persistently aimed at the same person and with the intention of deliberately harming or openly humiliating that person. It occurs repeatedly and over a long period of time. As a consequence, the person who is being bullied is often no longer able to perform to their full potential within the organisation. Examples of bullying include social isolation, making work or study unpleasant or impossible, ridiculing, and spreading rumours.

In these regulations, an important role is assigned to the *Confidential Counsellor*. The Confidential Counsellor must have at least an understanding of, and experience with, counselling and welfare services, and possess excellent communication skills. The Confidential Counsellor must be approachable, available, and be able to carry out the assigned tasks independently. Wherever possible, an attempt should be made to find a solution to the identified problem in the preliminary phase (i.e., following a report of undesirable behaviour). The person reporting the incident, and also the person against whom the report is directed, might need support and assistance from the staff welfare officer or from some other agency. In such cases, the Confidential Counsellor can act as the referring authority. Article 2, paragraph 2, subsection d, establishes when the Confidential Counsellor must bring a report to the attention of the LLC CEO or Supervisory Board Chair. For instance, if no formal complaint has been submitted by the employee, student or client, but the Confidential Counsellor deems an investigation necessary, the LLC CEO or Supervisory Board Chair may order one. The investigation may be carried out on the condition that the anonymity of the informant is guaranteed.

During the handling of a report or a complaint, every effort will be made to prevent any breach of the *privacy of the informant/complainant and the person against whom the report/complaint is directed*. The obligation of confidentiality applies during the reporting phase, during the complaints procedure, and after a decision has been taken by the LLC CEO or Supervisory Board Chair. If rumours circulate within the company (LLC), its CEO or Supervisory Board Chair is permitted, after the decision, to inform the relevant employees within the LLC about whether or not the complaint has been declared well-founded or unfounded.

If a *report or complaint is made by or about a company (LLC) CEO*, then the report or complaint must be submitted to that specific LLC Supervisory Board Chair. The COOM will then issue its advice to the Supervisory Board Chair of that LLC, who will then take a reasoned decision on the matter in accordance with the complaints procedure.

Should either the complainant or the accused disagree with the decision about a complaint, even after an appeal procedure with the Supervisory Board or independent ad hoc dispute committee (as the complaint was handled by the Supervisory Board Chair), then the relevant party can take judicial action. The following considerations will apply in such cases.

Civil law / labour law

- a. If the employer decides to take disciplinary action against the perpetrator of the undesirable behaviour, then this will be subject to civil law. But there might also be consequences for the victim in terms of redundancy or dismissal, or as the victim might feel entitled to compensation. A victim of sexual harassment may for example, no longer want to work in the organisation where the harassment took place. Moreover, if the victim feels entitled to receive compensation, they might decide to submit an application with the sub-district court for the dissolution of the employment contract, and ask to be awarded compensation.
- b. In some cases, the employer might decide to make an application for the dissolution of the employment contract with the victim. This might happen if a complaint has been declared unfounded (which does not always mean that no sexual harassment took place), or for example if the employer decides not to terminate employment with the perpetrator despite a complaint being upheld.
- c. If the employer has failed to fulfil its statutory obligation of due care, the employer might be sentenced to pay compensation by the court. In such cases, Article 7:658 of the Dutch Civil Code can be invoked, which states that the employer has a particular obligation 'to take such measures and to give such directions as reasonably necessary to prevent the employee suffering injury during the performance of his work'.
- d. Furthermore, in serious cases, the perpetrator can be sued for compensation on the grounds of unlawful conduct via separate legal proceedings.

Criminal law

- d. In certain cases it is possible that the sexual harassment is so serious that it also constitutes a criminal offence under the Dutch Criminal Code. A crime can be reported, for example, in cases that involve assault, rape, or stalking. Both the police and the public prosecutor will debate whether '*the offence is serious enough to be prosecuted*', as well as whether or not '*the offence can be proven*'.

Equal Treatment Act

- f. Employees also have rights that are protected under the laws on equal opportunities and equal treatment. Sexual harassment is considered to be a direct differentiation on the grounds of gender, and thus constitutes a form of discrimination that is prohibited in the Netherlands. A complaint can also be submitted to the Dutch Equal Treatment Commission (CGB) in Utrecht in relation to the conduct of employers, competent authorities, and their managers. A complaint may be submitted against an employer if it has committed an offence, but also if it has failed to fulfil its obligation of due care in relation to preventing and deterring sexual harassment. The employer and/or the competent authority can be held responsible and liable for any sexual harassment perpetrated by an employee. In such cases, the Commission might then rule that there has been '*conduct contrary to the prohibition against discrimination on the grounds of gender*'. This might be the case, for example, if the complaints procedure of the employer does not satisfy the statutory requirements or if the complaint is not handled with the appropriate due care. However, the rulings of this Commission are not binding.

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