

Complaints procedure for employees regarding inappropriate behavior at University College Roosevelt

Preamble

The Executive Board expects everyone within University College Roosevelt, both staff and students, to treat each other with respect and integrity and to be able to work or study in a pleasant and safe environment. The general framework for everyone's behavior is laid down in University College Roosevelt Code of Conduct, with specific rules of conduct in - amongst others - the Code of Conduct to prevent and tackle inappropriate behavior.

If the learning or working environment is adversely affected by the behavior of these others (fellow students, lecturers, colleagues, supervisors), it is important to discuss this with them and/or your supervisor/UCR management. If this does not help or if individuals feel unable to address the other directly an employee can contact the Confidential Advisor for Employees. Employees can discuss confidential matters with the Confidential Advisor, who is bound to professional confidentiality. A Confidential Advisor can, though only with the client's permission, mediate to either reach a solution or speed up the process.

If the employee feels that the complaint is severe, or if it is difficult to discuss or if the problem was not solved informally, the employee can report a complaint. The Confidential Advisor can also help the employee in reporting the complaint and can support the employee during the procedure. The procedure for reporting a complaint is described in this document.

I. General provisions

Article 1

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

The accused:	The employee or student to whose behavior the complaint relates;
Aggression, violence:	To harass, threat or attack an employee or student psychologically, physically or verbally;
Board of Trustees:	The Board of Trustees of University College Roosevelt (UCR); it is the legally required monitoring body of UCR.
Bullying:	Intimidating behavior of a structural character by one or more employees or against one or more employees or students;
Chair:	The Chair of the Complaints Committee is appointed by the Executive Board and receives and processes complaints and acts as Chair of the Complaints Committee. The Chair is the only permanent member of the Complaints Committee and has no connection to UCR.
Complainant:	The employee who submits a complaint about inappropriate behavior;
Complaint:	A document written by the employee making the complaint about perceived inappropriate behavior;
Complaints Committee:	The Committee composed by the Chair to deal with and advise on a specific written complaint on inappropriate behavior. All members of the committee are external members and have no connection to UCR.
Confidential Advisor for Employees:	The independent officer appointed by the Executive Board to whom the employee confronted with inappropriate behavior or the accused can turn for advice and support;
Discrimination:	To discriminate without justification, insult or act violently against staff or students on the grounds of religion, personal beliefs, political opinion, race, sex, gender identity, sexual orientation, nationality, civil status, age, disability or chronic illness or for any other reason;
Employee:	A person employed by UCR or working under the responsibility of UCR as a temporary employee, interim worker or trainee;



Executive Board:	The Executive Board of UCR;
Inappropriate behavior:	Any conduct, act or omission of an act, the physical, mental or social consequences of which are perceived as negative. This includes in any case intimidation, sexual harassment, discrimination, aggression, violence and bullying in the workplace and UCR campus;
Intimidation:	Any form of verbal, non-verbal or physical conduct with the purpose or effect of violating a person's dignity, adversely affecting work or study performance or creating an unsafe working or study environment;
Sexual harassment:	Any form of verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating a person's dignity, adversely affecting work or creating an unsafe working environment;
Student:	A person enrolled at UCR as a student, <i>extraneus</i> or course participant;
UCR:	University College Roosevelt;

Article 2

- a. An employee who experiences inappropriate behavior by an employee or student of UCR may, for a period of three years thereafter, turn to the Confidential Advisor or submit a complaint to the Executive Board, which immediately forwards the complaint to the Confidential Advisor.
- b. The Complaints Committee will not deal with anonymous complaints.
- c. Complaints submitted more than three years after the event occurred to which the complaint relates will not be considered, unless the Confidential Advisor sees reason to make an exception in a particular case.

Article 3

Anyone who acquires knowledge of confidential information in any way within the framework of this procedure is obliged to keep this information confidential.

Article 4

Persons who have invoked this complaints procedure, provided assistance in this respect or acted as witness may not suffer any unnecessary disadvantage in the progress of their career prospects or otherwise.

II. The Confidential Advisor for employees

Article 5

The Executive Board will appoint a Confidential Advisor to whom the person making the complaint or the accused can turn. The appointment or designation will be for two years with the possibility of extension.

Article 6

The Confidential Advisor is accountable solely to the Executive Board for the performance of his or her duties.

Article 7.

The tasks of the Confidential Advisor include in any case:

- a. acting as a point of contact for employees who are confronted with inappropriate behavior;
- b. assisting and supporting the person making the report and, if necessary, referring him or her to experts;
- c. advising on any steps to be taken;
- e. trying, at the request of the person making the report, to find a solution to the undesirable situation through mediation;
- f. supporting the person making the report at his or her request in submitting a complaint or supporting the accused in preparing a response to the complaint;

- g. advising the Executive Board and other relevant organizational units, on request and otherwise, on preventing and tackling inappropriate behavior;
- h. providing information and publicity on his or her own position;
- i. Registering reports and reporting anonymously to the Executive Board each year on the number and nature of reports. The file of a report must be destroyed no later than two years after the processing of that report has been completed.

Article 8

The Confidential Advisor will not act in respect of a particular report without the consent of the person who contacted the Confidential Advisor.

Article 9

To the extent necessary for performing the mediation task, the Confidential Advisor may request access to organizational units and relevant files, in compliance with privacy legislation. In this context, the Confidential Advisor is entitled to hold discussions with staff members.

Article 10

The Confidential Advisor may not simultaneously assist both the person making the report and the person to whom the report relates. In such case the Confidential Advisor must refer to a fellow Confidential Advisor.

Article 11

The Confidential Advisor is authorized to bring a case to the attention of the Executive Board if he/she receives one or more reports that the persons making the report have not submitted or will not submit to the Complaints Committee for reasons of their own. The names of the persons making the report will not be mentioned without their permission.

Article 12

The Confidential Advisor will maintain the necessary contacts with persons and institutions that can identify inappropriate behavior within UCR on account of their position.

Article 13

If the complaint concerns a member of the Executive Board, the Confidential Advisor will advise the Board of Trustees. The Board of Trustees then takes over the duties from article 31 from the Executive Board;

III. The Complaints Committee

Article 14

- a. The Executive Board appoints an external member as Chair of the Complaints Committee for a period of three years. The Chair may be reappointed. The Chair is the only permanent member of the Complaints Committee.
- b. The Executive Board will instruct the Chair of the Complaints Committee to form an external ad hoc Complaints Committee to deal with and investigate a complaint and draw up a written advice for the Executive Board.

Article 15

The Complaints Committee consists of:

- a. a Chair who is also a member;
- b. depending on the parties involved in the complaint, the Chair will compose a UCR external Complaints Committee.

Article 16

The Chair and members of the Complaints Committee

- a. have sufficient psychosocial and/or legal knowledge with regard to inappropriate behavior;
- b. are of irreproachable behavior.

The Chair must also have extensive experience in chairing a committee.

Article 17

- a. When appointing the members, the Chair will strive for the greatest possible diversity in the members' backgrounds.
- b. A Confidential Adviser cannot also be appointed as a member of the Complaints Committee.
- c. A UCR employee cannot be appointed as member of the Complaints Committee.

Article 18

The members of the committee may not have any personal interest in dealing with the complaint and may not be involved in the complaint.

Task

Article 19

The task of the Complaints Committee is to

- a. investigate complaints about inappropriate behavior;
- b. advise the Executive Board on the admissibility and merits of a complaint.

If the complaint concerns a member of the Executive Board, the committee will advise the Board of Trustees. The Board of Trustees then takes over the duties from article 31 from the Executive Board;

- c. register complaints and provide the Executive Board each year with an anonymized report on the number and nature of the complaints. The file of a report must be destroyed no later than two years after the processing of that report has been completed.

Powers

Article 20

- a. To the extent necessary for performing its task, the Complaints Committee has access to all organizational units and all relevant files, in compliance with privacy legislation. In this context, the Complaints Committee is entitled to hold discussions with all staff members or students.
- b. The Complaints Committee may consult external experts. A report will be made of the consultation.

IV. The complaints procedure

Article 21

A complaint must be submitted in writing with or without the help of the Confidential Adviser and must state the following:

- a. the description of the inappropriate behavior;
- b. the name of the accused;
- c. the steps taken by the person making the complaint in this respect and any written documents relating thereto. These documents will be submitted to the Complaints Committee.

The complaint must be addressed to the Executive Board or, in case the complaint concerns a member of the Executive Board, to the Board of Trustees. The complaint must be submitted via e-mail to the Chair of the committee: complaints@ucr.nl.

Article 22

- a. The Chair of the committee will confirm receipt of the complaint in writing and inform the person making the complaint that the admissibility of the complaint will first be examined.

b. The Chair of the committee will inform the Executive Board or, in case the complaint concerns a member of the Executive Board, the Board of Trustees about the receipt of the complaint.

Article 23

The Chair of the Complaints Committee will assess the admissibility of the complaint within three weeks of receipt. A complaint is not admissible

- if it does not comply with the definitions of this procedure;
- if it has been submitted after the term specified in Article 2 and the Complaints Committee sees no reason to make an exception in the particular case;
- if it is submitted anonymously;
- if it has already been dealt with by the Complaints Committee earlier, unless new facts or circumstances have come to light;
- if there is a concurrence with objection proceedings, legal proceedings or a criminal investigation;
- if the interest of the person making the complaint or the severity of the inappropriate behavior described is manifestly insufficient.

Article 24

If the complaint does not yet meet the requirements, the Chair of the committee may give the person making the complaint the opportunity to supplement the complaint. The three-week period for assessing admissibility will then commence from the time of receiving the additional information.

Article 25

If the Chair of the committee considers the complaint inadmissible, it will immediately advise the Executive Board of this.

Article 26

If the Chair of the committee considers the complaint admissible, it will:

- a. compose an ad hoc Complaints Committee as described in articles 14-18;
- b. inform the person making the complaint that the substance of the complaint will be assessed and that in principle the maximum duration of processing is ten weeks, calculated from the date of receiving the full complaint;
- c. inform the accused of the complaint by sending the complaint and related documents, information about the further procedure and draw attention to the possibility of being assisted by a Confidential Adviser or a counsellor of their own choice;
- d. give the accused the opportunity to respond in writing to the complaint within a specified time limit;
- e. immediately upon receipt, forward the accused's written response to the person making the complaint.

Article 27

- a. As part its investigation, the committee will give the person making the complaint and the accused the opportunity to be heard, unless they state in writing that they waive their right to be heard.
- b. In principle, the person making the complaint and the accused will be heard in each other's presence, but this can be deviated from if a joint hearing impedes the careful handling of the complaint or if the committee expects facts or circumstances to emerge which should not be disclosed to the other party for compelling reasons.
- c. The committee may - whether or not at the request of the person making the complaint or the accused - also hear other persons as witnesses or experts.
- d. A written report of each hearing will be drawn up by the Complaints Committee and signed for approval by the person involved. If the person involved is not prepared to sign, he or she will be given the opportunity to add written comments to the report.

Article 28



During the investigation the person making the complaint and the accused may be assisted by a counsellor of their own choice, from within or outside UCR.

Article 29

The hearings of the committee are not public.

Article 30

Within ten weeks of receiving the full complaint, the committee will advise the Executive Board on the merits of the complaint and on a possible reimbursement of the fee of the legal counsellor who assisted the person making the complaint or the accused.

If the ten-week period is not feasible, delivering the opinion may be postponed by four weeks. Longer postponement is only possible with the written consent of the person making the complaint.

Article 31

a. Within four weeks of receiving the committee's advice on the admissibility (Art. 28) or merits (Art. 33) of the complaint, the Executive Board will take a decision on the complaint and on any measures or sanctions to be taken. If the Executive Board deviates from the advice, it will explain why.

b. The Executive Board will send the person making the complaint and the accused its decision in writing, together with the committee's advice.

c. The Executive Board will inform the committee of its decision.

IV. Final provisions

Article 32

The Executive Board will ensure that this procedure is sufficiently communicated.

Article 33

This procedure can be cited as the 'Complaints procedure for inappropriate behavior'. The procedure has been adopted by the Executive Board in accordance with UCR Labor Representation Board, and as far as students are concerned with the consent of UCR Council, on June 10, 2020.