

# CONFIDENTIAL COUNSELLORS' REPORT TO THE EXECUTIVE BOARD

Annual cycle Sept 2021 – Aug 2022

University of Twente, 15 November 2022

## Introduction

The Executive Board of the University of Twente discusses the experiences of confidential counsellors unacceptable behaviour (vertrouwenspersonen ongewenst gedrag) annually. This report is the basis for the conversation between these institutes. It covers all cases treated between the period from Sept-1 2021 until Aug-31 2022. The report only elaborates on general figures and trends, and does not disclose any details about individual cases. The report can hence be shared publicly.

The outline of this annual report is as follows: the section below explains the policy context in which the UT confidential counsellors (CC) operate. We then explain which UT employees fulfilled the role of CC. A confidential annex to this report containing policy advice will be sent to the EB separately.

## Policy context

Confidential counsellors are assigned for periods of two years, and they report directly to the Executive Board of the University of Twente. The basis of the institute of Confidential Counsellor (vertrouwenspersoon) is laid out in Dutch law. Specifically, the Arbeidsomstandighedenwet (art. 3 lid 2), determines that employers should make a policy directed at preventing or reducing the phenomenon of psychosocial workload (psychosociale arbeidsbelasting). Psychosocial workload divides into work pressures and unacceptable behaviour. Appointment of CC's is an implementation of measures in this policy to avoid – or reduce consequences of – unacceptable behaviour. CCs serve as the first point of contact for those that are confronted with such misfortunate situations in the context of work at the University of Twente.

The Dutch Association of Universities (Universities of The Netherlands) have outlined the policy against psychosocial workload in the collective labour agreement (CAO-NU) and all related labour catalogues (arbeidscatalogi). The ambitions of the CAO-NU agreement are to pursue a working climate in which employees experience an optimal level of social security. The policy has zero tolerance for unacceptable behaviour, and stresses the importance of collegiality, integrity, and mutual respect.

Under the CAO-NU (art. 1.12 lid 2), it is further determined that every university needs to nominate or appoint a CC. In addition, universities need to have a code of conduct (gedragscode) that aims to prevent or avoid undesirable behaviour (art. 1.12 lid 3). The code of conduct “Code (on)gewenst gedrag” (implemented on 16-07-2018 and updated on 31-12-2019) applies to this reporting period.

The role of the CCs is outlined in the referred code of conduct. The roles are adapted from the definitions in art 3.2 of the Arbeidsomstandighedenwet. CCs support (former) employees, or those external to the organization, that have experienced unacceptable behaviour in UT work-related contexts. Unacceptable behaviour is defined in the code of conduct (art 1a lid 1) as any direct or indirect behaviour, that harms the integrity of another person, verbally or non-verbally (including physical behaviour, and offences via digital and audio-visual media). Such behaviour includes: intimidation, sexual intimidation, aggression, violence, bullying, and discrimination.

CCs have the duty of confidentiality, are partial and hence are at the side of the complainant (i.e. the person reporting unacceptable behaviour). They do not advise but provide a listening ear, and inform complainants about possible intended and unintended consequences of solutions to situations. The content of counselling conversations is not disclosed, and CCs do not take any action on behalf of the complainant unless agreed differently. CCs can, however, collect general information, and advise people to visit other integrity counsellors.

## Appointed confidential counsellors

The EB of the University appoints CCs for 2 years (with the possibility to extend the term). Employees from the Human Resource department are usually not eligible for this position, since they are more likely to have conflicts of interest when dealing with confidentiality cases.

The following people were active during this reporting cycle:

- Veronique Ligtenberg (EEMCS, support staff)
- Matthijn de Rooij (ET, academic staff)
- Léon olde Scholtenhuis (ET, academic staff)
- Tanja Gerrits (S&T, support staff)

## Overview of counselling activities

Figure 1 provides an overview of those cases that were addressed in the past five years. All counselling cases were considered in this overview. Sometimes it became clear after an initial meeting, however, that the complainant did not report a case of unacceptable behaviour. These cases are nevertheless included in the overview.

With 2017-18 taken as a baseline (index 100%), the successive years have shown both growth and decline: 55% in 2018-19; 82% in 2019-20; 58% in 2020-21 and 110% in 2021-22.

Figure 1 shows that 2021-22 has been the year with the most cases (32) in the past 5 years. On balance, most cases (11) had their origin at the Faculty of S&T. BMS and ET both had 7 cases, the other faculties and services included fewer. This growth in numbers for S&T, BMS and ET is exceptional compared to the previous years.

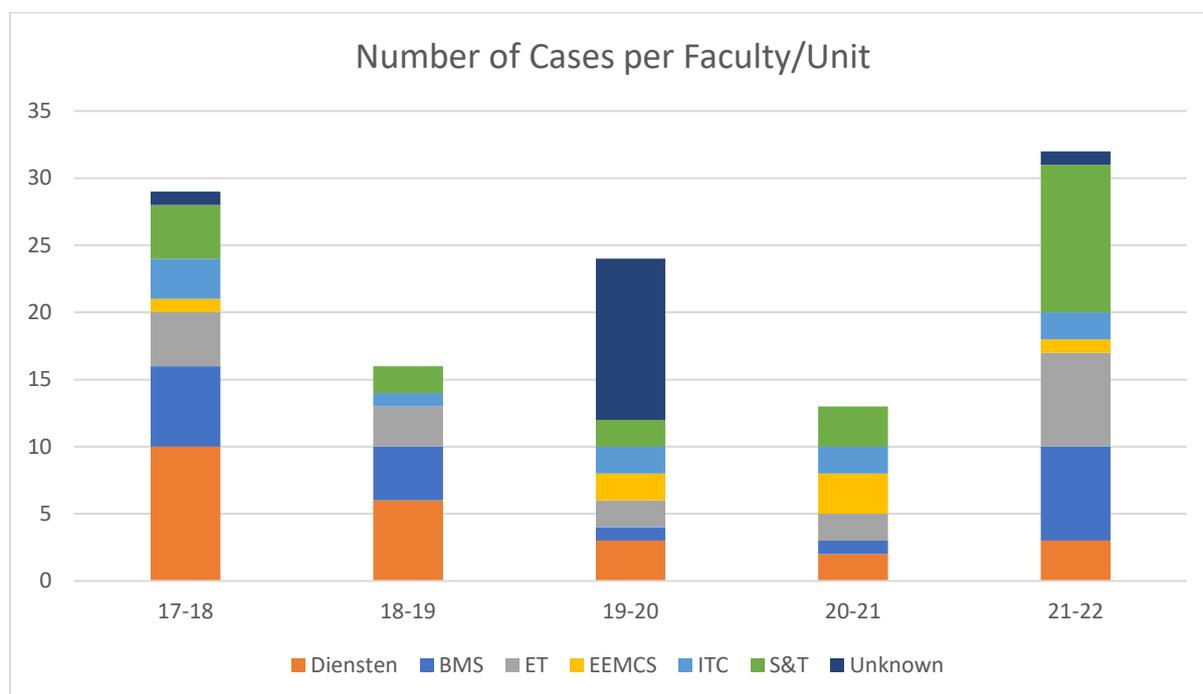


Figure 1 - number of cases per faculty - past five years

### The nature of the cases addressed

Figure 2 elaborates on the types of cases that were addressed by the CCs. The figures have been simplified in this Annual Report, as the previous report contained many categories that were not strongly related to the role of the CC.

The figure below differentiates between unacceptable behaviour, employment conflicts, and combinations of the two. The 'other' category includes cases related to unprofessional behaviour, work conflict between colleagues, or the performance of management. In 2021-22, some of the cases also were related to how management coped with employees regarding covid-19 vaccination.

The figure is compiled based on the interpretations of the CCs. They allocated each case to the category that most strongly related to it. When a case clearly fell into multiple categories, it was only registered as such.

In 2021-22, 8 cases were outside the jurisdiction of CCs (i.e. there did not include a situation of unacceptable behaviour)

In 2021-2022 the largest share of the cases is related to a form of unacceptable behaviour, a combination of unacceptable behaviours, and/or HR conflict (24 out of 32). This is unlike the previous years, where many cases fell into the employment/'other' categories.

Figure 3 further shows that the number of 'other cases' has decreased. This might be because employees might be informed better than before about the task of CCs.

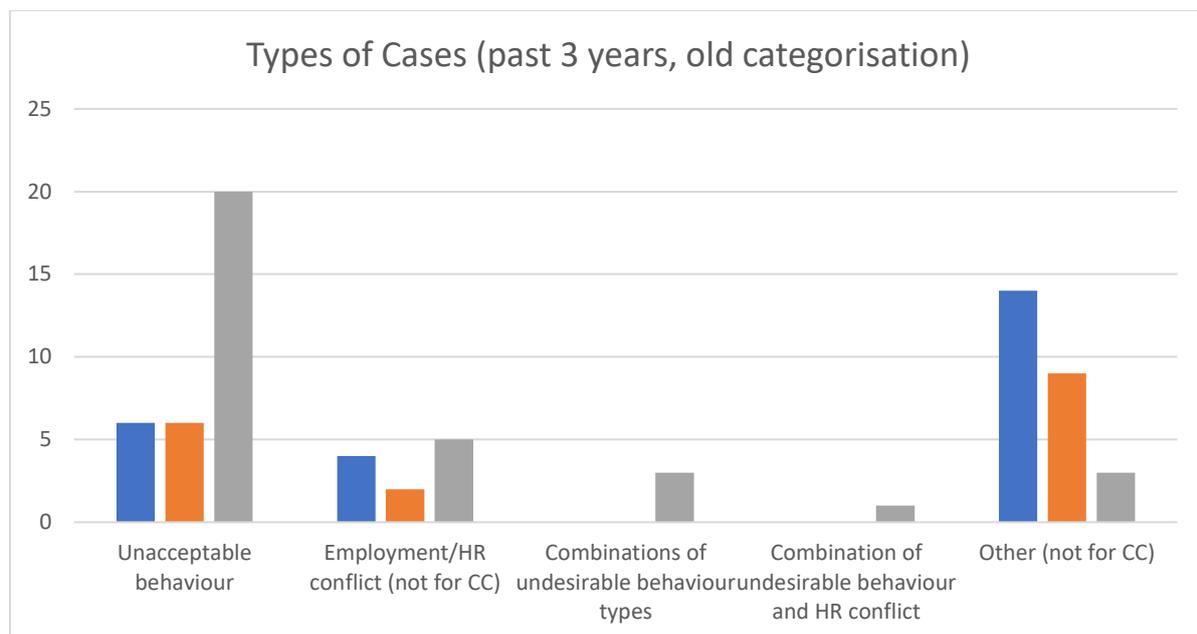


Figure 2 - unacceptable behaviour vis-a-vis other topics of counselling meetings

Figure 3 re-categorizes the 24 cases related to unacceptable behaviour to focus more on the cases of unacceptable behaviour in 2021-22. No detailed data from the previous years were available, so a comparison could not be made. To safeguard the anonymity of complainants, the figure notes a 5 for each category that had 5 or fewer cases. Figure 3 shows that by far most cases (12) were about (sexual) intimidation. Typically, these cases included intimidating behaviour and power asymmetry (due to hierarchical differences between employees).

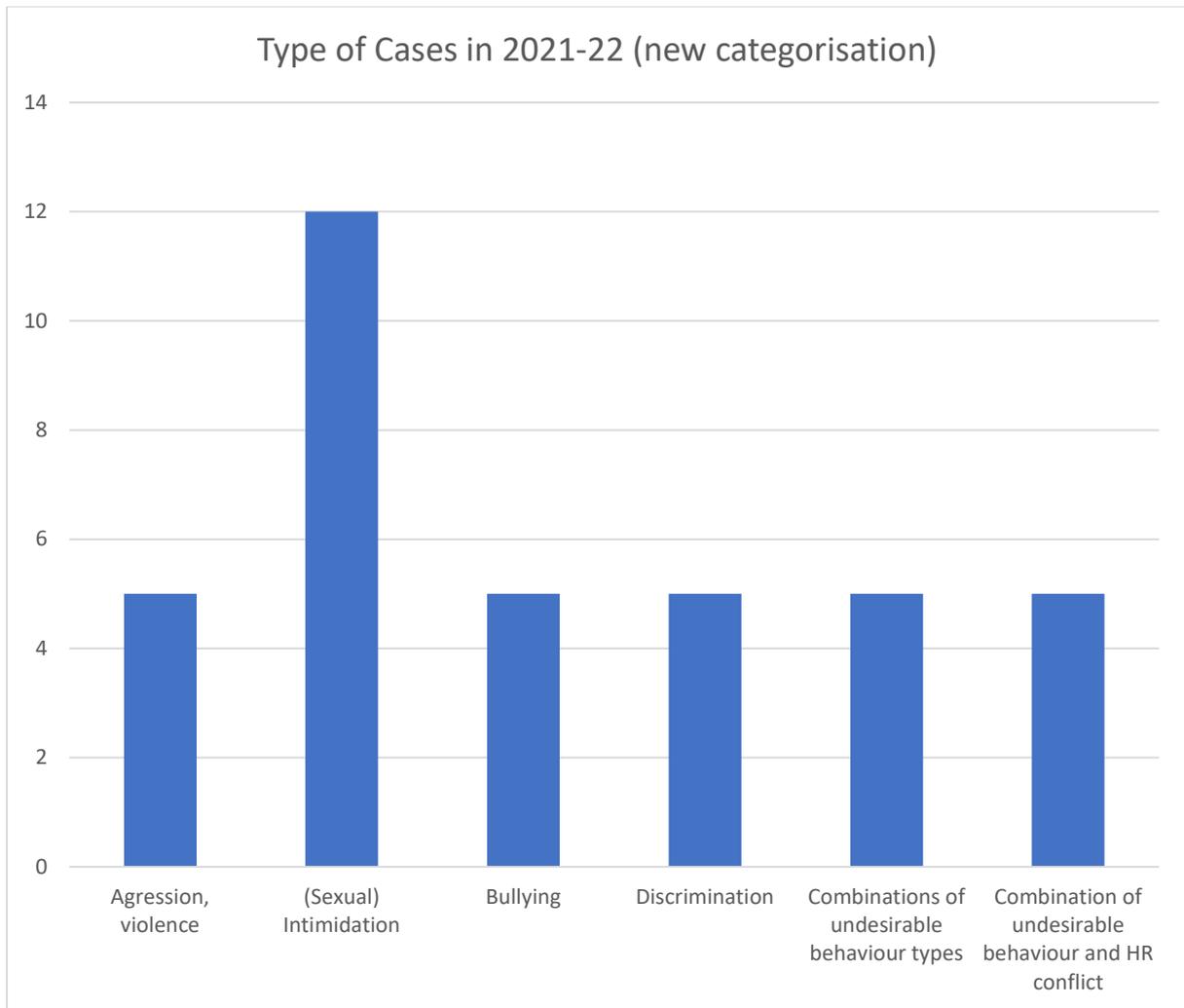


Figure 3 - types of unacceptable behaviour discussed in 2021-2022. . To protect anonymity, a 5 is used for each category that had 5 or fewer reported cases.

### Number of counseling sessions

Figure 3 indicates how many meetings were needed to bring a case to closure. The category of 0 meetings was added this year. It captures the situation in which complainants had initiated contact but then decided afterwards that they would not come to the counselling session.

Generally, cases need one or two meetings before they are resolved. Sometimes, however, more frequent contact was needed. Respectively 7 and 6 cases require that 2 and 3 meetings were held. Fewer cases required 4 meetings (2) and 5 or more meetings (2).

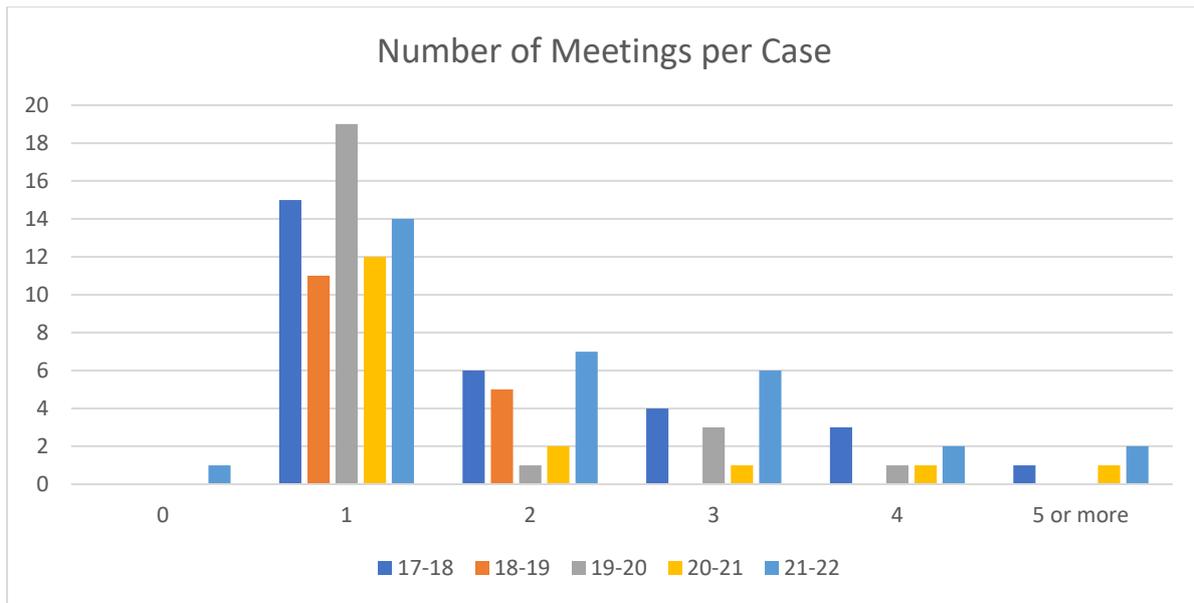


Figure 4 - number of meetings per case in the past 5 reporting cycles

## Observations

- There has been significant growth in the number of cases in the past reporting period. Compared to the 100% index in 2017-18 (29 cases), this year increased by 10%, while the years between counted fewer cases.
- Faculties S&T, ET and BMS had a large share. This is unlike the period before
- Of the 32 cases in 2021-22, 24 addressed a form of unacceptable behaviour. The other 8 cases were unrelated to the mandate given to the CCs. This is unlike the previous years, in which most cases seemed *not* related to unacceptable behaviour.
- In 2021-22, the first detailed overview was made to observe the scale of problems within each category of unacceptable behaviour. By and large, (sexual) intimidation formed the largest problem category (50%).
- Most cases were brought to closure within a meeting (14) or two (7). This is in line with the previous years.

Léon olde Scholtenhuis

Matthijn de Rooij

Veronique Ligtenberg

Tanja Gerrits

15 NOVEMBER 2022