

# CONFIDENTIAL COUNSELLORS' REPORT TO THE EXECUTIVE BOARD

Annual cycle Sept 2023 – Aug 2024

University of Twente, November 2024

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## Introduction

The Executive Board of the University of Twente reviews the experiences of confidential counsellors unacceptable behaviour (vertrouwenspersonen ongewenst gedrag) annually. This report is the basis for the bilateral discussion between the Executive Board and the Confidential Counsellors (CC). It covers all cases handled from September 1, 2023 to August 31, 2024. The report only discusses general figures and trends ensuring that no details about individual cases are disclosed. The report can consequently be shared publicly.

The outline of this annual report is as follows: the section below describes our tasks and the policy context in which we operate as CC within University of Twente's rules and regulations. Next, we list which UT employees served as CC during this period. Following this, we present the cases and discuss emerging trends. This section concludes with a summary of key findings. Finally, we address some of the current challenges faced by confidential counsellors. A supplementary annex containing broader policy recommendations will be sent to the Executive Board separately.

## Policy context and role of the confidential counsellors at UT

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 unfortunate 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, which 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 audiovisual 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 delegated to the confidential counsellor by law is to support employees in submitting formal complaints to the Executive Board. In addition to this, CCs play a crucial role in providing a listening ear and exploring various intervention options to help resolve the issues at hand. They generally offer emotional and mental support to the employee experiencing inappropriate behaviour, ensuring that what is discussed remains confidential. As such, *CCs are not impartial and do not seek the truth*, they are always on the side of the complainant. Follow-up actions will be taken only with the consent of the complainant, who is always in the lead throughout the process.

## Appointed confidential counsellors

The Executive Board of the University appoints CCs for a term of two years, with the option to extend. Employees from the Human Resources department are not eligible for this position due to potential conflicts of interest when handling confidentiality cases. As of November 2023, the two new members Sherif Amer and Lorenzo Gatti, were appointed as CC. They began in their new roles after in December 2023 and March 2024, respectively.

A significant update in the vacancy text this time was the removal of the Dutch language requirement. This change reflects the evolving demographic at UT, where 38% of employees (including academic staff, support staff, and PhD candidates) and 64% of PhD candidates are international. This adjustment successfully attracted a larger pool of candidates and resulted in a team composition that embraces diverse perspectives and enhances the diversity within the CC team.

The following people were active during this reporting cycle:

- Laura Varga Llona (S&T)
- Léon olde Scholtenhuis (ET)
- Lorenzo Gatti (EEMCS)
- Petra Weber (ITC)
- Sherif Amer(ITC)

## Overview of counselling activities

The histogram in Figure 1 provides an overview of those cases that were addressed in the last four years<sup>1</sup>. In specific, each bar sums up the number of cases that were reported per faculty (and service department) and then adds up to the total number of cases across the university. In 2020-21, 2021-22, 2022-23 and 2023-24, the total number of cases was, respectively: 17, 32, 57 and 52. The overview shows an increase in the reporting years after the COVID-19 pandemic.

Figure 1 shows a decrease in this period, 2023-24, of 9% compared to the previous period. In absolute terms, most cases (22) had their origin at the Faculty of S&T, followed by the Faculty ET with 9 cases and the faculties EEMCS and ITC and the service departments (6 cases each). The faculty of BMS shows the lowest number of reported cases with less than 5 cases, which is a sharp decrease compared to the previous period 2022-23.

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<sup>1</sup> 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 behavior. These cases are nevertheless included in Figure 1.

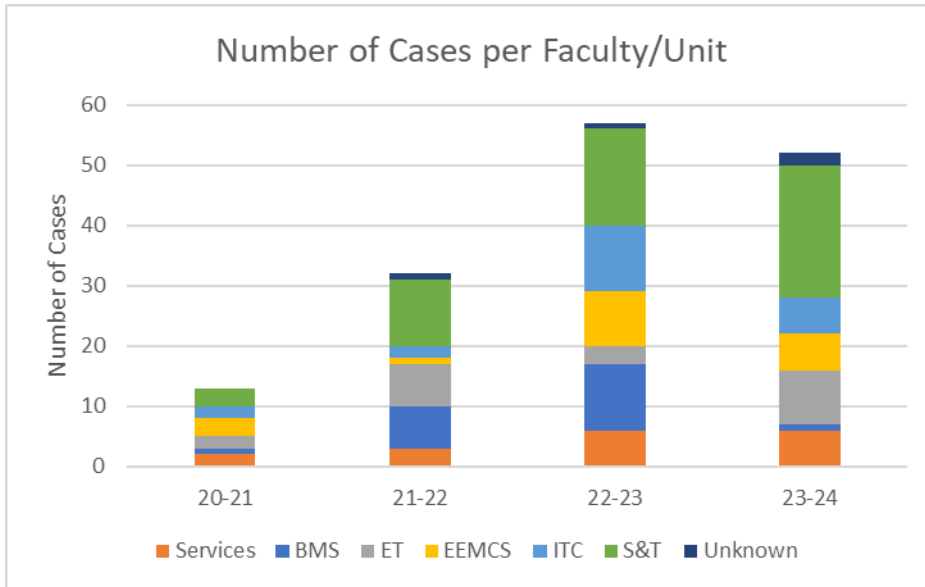


Figure 1 - Number of cases per year, and distribution across faculties and service departments

To place these numbers better in context, Figure 2 displays the number of cases as percentage of the total number of employees within a unit that contacted a CC in 2022-23 and 2023-24. The figure shows that EEMCS has the lowest percentage, ITC and S&T the highest, while the numbers did not differ significantly between the previous and current reporting cycle.

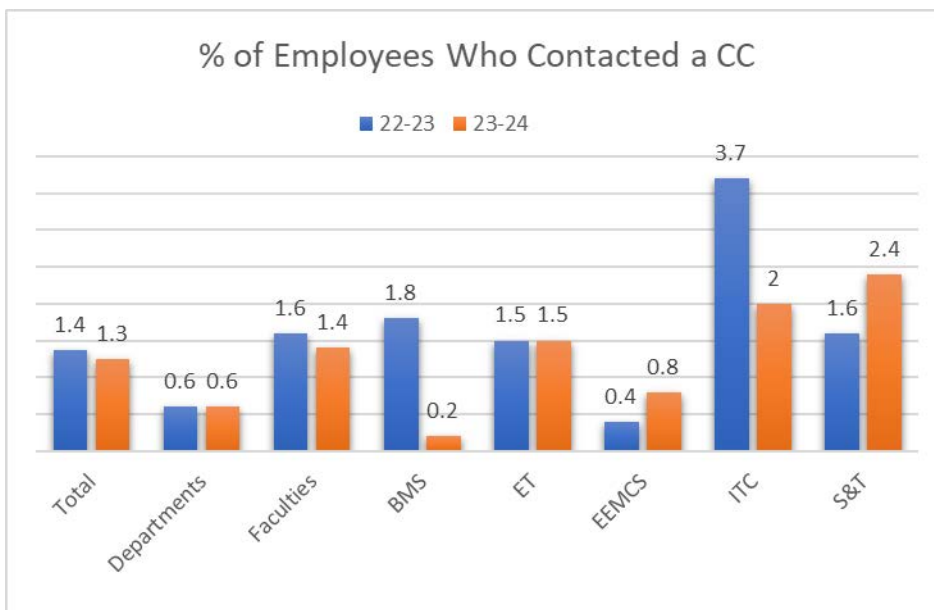


Figure 2 - Percentage of employees contacting a CC in 2022-23 and 2023-24, shown per organisational unit

### The nature of the cases addressed

Figure 3 elaborates on the types of cases that were addressed by the CCs. In this section, we based our categories on the complaint procedure, which differentiates between intimidation, (sexual) intimidation, aggression & violence, bullying, and discrimination. While cases that cover only HR/employment conflicts are not within the scope of what CCs handle, they are often intertwined with unacceptable behaviour. This is why we add the following categories to the overview:

combinations of types of unacceptable behaviour, HR/employment conflicts, and HR conflict combined with unacceptable behaviour.

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, who allocated each case to the category most strongly related to it. When a case fell into multiple categories, it was registered only within that one category.

In this reporting year, 5 cases were outside the jurisdiction of CCs (i.e. they did not include any form of unacceptable behaviour). There were 19 cases of unacceptable behaviour and 23 with a combination of unacceptable behaviours.

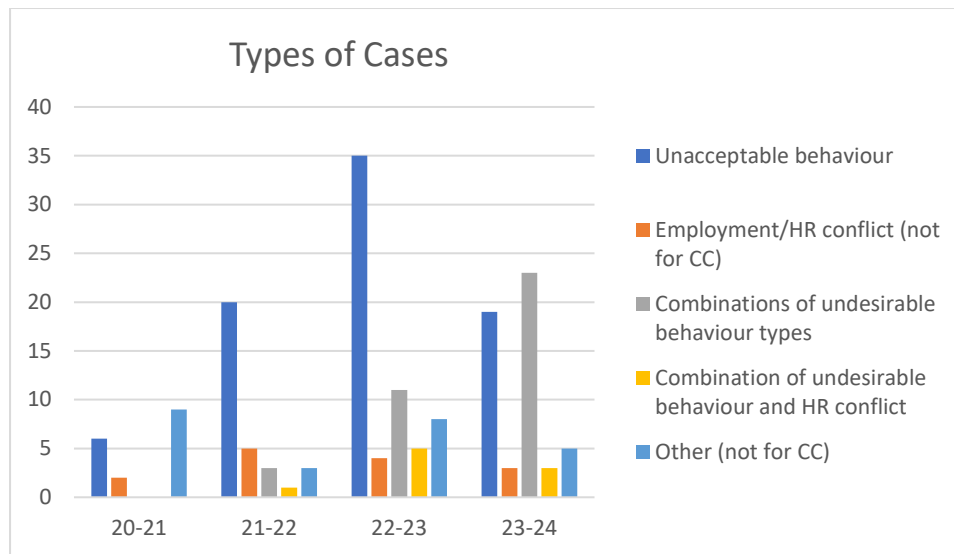


Figure 3 - Unacceptable behaviour compared with other topics discussed during counselling meetings

Figure 4 re-categorizes the 51 cases of unacceptable behaviour to provide a more detailed breakdown of the categories shown in Figure 3 for the period 2023-24. While most cases last year were related to intimidation, this year bullying is the most reported when considered as a single type. However, cases involving multiple types of unacceptable behaviour have significantly increased and the combination bullying and intimidation has the highest number of cases. Although not shown in the figure, there have been almost no reported cases of sexual intimidation.

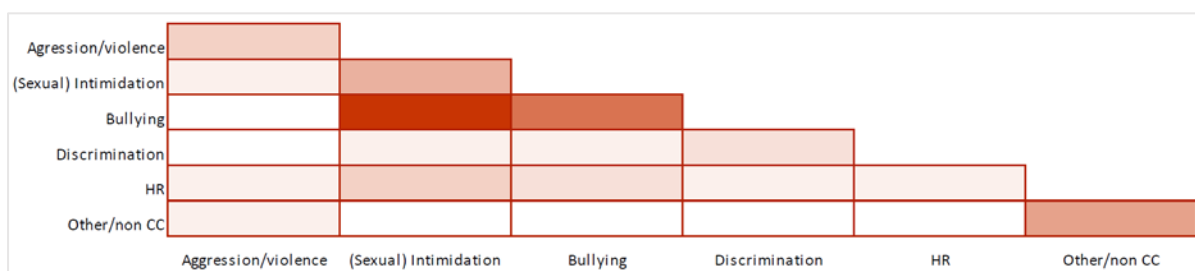


Figure 4 – Distribution of the types of cases of unacceptable behaviour handled in 2023-2024. Some cases fall in several categories. The darker the color, the higher the number of reported cases of that type.

### Number of counselling meetings per reported case

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

In most cases (30), only one meeting was held. Eight cases required two meetings, and 6 cases required three meetings. Additionally, one case involved four meetings, and four cases required five or more meetings.

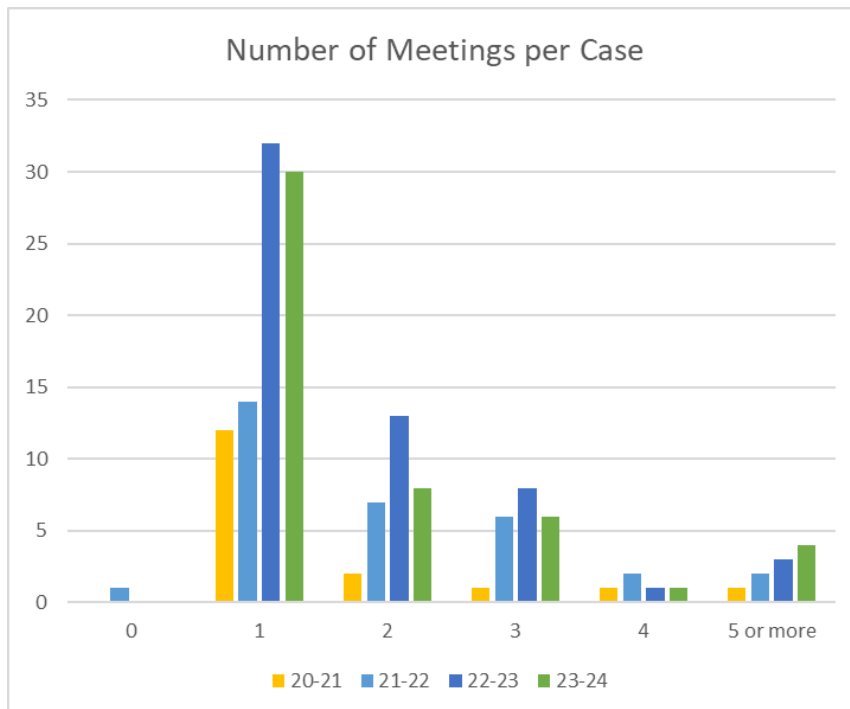


Figure 5 - Number of meetings per case in the past four reporting cycles

## Reflection

- There has been a decrease of 9% in the number of reported cases compared to the past reporting period. This decline could be attributed to several factors, one of which is the ongoing organizational changes. An anticipated UT-wide reorganization can be a reason why individuals feel less comfortable or more hesitant to raise concerns or file complaints (even though CCs maintain confidentiality of what is discussed with employees).
- There is a decline in reports of purely intimidation, but an increase in the reported incidents of purely bullying. These factors are correlated in the reported complaints.
- A significant part of the reported cases (23/52), include a combination of unacceptable behaviour. While we have no direct evidence to support this, it may indicate that conflicts are becoming more complex and can persist over a longer period (because a single conflict is typically reported sooner). Our experience over the past year is that those who reached out to us have often already tried multiple methods to resolve their issues before contacting us. Lowering the barrier to reach out to CCs hence remains crucial.
- While the number of complaints has decreased compared to last year, it's important to put this in context. With 4136 employees (Year report UT 2023), the 52 reported cases represent just 1.3% of the workforce reporting unacceptable behaviour—which, in relative terms, is not a large proportion.
- There have been virtually no reports of sexual harassment. However, studies like those by Ellemers<sup>2</sup> suggest that such incidents do occur in academia, and the lack of reports may indicate a reluctance to come forward rather than an absence of incidents. It is unclear why employees do not report.

<sup>2</sup> Naomi Ellemers. "Hoe kun je wetenschap bedrijven in een cultuur waar competitie, werkdruk en seksuele intimidatie de boventoon voeren?". *De Volkskrant*, 15/07/2022. Archived at <https://archive.is/9ibln>

- Overall, we have found in our conversations that many of the cases are the result of leadership that either struggles to create a safe working environment or is unwilling to address behavioural problems. The financial situation faced by academic institutions in general, and UT in specific, puts more pressure on leaders. Now more than ever, it is crucial to encourage a more proactive approach to 'safe' leadership, fostering improvements that strengthen collaboration and provide strong support for all employees.

## Current challenges and recommendations

We are currently facing some challenges in our work as confidential counsellors and have also several recommendations. While we present a few of them here, we intend to provide a more detailed overview in a future letter to the Executive Board.

### Challenges for Confidential Counsellors

- **Webpage and ease of access to our services.** Feedback indicates that many people find it challenging to locate information about the confidential counsellors, particularly on the current website.
- **Certification of Confidential Counsellors.** The Ministry of Social Affairs and Employment may soon accept a new bill to amend the Working Conditions Act. This would mean that CCs need to undergo retraining through accredited agencies. It is important to initiate discussions on this retraining process and ensure alignment with other counsellors, such as the student and PhD counsellors.
- **Balancing workload and professionalisation.** We balance our role as CCs with our regular duties, with half a day per week allocated to this work. This task is hard to distribute, as some CCs are approached much more frequently than others, and referral between CCs remains challenging and contested. This leaves little time for other important activities, such as discussions with colleagues from the support network at UT, intervision and learning best practices from NUVP (Network of University Confidential Counsellors).
- **Integration of CC within the wider organisational scope.** The CC role is primarily operational, focused on supporting individuals, but we also have the potential to advise the organisation. However, we feel there is a disconnect between our involvement in such workplace improvement activities and the opportunity to provide input. For instance, we assisted with a Labour Inspection visit in 2023, but received no follow-up or notification when the report was published. Similarly, changes to the complaint procedure were made without our involvement or prior notification. It would be beneficial if the Executive Board could clarify how CCs can be better included in such initiatives and how feedback can flow both ways.

### Recommendations

- **Consequences of the Reorganization.** We have observed an increase in cases where employees are suddenly told they are not meeting performance expectations, likely due to ongoing organizational changes. Additionally, there are reports of HR and supervisors pressuring staff to take holidays, and incidents where funds were misallocated, possibly linked to the financial situation. We recommend assessing how these issues are affecting social safety and developing a proactive strategy.
- **The Importance of Social Safety and Leadership Development.** We recognize and appreciate the growing emphasis on social safety within HR. It is encouraging to see that HR teams in some faculties are actively developing their knowledge and skills in this area. We also value the attention being given to leadership development for managers, as this is a positive step forward; managers play a crucial role in fostering a safe environment and setting a positive example. However, we still observe many instances where supervisors and HR fail to take timely corrective action, which could have prevented situations from escalating.