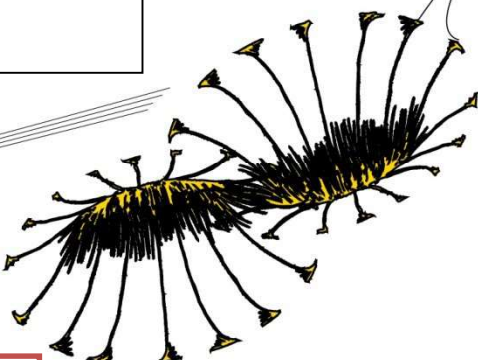





Code of conduct for acceptable and unacceptable behaviour



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1 Preface

The University of Twente wants to provide a socially safe environment for everyone. Respect, integrity, honesty and consideration for others are all part of the norms of behaviour that are expected in this kind of environment. University of Twente staff members, visitors and students are each required to contribute actively towards a socially safe environment. That applies to their own behaviour and furthermore, everyone is expected to be vigilant against any form of unacceptable behaviour they spot. In this code of conduct, unacceptable behaviour means intimidation, sexual harassment, aggression, violence, bullying and discrimination. This code of conduct is drawn up as part of a preventative policy. That preventative policy on unacceptable behaviour is part of university policy that translates into the following:

- This code of conduct is communicated adequately;
- Effective information is provided about the policy and the risks of unacceptable behaviour within the institute;
- The risks of unacceptable behaviour are systematically mapped as part of the Risk Inventory & Evaluation (RI&E) as referred to in the Dutch Working Conditions Act (*Arbowet*);
- The risk of unacceptable behaviour is reduced or eliminated;
- Compliance with the code of conduct is monitored by applying clear complaints and reporting procedures, listing complaints and reports and apply sanctions when the code of conduct is violated;
- Managers and other staff within the institute receive training;
- The code of conduct is incorporated into the performance and assessment policy.

The legal basis for this code of conduct is the Equal Treatment Act (*Algemene Wet Gelijke Behandeling*) and the Working Conditions Act (*Arbowet*) (Article 3 paragraph 2). This code of conduct implements Article 1.12 of the Collective Labour Agreement for Dutch Universities.

1.1 Article 1: General definition of terms

1. The accused: the staff member, visiting staff member, student, person not employed by the university but appointed as professor by the Executive Board, staff member contracted by a third party or visitor against whom a report or complaint was filed for unacceptable behaviour.
2. The visitor: any person, not being a staff member, visiting staff member, student, person not employed by the university but appointed as professor by the Executive Board, or a staff member contracted by a third party.
3. Executive Board (EB): the Executive Board of the University of Twente.

4. Visiting employees: doctoral candidates without employment, scholarship fellows, students on an internship, guest lecturers and guest researchers.
5. Witness: someone who witnesses unacceptable behaviour, but who is not necessarily subjected to the unacceptable behaviour himself or herself.
6. Complaint: a grievance lodged in writing about the conduct of a staff member, visiting staff member, student, person not employed by the university but appointed as professor by the Executive Board, staff member contracted by a third party or visitor.
7. Complaints Committee: Complaints committee of the University of Twente, being a committee as referred to in Article 9:14 Administrative Law Act (*Awb*).
8. University of Twente Complaints Desk: an accessible facility set up pursuant to Article 59a, Book 7 of the Higher Education and Scientific Research Act (*WHW*).
9. Complainant: a complainant is a staff member, visiting staff member, student, person not employed by the university but appointed as professor by the Executive Board, staff member contracted by a third party or visitor who lodges a written complaint in accordance with Article 4b of this code of conduct.
10. Staff are University of Twente employees (permanently or temporarily employed).
11. Staff contracted by a third party: a person employed by an employer other than the University of Twente who works in the buildings or on the premises of the University of Twente, or staff member(s) assigned through a temporary employment contract, a hiring agreement or secondment contract.
12. The person reporting: the staff member, visiting staff member, student, person not employed by the university but appointed as professor by the Executive Board, staff member contracted by a third party or visitor who reports alleged unacceptable behaviour.
13. A report: oral or written notification of alleged unacceptable behaviour.
14. A student is someone who is a student, prospective student, course participant, former student, external student or prospective external student of the University of Twente.
15. Student counsellor: official as referred to in Article 34 (1d), Book 7 of the Higher Education and Research Act.

16. Confidential Advisor: the person referred to in Article 1.12 paragraph 2 of the collective labour agreement for Dutch universities.

1.2 Article 1a: Terms defining unacceptable behaviour

1. Unacceptable behaviour: direct or indirect behaviour by which the personal integrity of another person is affected verbally, non-verbally or otherwise physically, online, by phone or by text, online text, speech, image or video message. Other forms of unacceptable behaviour include intimidation, sexual harassment, aggression, violence, bullying and discrimination.
2. Sexual harassment: any undesirable sexual advances in the form of requests for sexual favours or other verbal, non-verbal or physical behaviour with sexual connotations that is aimed at, or results in, the person's dignity being affected, particularly when a threatening, hostile, offensive, humiliating or hurtful situation is created. Verbal and non-verbal sexual harassment constitutes for example sexual innuendo in remarks, messages, images or gestures, the unsolicited sending or intentional viewing of pornographic images or texts in plain view of others (e.g. on the internet, see also utwente.nl/en/cyber-safety/cybersafety/legislation/gedragscode-e-mail-studenten-en.pdf and utwente.nl/en/cyber-safety/cybersafety/legislation/gedragscode-ict-medewerkers.pdf), but also staring or asking intimate questions. Physical sexual harassment ranges from grabbing someone or obstructing someone's path to sexual assault and rape.
3. Intimidation: behaviour aimed at or resulting in the victim's dignity being affected and that creates a threatening, hostile, insulting, humiliating or hurtful environment.
4. Aggression and violence: aggression and violence generally occur in three forms. 1) Verbal aggression (name-calling, yelling or very heated arguments). 2) Physical aggression (kicking, shoving, hitting, spitting, biting, smashing). 3) Psychological aggression (verbal or written threats, intimidation, blackmail or humiliation). The definition of aggression and violence also include the misdemeanours and crimes as referred to in the Dutch Criminal Code (*WvSR*).
5. Bullying: is the repeated unacceptable behaviour by one or more people against one person or a group of persons and can take all kinds of forms. These range from belittling remarks to open criticism and intimidation, from pranks to physical violence and from gossip to isolation and cyber bullying.
6. Discrimination: any form of comment on, action against or decision about a person or, as the case may be, any form of a distinction made on the basis of religious or philosophical beliefs, family situation, political affinity, race, gender, sexual orientation, marital status, skin colour, origin, nationality, physical or mental defect,

age or whatever grounds referred to in article 1 of the Dutch constitution, when there are no objective grounds for justifying such action.

7. Irregularities: another form of unacceptable behaviour relates to irregularities. These are suspicions based on reasonable grounds of a criminal offence, a gross violation of internal or external regulations, deception of the accountant appointed for the university, a significant danger to public health, safety or the environment, or intentionally withholding information about these facts. Irregularities do not fall under the Code of conduct for acceptable and unacceptable behaviour, but under 'reporting irregularities'. For information about 'reporting irregularities', see: utwente.nl/en/hr/terms-of-employment/downloads-staffmanual/regulations/reporting-irregularities.pdf

1.3 Article 2: Applicability code of conduct

This code of conduct applies to all staff, visiting staff, students, persons not employed by the university but appointed as professor by the Executive Board, staff contracted by third-parties and visitors to the University of Twente who are in the buildings or on the premises of the University of Twente, in their behaviour towards:

- University of Twente staff;
- visiting staff;
- students;
- persons not employed by the university but appointed as professor by the Executive Board;
- staff contracted by third parties working in the buildings or on the premises of the University of Twente;
- visitors to the University of Twente;

1.4 Article 3: Prohibitory provisions

Article 3a

Staff, visiting staff, students, persons not employed by the university but appointed as professor by the Executive Board, staff contracted by third-parties and visitors are prohibited from exhibiting unacceptable behaviour in or on University of Twente buildings or premises.

Article 3b

Staff, visiting staff, students, persons not employed by the university but appointed as professor by the Executive Board, staff contracted by third-parties and visitors are prohibited from exhibiting unacceptable behaviour outside the University of Twente buildings or premises (e.g. at a conference, company outing).

1.5 Article 4: Procedures

Unacceptable behaviour can occur, despite preventive policy. When a staff member, visiting staff member, student, person not employed by the university but appointed as professor by the Executive Board, staff member contracted by a third party or a visitor is not directly subjected to unacceptable behaviour but does witness it, he/she can take responsibility by calling out that type of behaviour. The Code of conduct expressly distinguishes between a report and a complaint. Someone who is faced with unacceptable behaviour therefore has two options to stop the unacceptable behaviour. It is also possible to take both courses of action. The key principle is that every report and complaint about unacceptable behaviour is handled carefully and in strictest confidence.

Article 4a Report

The aim of a report is to register the unacceptable behaviour, to prepare the file, to provide the option of obtaining advice on how to deal with the unacceptable behaviour and/or to end the unacceptable behaviour in consultation with the parties directly involved.

1. Anyone being faced with unacceptable behaviour towards themselves or someone else can report the unacceptable behaviour before deciding whether it is advisable to file a written complaint.
2. Staff, visiting staff and persons not employed by the university but appointed as professor by the Executive Board can report to a confidential advisor.
(utwente.nl/en/hr/terms-of-employment/confidential-advisors/confidential-advisors/; utwente.nl/en/hr/terms-of-employment/confidential-advisors/confidential-advisors/confidential-advisors-ut/)
- 2a. The confidential advisor advises and supports staff, visiting staff and persons not employed by the university but appointed as professor by the Executive Board who are faced with unacceptable behaviour. The confidential advisor has an independent position and enjoys protection on the part of the employer. The confidential advisor's duties include the following:
 - providing information about unacceptable behaviour;
 - ensuring adequate assistance for those filing a complaint about unacceptable behaviour;
 - ensuring information is treated confidentially;
 - looking for an informal solution;
 - assisting the complainant in lodging a formal complaint and where necessary in the formal handling.
3. Students can report to a student counsellor (utwente.nl/en/ces/sacc/coaching-counselling/counselling/student-counsellor).

- 3a. The student counsellor advises and supports individual students who are faced with unacceptable behaviour. The student counsellor has an independent position and enjoys protection on the part of the employer. The student counsellor's duties include the following:
- providing information about unacceptable behaviour;
 - ensuring adequate assistance for those filing a complaint about unacceptable behaviour;
 - ensuring information is treated confidentially;
 - looking for an informal solution;
 - assisting the complainant in lodging a formal complaint and where necessary in the formal handling.
4. Company medical officers, HR managers, student psychologists, study advisors, managers and any other staff who receive a report of unacceptable behaviour should refer the reporting person to
- 4a. The confidential advisor, when the reporting party is a staff member, visiting staff member or person not employed by the university but appointed as professor by the Executive Board;
- 4b. The student counsellor, when the reporting person is a student.
5. Staff members, visiting staff members or a person not employed by the university but appointed as professor by the Executive Board who receive reports of unacceptable behaviour can call on the confidential advisors for support and advice.
6. Anyone being faced with unacceptable behaviour towards themselves or someone else can report to security. (utwente.nl/en/cfm/discover/security)
7. Reports are registered anonymously.
- 7a) Reports can be received by different institutes/bodies and it cannot be guaranteed that the reporting persons contact the confidential advisors/student counsellors, where applicable. That is why a number of institutes/bodies (e.g. confidential advisors, student counsellors, occupational health services provider and security) are asked to submit an annual report of reports in anonymized form to the HR service department.
- 7b) The HR service department makes a cross-university analysis of reports. This analysis is also used to amend the preventive policy where necessary.

Article 4b Complaint

1. Students must lodge their complaint about a staff member, visiting staff member or person not employed by the university but appointed as professor by the Executive Board in writing with the University of Twente Complaints Desk (utwente.nl/en/education/student-services/contact/complaints-desk/) The Complaints desk will forward the complaint to the Executive Board as soon as possible and within 6 weeks.
2. All other persons – staff members, visiting staff members or persons not employed by the university but appointed as professor by the Executive Board, staff members contracted by a third party and visitors – must lodge their written complaint about a staff member, visiting staff member or person not employed by the university but appointed as professor by the Executive Board, with the Executive Board (see the confidential advisors on utwente.nl/en/hr/terms-of-employment/confidential-advisors/confidential-advisors and the complaints procedure on utwente.nl/en/hr/terms-of-employment/downloads-staffmanual/regulations/complaints-procedure.pdf
3. If the accused person is a member of the Executive Board, the complaint must be lodged in writing with the Supervisory Board.
4. If the complainant and the accused are staff members, visiting staff members or persons not employed by the university but appointed as professor by the Executive Board, they may appeal to the university's confidential advisor (e.g. to support them in preparing for a complaint).
5. If the complainant and the accused are students, they may appeal to the student counsellor.

1.6 Article 6: Sanctions

Unacceptable behaviour relating to intimidation, sexual harassment, aggression, violence, bullying and discrimination can result in sanctions. Possible sanctions can be found in:

- Article 40, paragraph 3 of the university's Executive and Management Regulations 2018 (utwente.nl/download/corporate/bbr.pdf);
- Article 14 of the university's Complaints procedure (utwente.nl/en/hr/terms-of-employment/downloads-staffmanual/regulations/complaints-procedure.pdf).