

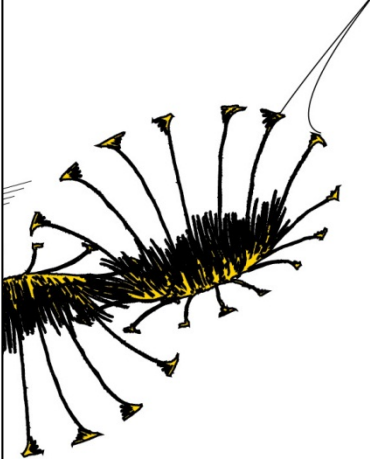
**UT STAFF PROTOCOL**

**Dealing with aggression and violence**

**Prevention**

**Urgency**

**Aftercare**



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## Preamble

The University of Twente is keen to provide a safe social environment for all. Respect, integrity, honesty and concern for others must be the norm. Although we all value a safe environment and work together to ensure that it is in place, it is possible that staff will experience some form of aggressive behaviour on the part of colleagues, students or visitors to the university. Incidents can have a profound effect on the victims and any witnesses. It is therefore important that staff have proper information and support. Here, 'staff' includes all employees (permanent or temporary), guest lecturers and researchers, those who have no formal contract with the university but have been appointed to a professorship by the Executive Board, and employees of third-party contractors. (See also the Code of Conduct for acceptable and unacceptable behaviour).

Aggression and violence are absolutely unacceptable. All incidents must be reported. This Protocol explains how employees should respond to acts of aggression and who to contact for support. We first define the various forms of aggressive behaviour before going on to set out the applicable policy and standpoints, measures and 'golden rules'. The UT community must adopt a uniform response to all forms of unacceptable behaviour: the relevant procedures are explained below, with advice and instructions provided. Section 4 of the document examines the sanctions that can be imposed for unacceptable conduct, with references to the applicable regulations and legislation. The concluding section is concerned with support and aftercare.

## 1 What is aggression?

In this document, we apply the following definition of 'aggression':

*Any hostile act, whether physical or in written or verbal interaction with another, the intention of which is to threaten, intimidate, insult, offend, discriminate against, bully or cause physical harm to that person or deliberate damage to property.*

Work-related aggression can be either 'internal' or 'external'. Internal aggression is committed by colleagues or (line) managers. External aggression involves others, such as students or visitors (Arboportaal, 2018). Aggression can take many forms, but all are regarded as wholly unacceptable. In broad terms, we can identify three basic types of aggression: 1) verbal, 2) physical, and 3) psychological.

### Verbal aggression

Verbal aggression should be understood to include raising one's voice, making threats, swearing or using offensive language, making denigrating or discriminatory remarks, false accusations or conducting a discussion in an unnecessarily confrontational manner. In a legal context, there may be grounds for civil or criminal proceedings further to defamation or slander (which includes the dissemination of malicious rumour or gossip) or, if in writing, for libel. Verbal aggression can take place in direct contact, on the phone, or online (e.g. 'flaming' on social media).

### Physical aggression

Physical aggression can be directed towards persons or property. It often involves actual contact between aggressor and victim, e.g. pushing, shoving, striking or kicking, throwing an object with the intention of striking the victim, obstruction, spitting, head-butting, or the use of some object as a weapon. The deliberate destruction of property is also an act of physical aggression.

### Psychological aggression

Psychological aggression, or 'mental bullying', takes place when someone insults, humiliates or coerces another by means of threats or blackmail.

The following types of conduct fall under this heading.

### Coercion

Coercion entails forcing a person to adopt a particular course of action under threat of some negative consequence, such as physical harm to that person, a family member, or property. Coercion can be verbal in nature or can involve actual physical violence from the outset. The threats can be made in various ways, some of which are extremely subtle (Arbeidsrechter, 2018).

#### Intimidation

Intimidation refers to behaviour which impinges on the dignity of another and which creates a hostile environment or a sense of insecurity. Examples of intimidation include personal threats (made face-to-face, in a letter, email or online), threats or implied threats to the victim's family members, undue pressure, threatening gestures, vandalization of property, threats made through third parties and stalking.

#### Sexual intimidation

Sexual intimidation refers to any unwelcome approach, in the form of a request or proposition for sexual favours, or any form of verbal, non-verbal or physical behaviour with some sexual connotation, the effect being to diminish the dignity of the individual, especially where a threatening, hostile or offensive situation results. Sexual intimidation can therefore include making suggestive remarks, sending messages or photos of a sexual nature, sending or displaying pornographic material, and asking questions of an intimate nature. It can also include passive action such as staring or leering. Physical sexual intimidation takes various forms, from uninvited touching or barring someone's path to assault and rape.

#### Insults

An insult is defined as a demeaning comment or statement that detracts from a person's good name and reputation. Dutch law recognizes several gradations, from simple 'insulting behaviour' to defamation, slander and libel (Arbeidsrechter, 2018).

#### Discrimination

Discrimination refers to any comment, statement, decision or action that differentiates between persons on the grounds of religion, marital status, political affiliation, ethnicity, gender, sexual orientation, nationality, age, physical or mental ability, or any other personal characteristic in the meaning intended by Article 1 of the Dutch Constitution, where there is no objective justification for such differentiation.

#### Bullying

Bullying is a broad term that can be defined as repeated, inappropriate conduct on the part of one or more persons towards one or more other persons. It can take many forms, from belittling remarks to open criticism or intimidation, from taunts to physical violence, and from idle gossip to ostracization. It also includes online 'cyber-bullying'. Bullying which includes the use of threatening or discriminatory language or behaviour may constitute a criminal offence.

*All types of behaviour listed above are expressly prohibited by the Code of Conduct for acceptable and unacceptable behaviour: The Code sets out the applicable sanctions, which are also discussed in Section 4 of the current document.*

## **2 UT standpoints, measures and 'golden rules'**

Can aggression and violence be prevented? Are effective measures available? It is not always possible to tackle the root causes and thus preclude problems altogether. However, it is possible to apply policy, measures and golden rules that create clarity with regard to how everyone within the UT community is expected to respond to aggressive behaviour. If followed conscientiously (and adapted when necessary), such measures can help to prevent an escalation of any extant problems and ensure that appropriate support is available to victims and witnesses. At the administrative level (both central and local), policy and measures can send a forceful message: this is what we stand for, and this is how we will respond to any incident of aggression or violence.

## 5 Standpoints at central administrative level

- 1) The Executive Board denounces all forms of aggression and violence, which are considered wholly unacceptable.
- 2) The Executive Board actively works to maintain a university community free of all aggression and violence.
- 3) The Executive Board takes affirmative action in all cases of aggression or violence.
- 4) The Executive Board will impose disciplinary measures against anyone found guilty of aggression or violence.
- 5) The Executive Board ensures that adequate support is available to the victims of aggression or violence.

## 12 Measures at central administrative level

- 1) Incidents of aggression and violence should always be reported to the (line) manager and/or a confidential advisor. If the report is made to a senior manager, line manager or a member of the HR department, this person should refer the victim(s) and any witnesses to one of the confidential advisors.
- 2) Victims and witnesses should be encouraged to submit a formal complaint to the Executive Board (see Para. 2.1).
- 3) If a serious criminal offence has been committed, the Executive Board will make an 'employer's report', perhaps in consultation with the management of the relevant faculty or department (Agressievrijwerk, 2018).
- 4) If an incident results in death or injuries which are serious enough to require hospital admission, it must be reported to the Inspectorate SZW immediately. The Prevention Officer will make the initial report by telephone (+31 (0)800 5151). It must then be confirmed in writing using the online form at [www.inspectieszw.nl](http://www.inspectieszw.nl).
- 5) Central or local management will contact the (alleged) aggressor within 48 hours.
- 6) Central or local management will claim damages against the aggressor where appropriate.
- 7) This protocol is to be brought to the attention of all existing and new staff.
- 8) A reporting and registration system for incidents of aggression or violence is in place. Once a year, the central HR department produces an anonymized annual report based on information it collects from various sources (security, student deans, the health and safety advisory service, confidential advisors, etc.). This supports a university-wide analysis of relevant incidents.
- 9) The analysis is used to adjust policy and practice where necessary.
- 10) With a view to ongoing improvement of policy and practice, there is regular consultation between security staff, policy advisors, student deans, HR consultants, etc.
- 11) Adequate training opportunities are provided for all senior managers, line managers and employees. The 'Active Bystander' training programme is to be introduced in January 2019. For further information see: <http://www.scottsoldier.com/services/active-bystander/> and <http://web.mit.edu/bystanders/definition/index.html>.
- 12) Adequate support and aftercare for victims and witnesses are provided. See Section 5.

Compliance with the above relies on the active cooperation of all staff. It therefore becomes appropriate to formulate certain 'golden rules' setting out the action that should be taken by anyone who is confronted by, or is witness to, any act of aggression.

## 14 Golden rules for employees

1. Victims and witnesses: always report incidents of aggression and violence to a confidential advisor and to the line manager (unless he or she is the perpetrator of the alleged incident). The confidential advisors have training and experience in dealing with aggressive behaviour and can provide advice and support (e.g. in preparing a formal complaint). It is possible that the aggressor has been involved in similar offences which were reported to the confidential advisor.
2. An alleged incident involving your line manager should be reported directly to a confidential advisor. The confidential advisors have training and experience in dealing with aggressive behaviour and can provide advice and support (e.g. in preparing a formal complaint). It is possible that the line manager concerned has been involved in similar offences which were reported to the confidential advisor.
3. Any person (whether a senior manager, line manager, HR consultant or colleague) who becomes aware of aggressive or abusive behaviour should always refer the victim and any witness(es) to one of the confidential advisors.
4. The victim of any aggressive or abusive behaviour should be encouraged to submit a formal complaint to the Executive Board, perhaps with the assistance of his or her line manager or the confidential advisor.
5. Anyone (staff, student or visitor) who witnesses a serious criminal offence should report the matter according to the instructions given in the UT regulation 'Melding Onregelmatigheden' (Reporting Irregularities).
6. A serious criminal offence must always be reported to the police. The university can provide advice and assistance.
7. Senior managers, HR consultants and line managers will liaise with the Executive Board to determine whether it is appropriate to make an 'Employer's Report' to the police (Agressievrijwerk, 2018).
8. All staff, including senior and line managers, are expected to promote an aggression-free working environment. Line managers have a key role in ensuring that relevant matters can be openly discussed and must take affirmative action where necessary.
9. It is important that all staff should be able to express their fears, doubts and any negative emotions in connection with (potential) aggression or violence. Do not 'bottle things up' but talk to colleagues, your line manager and/or one of the confidential advisors.
10. Inform others, such as colleagues or your line manager, if you believe that an unpleasant situation may arise.
11. Always ask someone else to accompany you to any interview or encounter if you believe there may be some risk.
12. Alongside the pain of physical violence, aggression – whether verbal, physical or psychological – can lead to adverse health effects for both victims and witnesses. They may suffer anxiety, sleep disorders, gastric upset and other psychosomatic complaints. It is therefore useful to talk to a professional as soon as possible. HR managers, line managers and all other employees who interact with the victims or witnesses of aggressive behaviour should be aware of the following:
  - Staff are able to contact the university's contracted Occupational Health Service, *Arbo Unie*, (tel. 088 272 6312) to make an appointment. If necessary, the medical officer will refer you to a psychologist. When making an appointment, explain that you have experienced an (extremely) unpleasant situation at work and that you would like to discuss it as soon as possible.
13. A basic rule of thumb is that it is always better to phone 2222 (the emergency number of the campus security department) once too often than not at all. For information, or to report non-urgent matters, you should call 2134 or visit the security department in person, with or without an appointment. The Campus Security Office can be found in the Spiegel Building and is staffed 24/7.
14. Finally: your safety and that of others is always the first priority!

### 2.1 UT Procedures

Although a preventive policy is in place, it is not possible to exclude the possibility of aggressive or violent behaviour. The university has therefore implemented various procedures which are to be

followed should an incident occur. The following paragraphs describe these procedures as they affect the victims, witnesses and (alleged) perpetrators of aggression or violence.

### 2.1.1 Procedures for the victims of aggression or violence

This paragraph is intended to offer victims some general guidelines with regard to the steps that can be taken against an (alleged) aggressor. The action to be taken in response to aggressive behaviour is described in more detail in Section 3. The order in which you take Steps 1 to 4 is not important, provided you do indeed take them! Steps 4 and 5 are also described in the **Code of conduct for acceptable and unacceptable behaviour**, as ratified by the Executive Board on 22 May 2018 (Article 4: Procedures, beginning on page 6).

Note that there is a distinction between a 'report' and a 'complaint'. However, it is possible to pursue both routes, i.e. your initial report can later be formalized to become a complaint. This notwithstanding, all reports or complaints concerning aggressive behaviour are to be treated in strict confidence and must always be investigated with due diligence.

Step 1: Produce a written account of the situation (to include what was said, how the aggressor acted, where and when the alleged incident(s) took place).

Step 2: Ask any witness to produce a written account of what they saw or heard. All statements should be signed.

Step 3: Inform your line manager, unless he or she is the alleged aggressor. You may also wish to make an appointment with the university's Occupational Health Service, *Arbo Unie* (tel. 088 272 6312). If necessary, its medical officer will refer you to a psychologist. When making an appointment, explain that you have experienced an (extremely) unpleasant situation at work that you would like to discuss as soon as possible.

Step 4: Submit a report to one of the confidential advisors (see: [www.utwente.nl/staffmanual](http://www.utwente.nl/staffmanual)).

Any person who experiences aggressive behaviour, or is aware of aggressive behaviour being directed towards someone else, can report the matter to a confidential advisor before deciding whether it will be appropriate to lodge a formal complaint. The purpose of such a 'report' is to ensure that incidents are properly recorded and that all relevant information is kept on file. In addition, the confidential advisor will be able to determine the most appropriate response to the situation and will advise all parties about ways in which to prevent any recurrence or escalation.

The confidential advisor provides support to anyone who is affected by aggressive behaviour or violence, whether employees (permanent or temporary), guest lecturers and researchers, persons who have no formal contract with the university but have been appointed to a professorship by the Executive Board, and employees of third-party contractors. The confidential advisor acts in an independent capacity. His or her impartiality is recognized and protected by the employer. The tasks and responsibilities of the confidential advisor include (but are not limited to):

- providing information about (the prevention of) aggression and violence
- ensuring adequate support and aftercare for anyone who is affected by aggression or violence
- preserving the confidentiality of all personal information
- attempting to find an informal solution
- providing support to any person making a formal complaint (both in the preparation and subsequent processing of that complaint).

Step 5: Submit a formal complaint. Be aware that the university has extremely limited opportunities for action against a person who commits aggressive behaviour unless a formal complaint has been received.

A complaint against an employee, guest lecturer or researcher, or person appointed to a professorship by the Executive Board (but without a formal contract of employment) must be submitted in writing to the Executive Board. Full details of the procedure can be found at: [www.utwente.nl/staffmanual](http://www.utwente.nl/staffmanual)

If the person against whom the complaint is made is a member of the Executive Board, the complaint must be made directly to the Supervisory Board.

### **2.1.2 UT procedures for the witnesses of aggression or violence**

This paragraph is intended to offer witnesses some general guidelines with regard to the formal steps that can be taken against an aggressor. The immediate action to be taken in response to aggressive behaviour is described in more detail in Section 3. The order in which you take Steps 1 to 4 is not important, provided you do indeed take them!

Step 1: Produce a written account of the situation (to include what was said, how the aggressor acted, when and where the alleged incident(s) took place).

Step 2: The victim may not know that you have witnessed one or more incidents, or that you have relevant information regarding the conduct of the aggressor. Inform him or her accordingly.

Step 3: Inform your line manager, unless he or she is the alleged aggressor. You may also wish to make an appointment with the university's Occupational Health Service, *Arbo Unie* (tel. 088 272 6312). If necessary, its medical officer will refer you to a psychologist. When making an appointment, explain that you have experienced an (extremely) unpleasant situation at work that you would like to discuss as soon as possible.

Step 4: Submit a report to one of the confidential advisors. (See Step 4 for victims, above).

Step 5: Submit a formal complaint (see Step 4 above or 'Melding Onregelmatigheden' (<https://www.utwente.nl/staffmanual>)). Be aware that the university has extremely limited opportunities for action against a person who commits aggressive behaviour unless a formal complaint has been received.

### **2.1.3 UT Procedures for the (alleged) perpetrators of aggressive behaviour or violence**

An employer is expected to conduct a thorough investigation into any complaint of aggressive behaviour. This involves:

- Collecting information about the incident from various sources.
- Preparations for (formal) interviews with victim and alleged aggressor.
- Interviews with potential witnesses.
- Interview with the employee.
- Securing evidence relevant to the alleged incident.
- Analysing the results of the investigation (Arbeidsrechter, 2018).

Full information about the procedures applied by the university can be found at:

<https://www.utwente.nl/staffmanual>

If the Executive Board receives a formal complaint of aggression or violence, it will always instigate action. The following steps are relevant to the person against whom that complaint is made, where he or she has any form of employment relationship with the university (as defined above).

Step 1: The Executive Board will notify the (alleged) aggressor that a formal complaint has been made against him or her, doing so within 48 hours in writing. The letter will be sent by registered or recorded delivery post. It will include information about how to refute the allegation, the support available from a confidential advisor, and the possibility of engaging the services of an external advisor (such as a lawyer or union representative).

Step 2: The Executive Board will instruct the Complaints Committee to launch an investigation into the complaint and return its findings and recommendations.

Step 3: The Complaints Committee will immediately commence its investigation of the complaint.

Step 4: The Complaints Committee is authorized to gather all relevant written or verbal information from any source within the University of Twente. Having done so, the Committee must divulge that information to both the complainant and the alleged aggressor.



Step 5: The Complaints Committee will allow both the complainant and the alleged aggressor to present their case in person during a formal hearing, which is to be held behind closed doors. Both the complainant and the alleged aggressor will be present at the hearing, unless the Complaints Committee decides that it will be inappropriate for the parties to be brought together, in which case reasons will be stated. The Complaints Committee is also authorized to hear evidence from third parties and witnesses.

Step 6: A written report of the hearing(s) will be made.

Step 7: If the complainant, the alleged aggressor and/or witnesses are heard separately, the Complaints Committee will allow all parties the opportunity to respond to the contents of the written report.

Step 8: The Complaints Committee will return its findings and recommendations within ten weeks of the complaint having been received.

Step 9: The Executive Board will deliver its ruling on the complaint within ten weeks of the complaint having been received. This period can be extended by a maximum of four weeks, subject to written notification being given to both the complainant and the alleged aggressor. Any further deferment of the Executive Board's decision requires the express written permission of the complainant.

Step 10: The Complaints Committee is to submit a full report of the hearing(s), its findings, advice and recommendations to the Executive Board. If the complaint has been made against a member of the Executive Board, this report and any recommendations will be submitted directly to the Supervisory Board.

Step 11: If the complaint is upheld, the Executive Board may announce its intention to impose one or more labour law sanctions.

Step 12: If the complaint is rejected (deemed unfounded), the person against whom it was made may request the Executive Board to confirm his or her exoneration and reinstatement.

These are the twelve steps of greatest relevance to (alleged) perpetrators of aggressive behaviour in terms of the University of Twente's formal complaints procedure. However, another procedure is in place whereby a report can be made further to the 'Reporting of Irregularities' procedure, also known as the 'Whistleblower Scheme'. See: <https://www.utwente.nl/staffmanual>.

Prior to or during the investigation by the Complaints Committee, the university is entitled to impose interim measures such as compulsory leave and/or exclusion from all university premises (Article 41 para. 3, Management and Administration Regulations of the University of Twente, 2018.1). The available labour law measures are discussed in Section 4 of the current document.

### **3 Guidelines for action in the event of aggression or violence**

Aggressive behaviour can have various causes and take various forms. The appropriate response will therefore differ from case to case. The four most common situations are:

- 1) Expressive aggression: a person forcefully makes known his or her dissatisfaction, often not directed towards another person but more towards a particular situation or the organization itself. Here, the most appropriate response is to show understanding for the person's point of view, maintaining a solution-oriented approach.
- 2) Frustration aggression: this is characterized by an emotional outburst prompted by (a succession of) negative experiences with regard to a procedure or the way in which the organization provides a particular service. The best way to de-escalate frustration aggression is to show that you take the person's grievances seriously. Listening carefully, devoting attention to the complaint(s) and showing empathy with the aggressor's situation is likely to calm the situation. It is advisable not to enter into any discussion at this stage but to wait until emotions have settled.
- 3) Instrumental aggression: the person concerned deliberately uses aggression as a means of achieving a certain aim. Unlike the previous examples, this is not a response but a planned action. It is important that you adopt a calm and consistent approach, informing the aggressor that his behaviour will achieve nothing. Ensure that you do not put your own safety at risk.
- 4) Uncontrolled aggression: this can occur under the influence of alcohol or drugs, or may be the manifestation of some psychiatric disorder, whereby the aggressor loses control of his own behaviour. In such cases, the best thing to do is call for assistance (from Security). The aggressor is unpredictable and may be (extremely) violent. Do not attempt to defuse the situation on your own: always call for help (Flowarboportaal, 2018; Handhavingsacademie, 2018).

#### **3.1 Aggression at a distance**

As the definitions given in Chapter 1 make clear, not all forms of aggression involve direct, face-to-face interaction. Aggressive or abusive behaviour (including sexual intimidation) can also take the form of a letter, email, text or voicemail message, replies on social media sites or a phone call.

##### **3.1.1 Aggression in writing (letter, email, social media, etc.)**

If the line manager is not the aggressor:

- Make an appointment with a confidential advisor (see Para 2.1.1)
- Report the incident to your line manager, providing evidence (letter, email, screenshot and/or witness statements).
- The line manager will forward the report to senior management.
- Senior management will contact the aggressor within 48 hours.
- Senior management will determine the appropriate penalty (see Chapters 2 and 4).
- The Executive Board will order a full investigation.
- A formal police report may be made depending on circumstances.
- The line manager will inform the staff involved of the action taken.

If the line manager is the aggressor:

- Collect evidence (letters, emails, screenshots).
- Ask any witnesses to provide a written statement of what they have seen or heard. All statements should be signed.
- Make an appointment with a confidential advisor (see Para. 2.1.1).

### 3.1.2 Aggression by phone

- Warn the caller that you will hang up if he does not immediately desist from making threats, shouting or using intimidating language.
- If possible, switch the call to speakerphone so that others in the room can hear.
- Write a report of the conversation and ask any witnesses to record what they heard. All statements should be signed.

If the line manager is not the aggressor:

- Make an appointment with a confidential advisor (see Para. 2.1.1)
- Report the incident to your line manager.
- The line manager will forward the report to senior management.
- Senior management will contact the aggressor within 48 hours.
- Senior management will determine the appropriate sanction (see Chapter 4).
- A formal police report may be made depending on circumstances.
- The line manager will inform the staff involved of the action taken.

If the line manager is the aggressor:

- Produce a written account of the conversation.
- Ask any witnesses to record what they heard. All statements should be signed.
- Make an appointment with a confidential advisor (see Para. 2.1.1).

### 3.1.3 Aggressor threatens to come to your workplace or home

- If possible, switch the call to speakerphone so that others in the room can hear.
- *Take precautionary measures: safety is paramount!*
- Warn your immediate colleagues and your line manager. Contact security on **2222**.
- Write a report of the conversation and ask any witnesses to record what they heard. All statements should be signed.

If the line manager is not the aggressor:

- Make an appointment with a confidential advisor (see Para 2.1.1)
- Report the incident to your line manager, providing evidence (letter, email, screenshot and/or witness statements).
- The line manager will forward the report to senior management.
- Senior management will contact the aggressor within 48 hours.
- Senior management will determine the appropriate penalty (see Chapters 2 and 4).
- The Executive Board will order a full investigation.
- A formal police report may be made depending on circumstances.
- The line manager will inform the staff involved of the action taken.

If the line manager is the aggressor:

- Produce a written account of the conversation.
- Ask any witnesses to record what they heard. All statements should be signed.
- Make an appointment with a confidential advisor (see Para. 2.1.1).

## 3.2 Direct confrontation with the aggressor

Direct, face-to-face aggression can be extremely intimidating. The aggressor can literally shout 'in your face', using all manner of offensive, abusive or threatening language. It is possible that he or she will also damage property, or may even commit (sexual) violence. This type of situation requires close attention.

### 3.2.1 Recognizing aggressive behaviour

There can be both verbal and non-verbal indications that a person is on the verge of committing an act of aggression. Being aware of the warning signs can help you avoid escalation. These signs include:

- Sudden facial flushing or pallor
- Agitation (the person appears excitable and 'wound up')
- An inability to sit still; pacing
- Rapid speech
- Visible and excessive sweating
- Trembling arms, hands or legs
- Drumming with the fingers, grinding or gnashing of teeth
- A stiff demeanour with folded arms or raised shoulders
- Clenched fists and sucked-in cheeks
- A fixed glare
- Exaggerated movements
- Raising the voice
- Tight lips and flared nostrils
- Abnormal breathing (shallow or with deep sighs and an irregular pattern)
- A glazed or contemptuous expression
- Wide eyes and furrowed brow
- Angry stare or failure to maintain eye contact (GGD Zaanstreek-Waterland, 2012; INEZ Training & Consulting, 2018).

### 3.2.2 How to act when faced with potential aggression

There are various tactics you can apply to prevent a tense situation escalating into outright aggression or violence. They include:

- Remain calm and courteous, but not compliant or submissive.
- Keep your own emotions in check. Remain calm and composed even if the aggressor is shouting or swearing at you. Do not respond in the same way.
- Never underestimate the other person, and do not enter into any substantive discussion at this stage.
- Keep a safe distance and position your chair to allow a rapid exit from the room if necessary.
- Attempt to avoid aggressive or confrontational body language, such as crossing your arms, standing with your hands on your hips, or maintaining a fixed stare.
- If the potential aggressor stands, quietly invite him to resume his seat.
- Avoid criticism, accusations or a condescending attitude.
- Speak in a calm, quiet voice.
- Involve the other person in seeking an appropriate solution. Demonstrate that you are 'all ears'.
- If possible, ensure that a colleague or your line manager is in the vicinity, is aware of your meeting, and is able to provide assistance or can phone **2222** if necessary (GGD Zaanstreek-Waterland, 2012).

Even if you succeed in pacifying the aggressor, it is important to report the incident. Aggressive behaviour is always unacceptable.

- Write a report of the situation (what was said and how the aggressor behaved), and ask any witnesses to describe what they saw or heard. All statements should be signed.

If the line manager is not the aggressor:

- Make an appointment with a confidential advisor (see Para. 2.1.1)
- Report the incident to your line manager.
- The line manager will forward the report to senior management.
- Senior management will contact the aggressor within 48 hours.
- Senior management will determine the appropriate sanction (see Chapters 2 and 4).

- A formal police report may be made depending on circumstances.
- The line manager will inform the staff involved of the action taken.

If the line manager is the aggressor:

- Make an appointment with a confidential advisor (see Para. 2.1.1).

If the situation nevertheless escalates, the instructions in Para 3.2.3 should be followed. Your safety is paramount. If you believe you are at risk, call **2222** immediately.

### **3.2.3 Aggression with (threat of) physical violence, including sexual violence**

- If the advice given in Para 3.2.2 fails to pacify the aggressor:
  - o (If possible), alert a colleague or your line manager. He or she can provide assistance or call 2222.
  - o If a colleague or line manager is on hand to help, he or she should stress that the aggressor's behaviour is unacceptable, or
  - o Should interrupt the conversation and ask the aggressor to leave the room. If he refuses to do so, call **2222**.
- Write a report of the incident and ask any witnesses to describe what they saw or heard. All statements should be signed.

If the line manager is not the aggressor:

- Report the incident to your line manager.
- The line manager will forward the report to senior management.
- Senior management will contact the aggressor within 48 hours.
- Senior management will determine the appropriate sanction (see Chapter 4).
- A formal police report may be made depending on circumstances.
- The line manager will inform the staff involved of the action taken.

If the line manager is the aggressor:

- Make an appointment with a confidential advisor (see Para. 2.1.1).

### **3.2.4 The aggressor damages property**

- The damage should be recorded immediately (a written report with photos) and the costs of repair or replacement established.
- Write a report of the incident and ask any witnesses to describe what they saw or heard. All statements should be signed.

If the line manager is not the aggressor:

- Report the incident to your line manager.
- The line manager will forward the report to senior management.
- Senior management will contact the aggressor within 48 hours.
- Senior management will make a liability claim against the aggressor, in writing and within three days.
- Senior management will determine the appropriate sanction (see Chapter 4).
- A formal police report will be made.
- The line manager will inform the staff involved of the action taken.

If the line manager is the aggressor:

- Make an appointment with a confidential advisor (see Para. 2.1.1).

### 3.2.5 Work-related aggression off campus

An incident involving threatening or intimidating behaviour need not take place on the UT campus itself. A student might accost a member of staff on the street, for example, or a colleague might make unwelcome sexual advances at a conference. Here too, the procedure is as follows:

- Write a report of the incident and ask any witnesses to describe what they saw or heard. All statements should be signed.

If the line manager is not the aggressor:

- Report the incident to your line manager.
- The line manager will forward the report to senior management.
- Senior management will contact the aggressor within 48 hours.
- Senior management will determine the appropriate penalty (see Chapter 4).
- A formal police report may be made depending on circumstances.
- The line manager will inform the staff involved of the action taken.

If the line manager is the aggressor:

- Make an appointment with a confidential advisor (see Para. 2.1.1).

### 3.2.6 Less obvious forms of aggression

The preceding paragraphs outline various situations in which there is clearly some form of aggressive behaviour. However, there are also situations in which this is not so clear-cut but nevertheless force you to ask 'is this acceptable?' There is, for example, something known as 'white collar aggression': the aggressor is calm, eloquent and chooses his words carefully without using any offensive language. Nevertheless, he makes you feel extremely uncomfortable. You may have a colleague who frequently makes 'casual' remarks about your appearance. Or perhaps the rest of the department always have lunch together but never invite you to join them. If you are not sure whether such situations can be classified as 'aggressive behaviour', you can contact a confidential advisor for advice and support. You might also talk to your line manager and colleagues. Perhaps someone else has similar misgivings: you will be stronger together. In any event, it is important that you bring the matter into the open.

## 4 Corrective measures: sanctions and police reports

The University of Twente will not accept aggression or violence in any form (see also the of Code of Conduct for acceptable and unacceptable behaviour). We apply a strict 'zero tolerance' policy, which means that the university will *always* take action against anyone who commits any act of aggression or violence. The penalties can be either internal, i.e. disciplinary measures imposed by the university itself, or external, i.e. a sentence passed by the courts.

### 4.1 Sanctions imposed by the University of Twente: disciplinary measures

The University of Twente can impose labour law sanctions on any person accused of aggressive behaviour, and can do so before, during or after the investigation by the Complaints Committee. This may include: warning, suspension, immediate dismissal

The University of Twente can also take action in accordance with the provisions of Article 41 of the Management and Administration Regulations 2018 (See: <https://www.utwente.nl/organisatie/structuur/bestuur/downloads/bestuurs-en-beheersreglement-ut-juni-2018.pdf>):

1. All persons making use of university property, facilities or amenities, including but not restricted to physical equipment provided for the purposes of research or education, are bound by any and all regulations governing such use as passed by or on behalf of the Executive Board, and are further

- required to comply with all instructions, verbal or written, issued by any duly authorized officer of the university.
2. All persons making use of university property, facilities or amenities, including but not restricted to physical equipment provided for the purposes of research or education, are required to conduct themselves in an appropriate manner at all times, whereby no damage, direct or indirect, shall be caused to property, nor any injury, offence or nuisance caused to third parties, whether in contravention of any extant legal or legislative requirement or in breach of the accepted social norms.
  3. Any person found to be in breach of the above provisions by causing damage, injury or nuisance, and having failed to cease and desist from doing so at the first instruction of a duly appointed officer of the university, may be excluded from the university premises indefinitely or for a period determined by the Executive Board, whereupon his or her registration as a student or external student (where applicable) will be terminated with immediate effect.

The severity of the penalty will always be in keeping with the seriousness of the offence. When determining the penalty for aggressive behaviour, the background and motives can play an important part. There may be mitigating circumstances and these will be taken into account, just as they would be in a court of law. Chapter 3 describes the four main types of aggressive behaviour: expressive aggression, frustration aggression, instrumental aggression and uncontrolled aggression. It is only logical that someone who displays uncontrolled aggression as the result (or manifestation) of a psychiatric disorder will not be treated in the same way as someone who engages in instrumental aggression in order to achieve some ulterior motive.

Nevertheless, in the interests of safety and security, the University of Twente will always take immediate disciplinary action against any person who is accused of, charged with or found guilty of any indictable criminal offence, as defined by Book II of the Dutch Penal Code, whereupon no internal investigation will be held. The specific offences to which this provision applies are:

- Group defamation (Art. 137c)
- Incitement to hatred (Art. 137d)
- Public violence or aggravated disorder (Art. 141)
- Rape (Art. 242)
- Defamation (Art. 261), Slander (Art. 262) or Insulting Behaviour (Art. 266)
- Threatening behaviour (Art. 285)
- Harassment (Art. 285b)
- Manslaughter (Art. 287)
- Murder (Art. 289)
- Assault occasioning actual bodily harm (Art. 300)
- Culpable homicide (Art. 307)
- Extortion (Art. 317)
- Blackmail (Art. 318)
- Criminal damage (Art. 350).

The University of Twente will always report the commission of a criminal offence to the police.

#### **4.1.1 A police report**

The employer is responsible for the safety of all staff and must provide an appropriate response to aggressive behaviour. Making a formal police report is, in serious cases, advisable. The police will record all relevant information and will determine whether further investigation is indicated. An incident can be reported even if it does not constitute an (indictable) criminal offence or lead to prosecution. The police will keep relevant information on file for future reference should any further allegations against the aggressor be made.

The University of Twente favours the 'employer report' system, whereby an incident is reported to the police by a (line) manager on behalf of the organization. The address noted in the police records is that of the university rather than the home address of the individual. The police will often wish to interview the victim and take a statement that can be used in evidence. The victim may then use the university's address rather than his or her own private address. There are certain advantages to having the report made by or on behalf of the employer:

- Experience suggests that some victims are reluctant to report an incident themselves
- The victim can tell the aggressor that it is the employer who reported the incident
- This reduces pressure on the victim
- The victim need not take time off work to make the initial report (Ministry of the Interior and Kingdom Relations, 2010).

## 5 Support and aftercare

NB The points listed in Paras 5.1, 5.4, 5.5 and 5.6 apply to both **victims** and **witnesses**.

### 5.1 Make an appointment with the Occupational Health Service

Alongside the pain of physical violence, aggression – whether verbal, physical or psychological – can lead to adverse health effects for both victims and witnesses. They may suffer anxiety, sleep disorders, gastric upset and other psychosomatic complaints. It is therefore useful to talk to a professional as soon as possible. HR managers, line managers and all other employees who interact with the victims or witnesses of aggressive behaviour should encourage them to make an appointment with the university's Occupational Health Service, *Arbo Unie* (tel. 088 272 6312). If necessary, its medical officer will refer you to a psychologist. When making an appointment, explain that you have experienced an (extremely) unpleasant situation at work that you would like to discuss as soon as possible.

### 5.2 Physical violence

Seek medical attention as soon as possible. Contact your own GP, the out-of-hours GP service, or go to the hospital's emergency room. Explain what has happened and ask medical staff to document your injuries.

### 5.3 Sexual violence (assault, rape)

Contact the nearest Sexual Assault Center (SAC) as soon as possible on 0800 0188 (toll-free number, staffed 24/7). You will be invited to attend the Center where a trained nurse will see you immediately. She will take all the details of the incident so that you do not have to repeat your account more often than is absolutely necessary. A team of doctors, nurses, police officers, psychologists, social workers and sexologists is on hand to provide the best possible care. For further information, see <https://www.centrumseksueelgeweld.nl/csg-en/>

### 5.4 Confidential Advisors

The university has a team of trained Confidential Advisors who can provide support. For further information see:

<https://www.utwente.nl/staffmanual>

### 5.5 In the workplace

Line managers and colleagues:

- Remain mindful of the victim's experiences and feelings. Let it be known that you are available to talk about them if he or she wishes.
- You should not ignore the problem but neither should you focus on it to the exclusion of any other incidents or experiences.
- Ask the victim how he or she is faring at regular intervals, especially in the longer term (several weeks after the incident).



## 5.6 Aftercare interviews with the line manager

Unless he or she is the alleged aggressor, the line manager will plan a number of aftercare interviews. If it is indeed the line manager who is the alleged aggressor, this responsibility passes to the line manager's immediate superior.

- The first meeting takes place **immediately after the incident**. Its purpose is to demonstrate concern for the staff member and his or her feelings.
- The second meeting takes place **within three days** of the incident. Its purpose is to ascertain precisely what happened, provide information and identify any ongoing (health) problems. A victim or witness is always entitled to request a meeting with a confidential advisor if he or she feels that this will be useful.
- The third meeting takes place **approximately four weeks after the incident**. Its purpose is to evaluate the incident. The questions to be considered include:
  - o Precisely what happened?
  - o What action has the staff member concerned taken?
  - o What further action is required?
  - o Has the victim any ongoing (health) complaints?
  - o Has there been any material damage for which compensation is to be claimed?
  - o Is a referral to specialist help needed?

## References

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