

CONFIDENTIAL COUNSELLORS' REPORT TO THE EXECUTIVE BOARD

Annual cycle Sept 2022 – Aug 2023

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Introduction

The Executive Board (EB) of the University of Twente discusses annually the experiences of confidential counsellors unacceptable behaviour (vertrouwenspersonen ongewenst gedrag). This report is the basis for the conversation between the Executive Board and the Confidential Counsellors (CC). It covers all cases treated between the period from September 1, 2022 until August 31, 2023. The report only discusses 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 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 2orf), 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 UT 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.

Confidential counsellors are independent UT-employees. They support all other individual employees (including PhD students and EngD) who are confronted with inappropriate behaviour. Following legal text and UT policy, inappropriate behaviour is defined as intimidation, (sexual) harassment, aggression, violence, discrimination, and bullying. This also includes those employment conflicts that are related to - or arising from - unacceptable behaviour.

One task that is delegated to the confidential counsellor by law is to provide support in the procedure for submitting a formal complaint to the Executive Board. Besides this, however, they also have the

important task of providing a listening ear and thinking about various intervention options that may resolve the situation that the complaint is in. Generally, CCs provide emotional and mental support to the employee who suffers from inappropriate behaviour. In doing so, they take for granted what the employee discusses. Thus, the CC is not impartial, nor is it after the truth.

Furthermore, confidential counsellors are fully authorized to investigate and obtain all information reasonably necessary to obtain a clear picture of the nature and extent of the problem. Any such and other follow-up actions will be taken only with the consent of the complainant.

Finally, CCs have the duty of confidentiality. This means that all discussions with complainants will not be shared, with any other person within or outside the organisation.

Appointed confidential counsellors

The EB of the University appoints CCs for 2 years (with the possibility to extend the term). Employees from the Human Resources 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 Miller-Ligtenberg (EEMCS, support staff)
- Léon olde Scholtenhuis (ET, academic staff)
- Tanja Gerrits (CELT, support staff)
- Petra Weber (ITC, support staff)
- Laura Varga Llona (S&T, support staff)

Petra Weber and Laura Vargas were appointed in January 2023. Tanya Gerrits and Veronique Miller-Ligtenberg ended their term in May and October 2023, respectively. As of November 2023, ET appointed two new (international, academic staff) members as CC. They officially start in their new role after completing their CC training (expected in winter 2023/2024). The composition of the current team allows for reaching a broader group of employees with various perspectives and more diversity.

Overview of counselling activities

The histogram in Figure 1 provides an overview of those cases that were addressed in the last six years¹. In specific, each bar sums up the number of cases that were reported per faculty (and service) and then adds up to the total number of cases across the university. In 2017-18, 2018-19, 2019-2020, 2020-21, 2021-22, and 2022-23, the total number of cases was, respectively: 29, 16, 24, 17, 32 and 57. When taking 2017-18 as a baseline (index, 100%), we see that the number of reported cases in 2022-23 has grown by 196%.

The overview shows a decline in the reporting years of 2020-2021 during the presence of the COVID-19 pandemic. The last two years increased again. This may have to do with a greater willingness of employees to report unacceptable behaviour. Also, the CC team has grown (one extra team member compared to 2021-22), which in turn may have lowered the threshold for complainants to visit a CC.

Figure 1 shows that 2022-23 has been the year with the most cases (57) in the past 6 years. On balance, most cases (16) had their origin at the Faculty of S&T. BMS and ITC come next with 11 cases. The other faculties and service departments included fewer. S&T and BMS had the largest number of cases also

¹ All counselling cases were considered in this overview. Sometimes it became clear after an initial meeting, that the complaints did not fall under the description of unacceptable behaviour. These cases are nevertheless included in Figure 1.

in the previous reporting year. Compared to last year, EEMCS and ITC increased quite significantly (from less than 5 cases to 9 and 11).

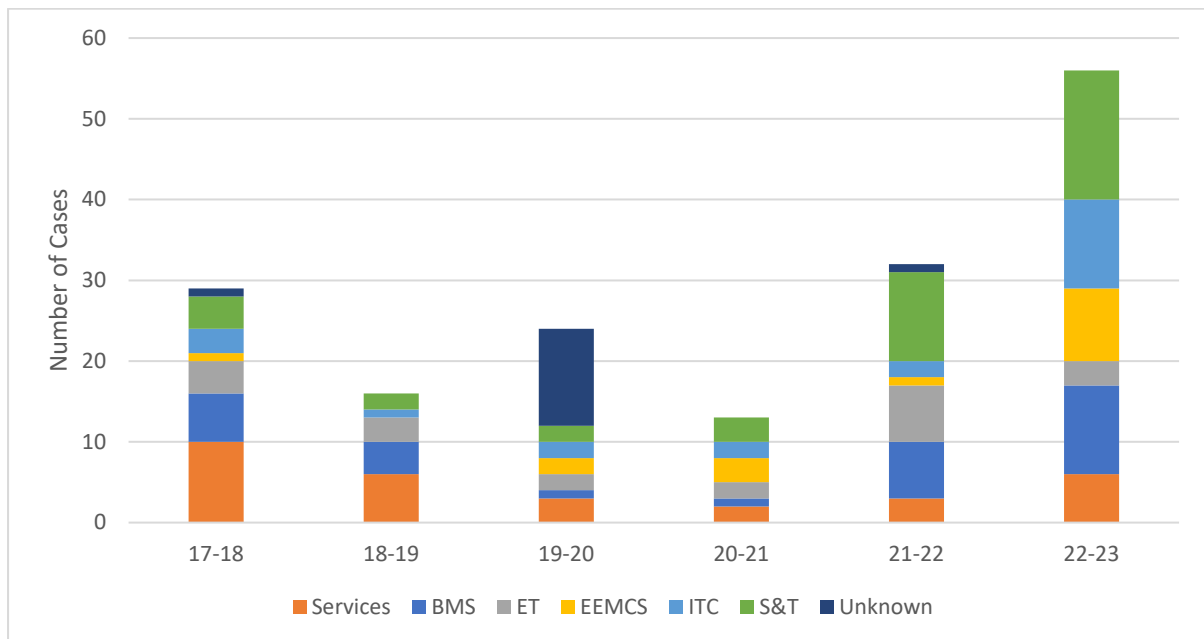


Figure 1 - number of cases per year, and distribution across faculties and service departments

The numbers can be best considered in perspective by comparing the number of cases relative to the size of a unit. Figure 3 hence displays the number of cases as percentage of the total number of employees within a unit.

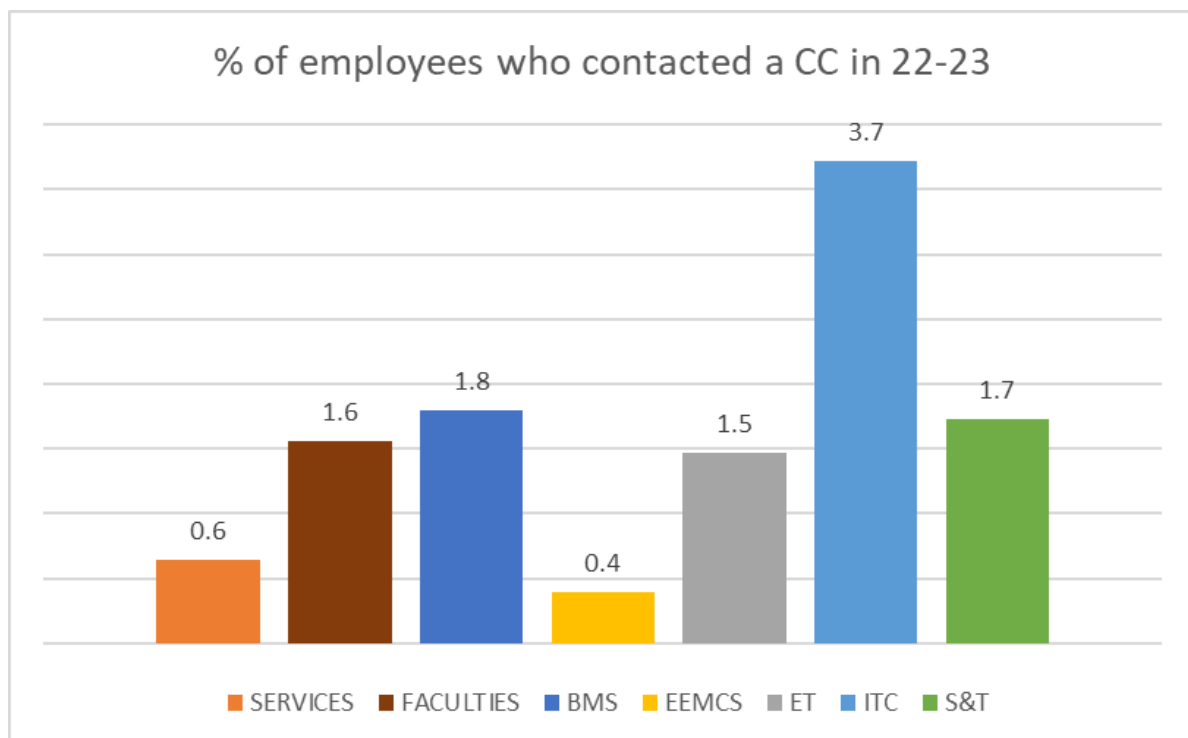


Figure 2 - percentage of employees visiting the CC in 2022-23, shown per organisational unit

The nature of the cases addressed

Figure 3 elaborates on the types of cases that were addressed by the CCs. In this section, we differentiate 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. 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 fell into multiple categories, it was registered only within that one category.

In this reporting year, 12 cases (8+4) were outside the jurisdiction of CCs (i.e. they did not include any form of unacceptable behaviour). The largest share of the cases is related to a form of unacceptable behaviour, a combination of unacceptable behaviours, and/or HR conflict (51 out of 63). This is like the previous year, but unlike the years before that (i.e., when many cases did not fit the jurisdiction of the CC).

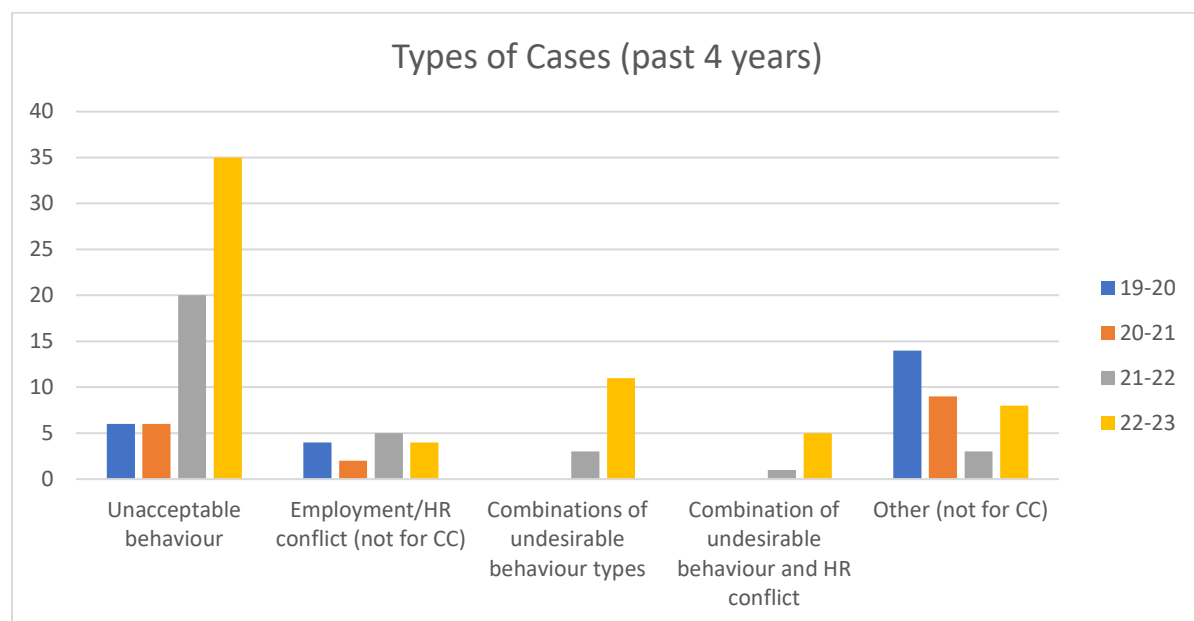


Figure 3 - unacceptable behaviour compared with other topics discussed during counselling meetings

Figure 4 re-categorizes the 51 cases related to unacceptable behaviour to focus more on the categories of unacceptable behaviour reported in 2022-23. To safeguard the anonymity of complainants, the figure notes a 5 for each category that had 5 or fewer cases. Overall, this distribution is similar to the previous reporting year.

Figure 4 shows that by far most cases (21) were about intimidation. Typically, these cases included intimidating behaviour and power asymmetry (due to hierarchical differences between employees), but very few cases included sexual intimidation.

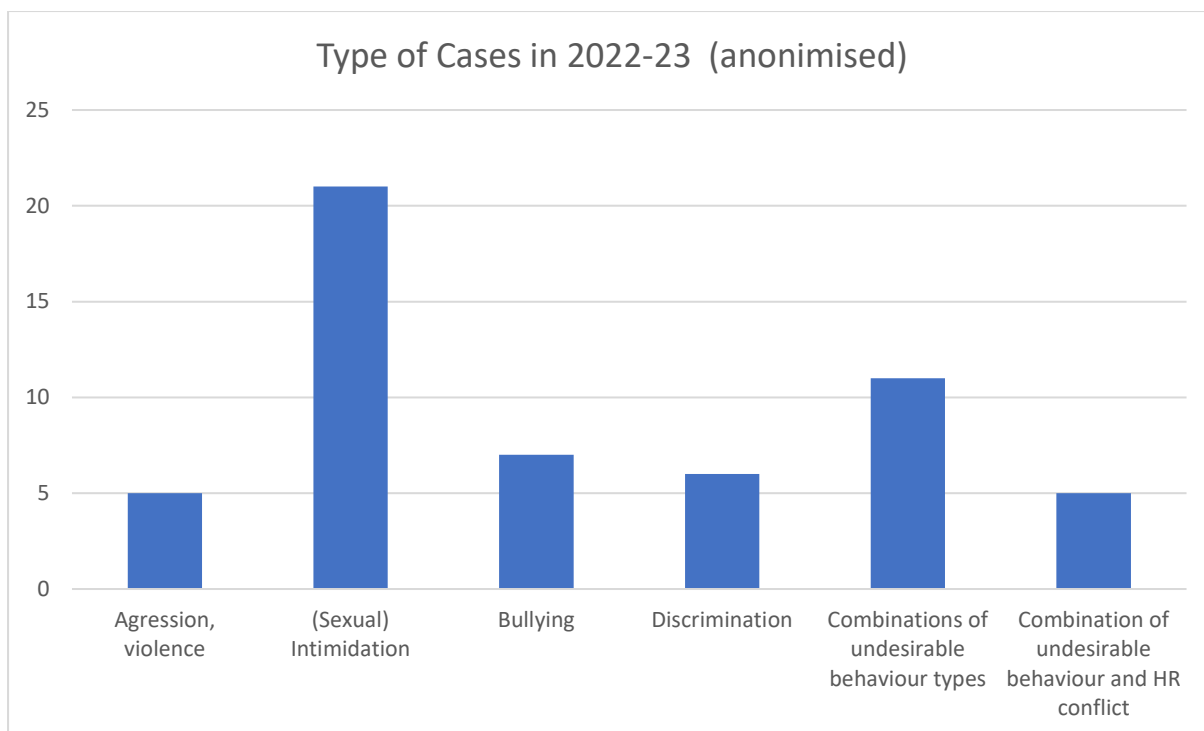


Figure 4 - types of unacceptable behaviour discussed in 2022-2023. To protect anonymity, a category states 5 when it had less than 5 reported cases throughout the past year.

Number of counselling sessions

Figure 5 indicates how many meetings were needed to bring a case to closure. The category of 0 meetings exists, because sometimes (but seldom) complainants make an appointment but do not show up.

Generally, most cases need one meeting before they are resolved. This may mean that complainants took action, but maybe also that no successive action was taken by them. Sometimes, however, more frequent contact was needed. Respectively 13 and 8 cases require that 2 and 3 meetings were held. Fewer cases required 4 meetings (1) and 5 or more meetings (3).

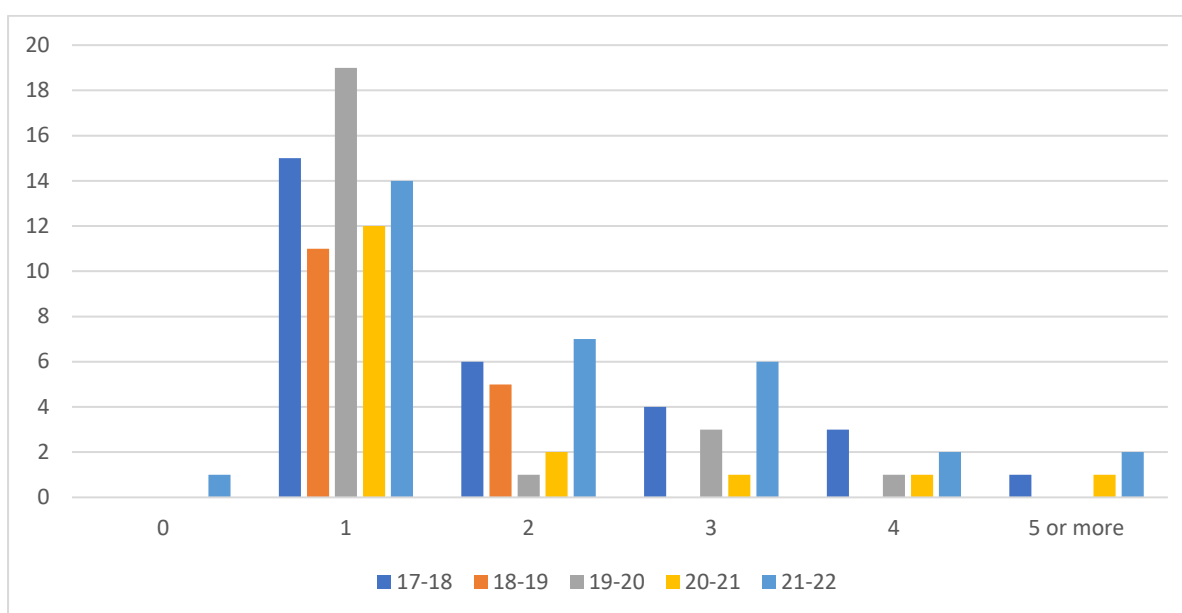


Figure 5 - number of meetings per case in the past 6 reporting cycles

Key takeaways

- 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 nearly 200%. This increase may have different reasons, among which also the greater awareness generally about unacceptable behaviour and mental well-being of employees.
- Faculties S&T, ET and BMS had a large share. This is like the period before. In EEMCS and ITC, the number of cases grew significantly. It is recommended to consider these numbers relative to the size of each faculty².
- Of the 63 unacceptable behaviour cases in 2022-23, 51 addressed a form of unacceptable behaviour. CCs believe that this is because people may be more willing to report undesirable behaviour, but also because the number of CCs increased. With that, the barrier to visit someone that people feel comfortable with speaking to, probably also lowered.
- By and large, (sexual) intimidation formed the largest problem category (50%).
- Most cases were brought to closure within a meeting (32) or two (13). This is in line with the previous years.
- CCs believe that in many cases, a lack of leadership skills exists. Supervisors fail to take corrective action timely, while that could have resolved an escalated situation.

² At the end of 2023, approximately 15% of UT employees work at BMS, 17% at EWI, 15% at ET, 8% at ITC and 22% at the faculty of S&T. About 23% of UT employees work in a service department.