

**EUR regulations governing the handling of undesirable behaviour (sexual harassment, aggression, violence, bullying and discrimination)**

(March 2008)

**Article 1 – Definitions of terms**

1. Undesirable behaviour is understood to mean:  
Direct or indirect undesirable expression or conduct, which manifests itself in a verbal, non-verbal, physical or psychological behaviour against another person, which the affected person perceives as undesirable and unwanted and as a violation of his/her integrity to such an extent that this leads to psychological and social stress at work or studies. This behaviour includes sexual harassment, aggression, violence, bullying and discrimination.
2. Sexual harassment is understood to mean:  
Any form of verbal, non-verbal or physical behaviour using sexual connotations with the purpose or consequence of affecting the person's dignity, especially if a situation created is perceived as threatening, hostile, insulting, demeaning or offending.
3. Aggression and violence is understood to mean:  
Situations in which an employee or a student is harassed psychologically or physically, threatened or attacked under circumstances directly related to work or study.
4. Bullying is understood to mean:  
All forms of intimidating behaviour in which one or more employees (colleagues, managers) systematically badger one or more colleagues or students or in which students badger an employee and/or student or a group of employees and/or students, and whereas the victims find it difficult to protect themselves against this form of behaviour.
5. Discrimination is understood to mean:  
Any expression or conduct that leads to unequal handling, slight or deprivation based on factors such as sexual inclination, gender, political convictions, life philosophy, skin colour or religion under circumstances directly related to work or study.
6. Complainant is understood to mean:  
An employee or a student from the EUR who submits a complaint about sexual intimidation, aggression, violence, bullying or discrimination.
7. Accused is understood to mean:  
An employee or student who is cited in the complaint concerning undesirable behaviour, as referred to in paragraph 6.
8. Employee is understood to mean:
  - a person holding a permanent or temporary position in the EUR;
  - a person employed by a third party (whether or not subject to a contract) and who performs work for the EUR, such as a guest lecturer, secondment employees, students in work placement and temps.

This complaint-handling regulation also applies to:

  - a person who stays at the EUR on invitation or on a contractual basis.
9. Student is understood to mean:
  - a person who is registered in one of the initial degree programmes offered by the EUR;
  - a person who is registered in one of the non-initial degree programmes, courses, etc. offered by the EUR.
10. Confidential counsellors are understood to mean: employees appointed by the EUR Executive Board to assist personnel members and students. As part of these regulations, their tasks are:
  - to support and advise persons who have submitted or intend to submit a complaint to the Executive Board about sexual harassment, aggression, violence, bullying or discrimination, hereinafter: the complainant(s);
  - to provide information about the complaint procedure described in these regulations or by virtue of these regulations;
  - to seek a solution for a problem indicated by the complainant;
  - to advise the Executive Board and managers about the policy that should be adopted or about other matters related to undesirable behaviour, either upon request of the Executive Board or managers or of their own accord.
11. Complaints committee is understood to mean:  
The standing advisory committee established by the Executive Board for the purpose of investigating and assessing - on the Executive Board's request - a complaint about sexual harassment, aggression,

violence, bullying or discrimination, and to advise the Executive Board about measures that should or should not be taken.

#### **Article 2 – Right of complaint**

1. A complaint about sexual harassment, aggression, violence, bullying or discrimination may be submitted by an employee or a student, hereinafter: the Complainant, who is experiencing (or has experienced) undesirable behaviour while working or studying in the EUR.
2. The complaint, as referred to in the first paragraph, has to relate to the behaviour of an employee or a student, hereinafter: Accused.
3. A former employee or former student is still entitled to submit a complaint, as referred to in the first paragraph, within 3 months after the completion of his/her appointment as an employee or his/her registration as a student if the accused is at that moment still employed by the EUR and/or the accused is still registered as an EUR student or a participant in an EUR course.
4. A complaint can be retracted by an employee or a student at any time. Following the receipt of a retraction, the handling of the complaint ceases immediately and the documents related to the complaint are removed from the files concerned.

#### **Article 3 – Submitting a complaint; the confidential counsellor**

1. A complaint is submitted to the Executive Board, in writing and including the reasons, preferably via a confidential counsellor. If a complaint is submitted directly to the Executive Board, the relevant confidential counsellor is informed about it as soon as possible and the same counsellor is given the opportunity to advise the Board about how to handle the complaint.
2. If a complaint is submitted via a confidential counsellor, this same counsellor advises the Executive Board about how to handle the complaint.
3. The confidential counsellor is authorised to mediate a complaint *before* it is submitted to the Executive Board. He/she is also authorised to gather all the information necessary for the purpose of carrying out his/her task in a responsible manner.
4. The confidential counsellor is accountable to the Executive Board for the execution of his/her task.
5. The confidential counsellor is bound by secrecy with respect to any information presented to him/her concerning the complaint (or intended complaint) about undesirable behaviour. The confidentiality does not apply to sharing information with co-confidential counsellors, the complaints committee, the Executive Board, any officers appointed by the Board and perhaps an independent medical consultant, an authorised officer from the police or magistrature or the inspectorate.
6. The confidential counsellor maintains records of the complaint (or intended complaint) that was brought before him/her and submits an annual confidential and anonymous report about it to the Executive Board.
7. The Executive Board sends the annual report prepared by the confidential counsellor(s) to the university council.

#### **Article 4 – Procedure for handling the complaint**

1. Within 3 weeks after a complaint is lodged, the Executive Board decides whether the complaint will be handled by a manager or by the complaints committee, depending on the nature, scope and gravity of the complaint, and in view of the advice received from the confidential counsellor. If the complainant or accused has submitted objections to having a manager handle the complaint, then the complaint is sent to the complaints committee for handling.
2. The Executive Board informs the complainant immediately about receipt of the complaint and how it will be handled.
3. The Executive Board itself decides about imposing a measure, as referred to in article 8 of these regulations.

**Comment [CvR1]:** Betreft dit een door het CvB aangewezen speciale behandelaar? Dan is "manager" nl. geen goede vertaling; "case manager" zou dan beter zijn. Geldt ook Art. 5 hieronder.

#### **Article 5 – Complaint handling by a manager**

1. After receipt of the complaint, the manager hears the side of the complainant as soon as possible.

2. The manager notifies the accused about the complaint and hears the version of the accused, preferably in the presence of the complainant(s) unless a complainant or the accused object to discussing the matter in each other's presence. The manager formulates a written report about the information obtained from the complainant(s) and the accused. This report is presented to the complainant(s) and the accused for comments. These reports – including any comments by the parties involved – are added to the advice that the manager submits to the Executive Board.
3. The complainant(s) and the accused may be assisted by an adviser or an attorney. The costs for this are at the expense of the person(s) seeking assistance.
4. In addition, at the request of the complainant(s) or the accused, the manager may hear witnesses, experts or other parties directly involved in the matter.
5. Ultimately two months after receiving a complaint, the manager informs the complainant(s) and the accused about his/her findings and sends a confidential report to the Executive Board.
6. If the manager finds that the complaint is well founded, he/she submits a report to the Executive Board with the measures that were taken by him. The manager can also propose to the Executive Board to take the measures referred to in article 8 of these regulations.
7. The manager is bound to secrecy about any information he/she has obtained with regard to a complaint about sexual harassment, aggression, violence, bullying or discrimination.

#### **Article 6 – The Complaints Committee**

1. The Executive Board sets up a standing complaints committee for handling matters of sexual harassment, aggression, violence, bullying or discrimination.
2. The complaints committee consists of three members and three substitute members. At least one member of the committee is a lawyer.
3. The Executive Board appoints the members and substitute members of the complaints committee for a period of three years, following consultations with the University Council. They may be re-appointed.
4. The members and substitute members of the complaints committee are bound by secrecy about any information they obtained with regard to a complaint about sexual harassment, aggression, violence, bullying or discrimination. The confidentiality does not apply to sharing information with confidential counsellors, the Executive Board, any officers appointed by the Board and perhaps an independent medical consultant, an authorised officer from the police or magistrature or the inspectorate.
5. The complaints committee is authorised to gather all information necessary for carrying out its task.
6. The complaints committee is authorised to set up additional rules for its task holders, but the Executive Board has to approve these additional rules.
7. The complaints committee is also authorised to advise the Executive Board (following a request or of its own accord) in connection with the policy set down by the Executive Board regarding prevention or banning of sexual harassment, aggression, violence, bullying or discrimination within the EUR.
8. Each year, in consultation with the confidential counsellor(s), the complaints committee submits a confidential and anonymous report to the Executive Board about its activities. This annual report is made available (in confidentiality) for the perusal of the University Council.
9. The EUR department for Legal Affairs provides a secretary for the complaints committee and this secretary takes care of the confidential filing of all the documents handled by the complaints committee.

#### **Article 7 – How the complaints committee handles a complaint**

1. After the receipt of the complaint, the complaints committee hears the complainant as soon as possible.
2. The complaints committee informs the accused about the complaint and hears the accused, preferably in the presence of the complainant(s), unless the complainant(s) or the accused object to discussing the matter in each other's presence.
3. The complainant(s) and the accused may be assisted by an adviser or an attorney. The costs for this are at the expense of the person(s) seeking assistance.
4. At the request of a complainant or the accused the committee can hear witnesses, experts or other parties directly involved in the matter.
5. After hearing the complainant(s) and the accused, the complaints committee writes a report, which is submitted for comments to the complainant(s) and the accused. This report – including any comments

submitted by the parties involved – is added to the advice that the committee submits to the Executive Board.

6. Ultimately 10 weeks after a complaint is lodged, the complaints committee sends a substantiated advice to the Executive Board about the measures that the board should take – including the measure referred to in article 8 of these regulations. In the event that this period is not feasible, the complaints committee can extend the period by a maximum of 4 additional weeks. The complaints committee shall notify the complainant(s) and the accused of this well in time.

#### **Article 8 – Decision-making by the Executive Board about the complaint; measures.**

1. Ultimately 3 weeks after receiving the advice of the manager or the complaints committee, the Executive Board decides, in a decision containing the grounds, whether the complaint is well founded. If indeed the complaint is well founded, the Executive Board decides which measure(s) will be taken against the accused.
2. If the accused is a EUR employee and the complaint is well founded according to the opinion of the Board, a disciplinary measure is taken, as stipulated in the Collective Labour Agreement for Universities in the Netherlands.
3. If the accused is a student registered at the EUR or using the facilities of the EUR in one way or the other, and the complaint is well founded in the opinion of the Board, then a measure is taken, as stipulated in the EUR regulation regarding the maintenance of order in university building and on university grounds and with regard to effective or legitimate use of university facilities (determined in March 2000, revised in 2004).

#### **Article 9 – Objection or appeal**

A ruling of the Executive Board as referred to in Article 8 of these regulations, being a decision pursuant to Article 1:3 of the General Administrative Law Act (Dutch: AWB), can be objected to or can be appealed against pursuant to the General Administrative Law Act and/or the Higher Education & Research Act (Dutch: WHW).

#### **Article 10 – Submitting a report**

1. If a complainant submits or has submitted a report to a criminal investigator about a case of sexual harassment, aggression, violence, bullying or discrimination and there is suspicion of a penal offence, the Executive Board will offer its cooperation to the investigation of the police or magistrature.
2. The Executive Board can also conduct its own investigation via the complaints committee in cases as referred to in the first paragraph of this article.
3. In the case referred to in the first paragraph of this article, the Confidential Inspector within the Inspectorate for Higher Education is also informed about the report.

#### **Article 11 – Final stipulation**

In cases that are not covered by these regulations, the Executive Board can take independent decisions in all reasonableness and fairness and where necessary, in deviation of the stipulation(s) in or pursuant to these regulations.