

# Regulations for reporting intimidation, aggression, violence or discrimination

## I. General

### Article 1

#### Definitions

In these Regulations the following definitions shall apply:

- University: Utrecht University
- Board: The Executive Board of Utrecht University
- Complainant: A person as referred to in Article 2 of these Regulations, who has lodged a complaint of unwanted conduct with the harassment counsellor or the complaints committee.
- Accused: The person whose conduct the reported complaint pertains to.
- Harassment counsellor: A person as referred to in Article 3 of these Regulations.
- Complaints committee: A committee as referred to in Article 11 of these Regulations.

### Article 2

Anyone who, in their work or study environment at Utrecht University, is confronted with unwanted conduct by someone else working or studying at Utrecht University, has the right to lodge a complaint to the harassment counsellor or the complaints committee for a period of three years after the incident.

## II. Harassment counsellor

### Appointment by the Executive Board

#### Article 3

The Executive Board appoints one or more harassment counsellors for the complainant to turn to. Those appointed as harassment counsellors have to be employees at Utrecht University. The appointment is for a period of two years with the possibility of an extension.

#### Responsibility and competence

#### Article 4

It is the harassment counsellor's responsibility:

- a. To support and advise complainants;
- b. To try to solve the issue through mediation;
- c. To support complainants when lodging a complaint with the complaints committee.

#### Article 5

The harassment counsellor is entitled to personally lodge a complaint with the complaints committee if he\* receives more than two complaints that relate to the same accused and have not been lodged with the complaints committee. Complainants' names will not be mentioned without their prior consent.

#### Article 6

The harassment counsellor maintains contact with persons and bodies that by virtue of their positions may be able to observe unwanted conduct within Utrecht University.

#### Article 7

In performing his duties, the harassment counsellor accounts to the Executive Board.

## Handling of complaints

### Article 8

1. The harassment counsellor is authorised to hear the accused and others within Utrecht University that are involved, and to contact other university bodies. He will only do so insofar as this is necessary to carry out his duties. He will observe strict confidentiality.
2. The harassment counsellor will make a written report of all interviews.
3. The harassment counsellor will present the complainant with a proposal based on his findings. The complainant will inform the harassment counsellor within 10 days whether or not he agrees with the proposal.

### Article 9

The harassment counsellor will compile a file of each complaint he handles. He will not provide others with confidential information without prior consent of those who requested to keep the information confidential. Files will be destroyed two years after closure of the complaint.

### Article 10

The harassment counsellor will annually report to the Executive Board about the number and nature of the registered complaints, and about the results of mediation.

## III Complaints committee

### Composition

#### Article 11

1. The complaints committee consists of eight members, including:
  - a. Two or three members representing the academic staff of the university, including the chairperson;
  - b. Two or three members representing the support and management staff of the university;
  - c. Two members representing the students registered with the university;
  - d. One member representing the Legal Office staff, preferably an expert in complaint handling;
  - e. At least two members are law graduates.
2. The Executive Board appoints the members of the complaints committee for a period of two years. They may be reappointed.
3. At least two of the members are female. At least two of the members are male.
4. Members that have been appointed to fill an interim vacancy will resign at the time the person in whose place they have been appointed would have resigned.
5. The complaints committee will be supported by an official secretary.

### Procedures

#### Article 12

Complaints may be lodged with the complaints committee by:

- Complainant
- The harassment counsellor in pursuance of [Article 4 and 5](#), upon the request of complainant or at his own initiative.

#### Article 13

1. Complaints shall be lodged in writing and indicating:
  - The nature of the unwanted conduct;
  - The name of the complainant;
  - The measures taken by complainant including any relevant written documents. These documents will be submitted to the complaints committee.

2. The accused will receive a copy of the complaint including any other documents submitted to the complaints committee.

#### **Article 14**

1. After receiving a complaint the complaints committee will start their inquiry as soon as possible. The inquiry will be conducted by the chairperson and two other members of the complaints committee;
2. Anyone involved in the complaint may be heard as part of the inquiry. In any event, both the complainant and the accused will be given the opportunity to be heard;
3. The complaints committee is entitled to examine all relevant documents relating to the complaint;
4. The official secretary will make a written report of each hearing, to be signed for agreement by the person involved. If the person involved is not prepared to sign for agreement, he will be given the opportunity to add written comments to the report;
5. The chairperson of the complaints committee will ensure that the inquiry will be completed within six weeks of receiving the complaint.

#### **Article 15**

During the inquiry the complainant may be supported by the harassment counsellor or by another counsellor of his choice. The accused may be supported by a counsellor of his/her choice. The complaints committee will advise the Executive Board on any compensation of the costs incurred.

#### **Article 16**

1. All hearings are closed, both during the inquiry and during complaint handling;
2. The harassment counsellor, the members of the complaints committee, the official secretary and all other persons involved undertake to observe confidentiality regarding all information relating to the complaint.

#### **Article 17**

The official secretary will send all documents to the members of the complaints committee as soon as the inquiry has been completed. After consultation with the chairperson, the official secretary will set the place and time for complaint handling by the full committee.

#### **Article 18**

1. If the complaints committee finds that insufficient information has been made available to come to a final decision, the committee may decide to resume the inquiry. The committee will determine who will conduct this continuing inquiry and within what term;
2. Where appropriate, the committee may consult external experts. Initially, the committee will examine whether the necessary expertise is available within Utrecht University. If not, the committee may request the Head of the Legal Office to provide means for calling in external experts;
3. If the complaints committee decides that enough information has been made available, they will come to a final decision. The full committee will decide by a majority of votes. If the votes are equally divided, the chairperson's vote is decisive.

#### **Article 19**

Within four weeks after completing the inquiry, the complaints committee will come to a final decision and provide the Executive Board with the ensuing advice.

#### **Article 20**

1. In their final decision the complaints committee will:
  - Disallow the complaint, or;
  - Dismiss the complaint, or;
  - Uphold the complaint.
2. The final decision will include the grounds it has been based on.

## **Article 21**

1. After deciding on the admissibility of the complaint, the complaints committee will decide on the merits of the complaint. This will result in an advice to the Executive Board about the measures to be taken. If required, the complaints committee may also advise on the taking of disciplinary measures and on the nature and severity thereof;
2. The complaints committee will inform the complainant, the accused, the harassment counsellor and the Executive Board of their decision on the merits of the complaint;
3. Within four weeks after receiving the complaints committee's advice, the Executive Board will make a decision, which includes whether or not measures will be taken, and if so of what kind. The Executive Board may also instruct the relevant mandatory to make further decisions and will either decide on a possible measure and its nature and severity, or they will instruct a mandatory to take further decisions regarding the accused's legal status. The Executive Board also decides whether, aftercare will be offered to those involved, and in what way;
4. The Executive Board will inform the complainant, the complaints committee and the harassment counsellor of their decisions following the advice of the complaints committee;
5. If the Executive Board does not decide in accordance with the advice of the complaints committee, they must give reasons. The complainant, the accused, the harassment counsellor and the complaints committee will be informed of the decision.

## **IV Final provisions**

### **Article 22**

Employees or students at Utrecht University may not suffer damage to their position at the university, as a result of being or having been personally involved in a complaints procedure as laid down in these Regulations, either as a justified complainant, an harassment counsellor, a member of the complaints committee, or an informant.

### **Article 23**

The Executive Board will ensure sufficient notification of these Regulations.

### **Article 24**

The harassment counsellor and the complaints committee will annually report their observations to the Executive Board.

### **Article 25**

These Regulations may be cited as 'Regulations for reporting unwanted conduct'. These Regulations take effect from 1 July 2003 and shall replace the previous Regulations of 9 November 2000.

\*The masculine shall include the feminine.