

DECISION OF THE EXECUTIVE BOARD

Number : 607 Initials:

Subject : Windesheim Policy on Inappropriate Interpersonal Behaviour

Decision :

The Executive Board adopts Windesheim's Policy on Inappropriate Interpersonal Behaviour and corresponding Complaints Regulation of April 2012 (reference number 2012-335). This policy and complaints regulation replace the policy and complaints regulation adopted by Decision 395 dated 13 October 2005.

Decision status: Proposed dated 17 January 2012
Adopted with amendments dated 5 April 2012

Consequences for

Personnel : n/a
 Housing : n/a
 Financial aspects : n/a
 Chargeable to budget : n/a

Responsible for implementation : Executive Board, Director of Support Services

Central Participation Council:

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Communication	Decision text	Appendices	Date	By:
Directors	X	X	17 April 2012	Executive Board
Central Participation Council	X	X	17 April 2012	Executive Board
Internal Audit	X	X	17 April 2012	Executive Board
Post and Archive	X	X	17 April 2012	Executive Board
Marketing and Communication	X	X	17 April 2012	Executive Board
Board of Appeal for Examinations	X	X	17 April 2012	Executive Board

Windesheim Policy on Inappropriate Interpersonal Behaviour

Zwolle, April 2012

In the event of discrepancies or ambiguity between the original Dutch version of this document and the English translation presented here, the Dutch text shall prevail.

Windesheim Policy on Inappropriate Interpersonal Behaviour

What is inappropriate interpersonal behaviour?

Inappropriate interpersonal behaviour as defined within the scope of this regulation – and in accordance with the Working Conditions Act – covers the following behaviour:

1. Discrimination (direct or indirect):
Situation in which an individual is treated differently from the way others have been, are or would be treated in a similar situation, based on religion, personal philosophy, political persuasion, ethnicity, gender, nationality, sexual orientation, marital status, age, disability or chronic illness, or a situation in which an apparently neutral provision, standard or course of action particularly affects individuals of a certain religious conviction, personal philosophy, political persuasion, race, ethnicity, nationality, marital status, age, sexual orientation, disability or chronic illness.
2. Sexual harassment:
Any type of verbal, non-verbal or physical behaviour with sexual connotations aiming to affect, or resulting in affecting, an individual's dignity, especially if an intimidating, hostile, offensive, humiliating or hurtful situation is created.
3. Aggression and violence:
Incidents in which an individual is psychologically or physically harassed, intimidated or assaulted under circumstances directly related to the performance of work or study.
4. Bullying:
Any type of intimidating behaviour of a structural nature, by one or several individuals directed to a single other individual or several other individuals who is/are unable to defend themselves against this behaviour.

Inappropriate interpersonal behaviour causes:

- an unpleasant, intimidating or hostile work/study environment; and/or
- disruption of work/study performance of the individual suffering this behaviour; and/or
- the individual suffering this behaviour to be impeded or prejudiced in the full and equal enjoyment of labour/educational facilities, benefits or opportunities; and/or
- The full and equal enjoyment of labour/educational facilities to be made conditional.

Inappropriate interpersonal behaviour may occur anywhere and at any time; during meetings or work discussions, during lectures or individual tutoring sessions, during internships, in school restaurants, corridors, offices etc. Anybody can cause it to happen (sometimes unintentionally) and it can happen to anybody. However, this does not mean that inappropriate interpersonal behaviour is acceptable as part of a proper work and study environment.

The starting-point is the subjective experience of the individual to whom the inappropriate interpersonal behaviour is directed. This subjective experience will be compared with the feelings other individuals might in all reasonability have under similar circumstances. In other words, the question is: can a person's behaviour cause someone else to feel pressure and lack of privacy?

Anyone who is bothered by the group culture because (s)he would prefer a different type of interpersonal behaviour or finds a certain type of behaviour unacceptable, would do well to point out how (s)he feels about this right from the start.

Even if you are not the direct object of inappropriate interpersonal behaviour yourself, you can show your disapproval of this type of behaviour. This may be difficult, especially when different levels of authority or dependence are involved. For example, a manager/lecturer/group versus a subordinate staff member / student / individual. Do not keep it bottled up inside. That's no solution. Talk about it with others, a colleague, a manager, a P&O consultant, a student counsellor or a confidant(e). This way you can take immediate action to do something about inappropriate interpersonal behaviour.

It all starts with you. Reflect on your own behaviour. Ask yourself whether your colleague or fellow student really likes your 'funny jokes/remarks'. And check whether he/she really doesn't mind physical contact.

Why has Windesheim adopted a policy regarding inappropriate interpersonal behaviour?

Windesheim aims to offer its staff members and students a safe work and study environment, free from any and all obstacles to full and equal participation in labour and educational facilities.

Helping to achieve this goal means contributing to a culture based on *mutually acceptable* human interaction, respect for and amongst students and staff members. A culture in which not only all staff members and students contribute to a good atmosphere, but in which the management of the University of Applied Sciences also bears a specific responsibility.

Moreover, the university is also legally required to adopt a policy on inappropriate interpersonal behaviour, arising from the Working Conditions Act and the Collective Labour Agreement for universities of applied sciences (cao hbo).

What is the general outline of this policy?

Windesheim has formulated policy covering three different aspects:

- Prevention policy
- Incident policy (measures to be taken in the event of incidents occurring)
- Assistance policy

Prevention policy

Windesheim, being an educational institution, is an organization in which people interact and collaborate closely and which may be expected to make inappropriate interpersonal behaviour a freely debatable subject and to pay attention to responsible social interaction.

The Windesheim management bears a specific responsibility for the prevention policy. It can address the issue of inappropriate interpersonal behaviour in various ways:

- as part of the ARBO policy, more specifically in the ARBO annual plan, the Risk Inventory and Evaluation (RIE) and in the ARBO Annual Report;
- by adding the subject to the students' charter and to the curriculum of each study programme as part of the preparations for the internship and of the subsequent professional career.
- by discussing the subject in meetings with participation councils, degree programme committees and staff members.
- by adopting a complaints procedure and appointing confidant(e)s and a complaints committee.
- by organizing study days and courses about this subject.
- by means of professional development of confidant(e)s and staff members.

- by ensuring that relevant information is provided to students and staff members about this subject.
- By ensuring that the topic of inappropriate interpersonal behaviour is and remains a recurring item on the agenda in work meetings and staff appraisal interviews.

Incident policy (measures to be taken in the event of incidents occurring)

Incident policy means that Windesheim has previously adopted protocols and procedures in place, specifying the measures to be taken when certain incidents occur or signals are received. To this end, Windesheim has

- appointed one or several confidant(e)s, to whom incidents of inappropriate interpersonal behaviour can be reported;
- adopted a complaints regulation, which is included in this brochure.
- appointed an independent complaints committee, where complaints can be submitted concerning inappropriate interpersonal behaviour.

Assistance policy

A confidant(e) appointed by Windesheim serves as a point of contact for the individual submitting the report or complaint and provides first-line support and assistance. If necessary and desired, the confidant(e) refers the reporting individual or complainant to specialized assistance agencies; The confidant(e) provides assistance to the reporting individual or complainant and advises him/her on how to end the inappropriate interpersonal behaviour.

When a report or complaint has been dealt with, and certainly if it has been found valid, this does not mean that the care provided to the reporting individual or complainant stops. Any repetition of the inappropriate interpersonal behaviour needs to be monitored. Initially this is the responsibility of the management. The confidant(e) can play an important role in this. The confidant was usually the primary contact for the reporting individual or complainant, who also keeps in touch in the aftercare phase.

After the report or complaint has been dealt with, it is also important to find out to what extent the reporting individual or complainant needs specialized assistance, e.g. from a psychologist, a (company) doctor or welfare worker.

With inappropriate interpersonal behaviour the confidant(e) may be able to offer some temporary help as a sounding board and if necessary he/she can provide counselling when the victim decides to resume or continue work or study.

The confidant(e) can also play a role when the accused or the object of the report asks for help, or he can refer to external experts. The same confidant(e) cannot simultaneously provide assistance to the individual reporting an incident and the object of this report. Nor can the same confidant(e) provide simultaneous assistance to a complainant and the object of this complaint.

Summary of policy regarding inappropriate interpersonal behaviour

In summary, Windesheim's policy regarding inappropriate interpersonal behaviour is based on the following principles:

- inappropriate interpersonal behaviour must not be tolerated
- staff members and students are allowed every opportunity to report -- and/or file a complaint about -- inappropriate interpersonal behaviour;
- all reports and complaints will be dealt with confidentially;

- any complaint submitted will be investigated thoroughly and objectively by an independent complaints committee;
- the act of reporting or filing a complaint must have no negative consequences for the reporting individual or the complainant, respectively; however, the above does not apply if it turns out that the report or complaint was submitted for the sole purpose of damaging the individual against whom it was directed.
- Windesheim guarantees that appropriate corrective measures will be taken as soon as possible against anyone in the organization found guilty of inappropriate interpersonal behaviour;
- the subject of inappropriate interpersonal behaviour will be brought to the attention of staff members and students through the appropriate media at regular intervals. We expect that this will enable staff members and students to react sooner when a specific instance of inappropriate interpersonal behaviour occurs, thus preventing a prolonged and difficult experience for the victim.
- If the press gets involved in an instance of inappropriate interpersonal behaviour, Windesheim will use a single spokesperson to inform them, viz. usually the spokesperson of the Executive Board. If a lawyer has been appointed to represent Windesheim in a specific case of inappropriate interpersonal behaviour, it may be preferable, in consultation with the spokesperson of the Executive Board, to appoint this lawyer as the spokesperson on behalf of Windesheim.

**COMPLAINTS REGULATION REGARDING INAPPROPRIATE
INTERPERSONAL BEHAVIOUR**

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COMPLAINTS REGULATION REGARDING INAPPROPRIATE INTERPERSONAL BEHAVIOUR

CHAPTER 1 TERMS AND DEFINITIONS

In these regulations the following definitions apply to the following terms :

a. inappropriate interpersonal behaviour

1. Discrimination (direct or indirect):

Situation in which an individual is treated differently from the way others have been, are or would be treated in a similar situation, based on religion, personal philosophy, political persuasion, ethnicity, gender, nationality, sexual orientation, marital status, age, disability or chronic illness, or a situation in which an apparently neutral provision, standard or course of action particularly affects individuals of a certain religious conviction, personal philosophy, political persuasion, race, ethnicity, nationality, marital status, age, sexual orientation, disability or chronic illness.

2. Sexual harassment:

Any type of verbal, non-verbal or physical behaviour with sexual connotations aiming to affect, or resulting in affecting, an individual's dignity, especially if an intimidating, hostile, offensive, humiliating or hurtful situation is created.

3. Aggression and violence:

Incidents in which an individual is psychologically or physically harassed, intimidated or assaulted under circumstances directly related to the performance of work or study.

4. Bullying:

Any type of intimidating behaviour of a structural nature, by one or several individuals directed to a single other individual or several other individuals who is/are unable to defend themselves against this behaviour.

b. University (of Applied Sciences): Windesheim University of Applied Sciences in Zwolle, including Windesheim Flevoland;

c. confidant(e): an officer as specified in Chapter 2 of this regulation;

d. complaints committee: the committee as specified in Chapter 3 of this regulation;

e. report: an instance of inappropriate interpersonal behaviour that is reported to the confidant(e) by a reporting individual;

f. reporting individual: a (former) staff member, (former) student or (former) student intern of the university (previously) confronted with inappropriate interpersonal behaviour in his or her work or study environment and reporting this to the confidant(e);

g. complaint: an complaint concerning inappropriate interpersonal behaviour that is filed by a complainant with the complaints committee;

h. complainant: a (former) staff member, (former) student or (former) student intern of the university (previously) confronted with inappropriate interpersonal behaviour in his or her work or study environment and filing a complaint about this with the complaints committee;

i. the accused: a staff member or student of the university whose behaviour has been cause for a complaint filed with the complaints committee;

j. counsel: an individual who, possibly besides a confidant(e), may assist the complainant or the accused and may act as his/her authorized representative;

k. Executive Board: the university's management body as specified in Article 10.2 of the Higher Education and Research Act (WHW);

l. Supervisory Board: the university's Supervisory Board as specified in Article 10.3d of the Higher Education and Research Act (WHW);

m. organizational unit: the Executive Board , a division, service or a different university body;

n. CAO; the collective labour agreement for Higher Professional Education.

CHAPTER 2 THE CONFIDANT(E)

Article 1 Appointment

1. The Executive Board appoints at least two confidant(e)s for staff members and students within the university.
A confidant(e) is required to possess expertise relevant to this position and to fit the Confidant(e) Profile included in Appendix 1. Moreover, appointment is conditional upon the candidate in question being able to submit a Certificate of Conduct.
In appointing confidant(e)s, the Executive Board considers optimum representation of the diversity amongst the university's staff members and students, including at any rate the gender distinction.
2. The staff size (expressed in full-time equivalent (FTE)) available for the position of confidant(e) is linked to the number of staff members and students at the university.
3. Confidant(e)s are appointed for a term of four years. After that term, the Executive Board may decide to reappoint the individual in question for a second 4-year term as a confidant(e) only once.
The Executive Board decides on a rotation schedule for confidant(e)s, also to prevent terms of appointment of several confidant(e)s ending simultaneously and thus jeopardizing the continuity of their work.
4. One of the confidant(e)s will act as coordinating confidant(e).
5. In the event of prolonged absence of a confidant(e), the Executive Board will provide a replacement as soon as possible.
6. If there is a vacancy for the position of confidant(e), the Executive Board will appoint a new confidant(e) as soon as possible.

Article 2 – Position of confidant(e) and legal protection

1. A confidant(e) is directly accountable to the Executive Board.
2. The Executive Board ensures that a confidant(e) can fulfil his duties without harm or prejudice to his position in relation to the University.
3. A confidant(e) has a duty of confidentiality concerning facts he has learned and the publication of which might harm the privacy of the staff member/student in question. Only with explicit permission from the staff member or student in question can he be allowed to deviate from this duty of confidentiality.
4. For the consideration of a report one or more of the parties involved may object to a specific confidant(e), on account of facts or circumstances that might interfere with impartial judgement. A confidant(e) may also claim immunity from the consideration of a report on account of such facts or circumstances.

5. Premature discharge from the position of confidant(e) and/or suspension from said position is possible if the officer in question fails to perform his duties adequately or harms the interests of the staff members and/or students involved, or no longer enjoys the confidence required within the university to fulfil the position of confidant(e). The Executive Board has the authority to effect such discharge or suspension, provided that they consult with the Supervisory Board on premature discharge from the position of confidant(e).

Article 3 - Tasks and areas of authority

1. The position of confidant(e) and associated tasks and areas of authority shall be exercised to implement this regulation and within its parameters only.
2. A confidant(e) has the following tasks and areas of authority:
 - A. *Assistance policy*
 - a. Acting as a contact for the reporting individual or the complainant and providing first assistance and support to either;
 - b. If necessary and desired, referring the reporting individual or complainant to specialized assistance agencies;
 - c. providing assistance to the reporting individual of complainant and advising him/her on how to end the inappropriate interpersonal behaviour.
 - d. Collecting information needed in the confidant(e)'s opinion to gain a proper insight into the report or the complaint;
 - e. at the request of the reporting individual, investigating whether mediation is likely to put an end to the inappropriate interpersonal behaviour. Intervention by a confidant(e) is only possible at this stage if no complaint was filed. The confidant(e) first investigates with the reporting individual and the person against whom the report is directed whether it is possible to put a stop to the conditions to which the complaint relates. If not and if no complaint has been filed as yet, the relevant manager may be contacted;
 - f. Assisting the person against whom a report is directed, on the understanding that the confidant(e) assisting a reporting individual cannot simultaneously assist the individual against whom this report is directed;
 - g. Assisting the potential complainant, upon request, in filing a complaint with the complaints committee, on the understanding that any and all steps the confidant(e) takes in this process are subject to the complainant's prior permission;
 - h. Advising the accused of the possibility to seek support from a fellow confidant(e) and or counsel;
 - i. Assisting the accused, on the understanding that the confidant(e) assisting a complainant cannot simultaneously assist the individual against whom this complaint is directed;
 - j. Observing the required confidentiality;
 - k. Providing aftercare to the complainant and to the accused, on the understanding that the confidant(e) providing aftercare to a complainant cannot simultaneously provide aftercare to the person against whom this complaint was directed.
 - l. Keeping in touch with the complainant to find out whether the filing of a complaint has led to any repercussions for the complainant and if so, reporting about this to the Executive Board.

B. Policy recommendations, prevention and notification:

Making solicited as well as unsolicited recommendations to the Executive Board and University management with regard to policy bottlenecks relevant to preventing and combating inappropriate interpersonal behaviour.

Notifying the Executive Board and University management of observed signals concerning inappropriate interpersonal behaviour occurring within the University and making recommendations on how to deal with and prevent this.

C. Information:

Providing information to staff members and students about the existence and work method of the confidant(e) and about the complaints regulation to combat inappropriate interpersonal behaviour.

D. Reporting activities:

Keeping anonymous records of the nature and scope of cases they handled and of the results of actions taken. These data will be included in a report per calendar year to be discussed with the Executive Board.

Article 4 - Professional Development

1. A confidant(e) needs to maintain and develop the professional expertise required to perform his duties.
2. Professional development, as specified in Section 1, includes at least the attendance of recurrent refresher and follow-up courses relevant to the position of confidant(e) and regular meetings with relevant primary and secondary care officers.

Article 5 – Availability and facilities

1. A confidant(e) must be available at fixed times during office hours.
2. The Executive Board is responsible for providing the facilities required for proper performance of the duties of a confidant(e); the facilities to be provided include working hours, a suitable office and funds for information provision and professional development.

CHAPTER 3 THE COMPLAINTS COMMITTEE

Article 6 – Appointment of members, deputy members and official secretary

1. Following approval from the Supervisory Board, the Executive Board appoints the members and deputy members of the 'Complaints Committee for inappropriate interpersonal behaviour' for the University of Applied Sciences, including its chair and deputy chair.
2. The complaints committee consists of three members, including the chair, at least one of whom must be female. All members of the complaints committee are external to the University of Applied Sciences.
For each member, including the chair, a deputy will be appointed as well. All deputy members are external to the University of Applied Sciences as well.

3. The composition of the complaints committee is such that adequate knowledge and experience of psychosocial and legal aspects of inappropriate interpersonal behaviour and complaint handling is available. The chair and deputy chair of the complaints committee shall be lawyers.
4. In the event of prolonged absence of a member or deputy member of the complaints committee, the Executive Board will provide a replacement as soon as possible.
5. Members and deputy members of the complaints committee are appointed for a term of four years. After that term, the Executive Board may decide to reappoint the individual in question for a second 4-year term only once.
6. Premature discharge from the position of complaints committee member or deputy member and/or suspension from said position is possible if the officer in question fails to perform his duties adequately or harms the interests of the staff members and/or students involved, or no longer enjoys the confidence required within the university to fulfil the position of complaints committee (deputy) member. Discharge of this type is granted by the Executive Board, after approval by the Supervisory Board. This also applies to suspension, except in urgent cases for which approval by the Supervisory Board may be granted afterwards.
7. The complaints committee is assisted by an official secretary, who is formally appointed, suspended and discharged in that position by the Executive Board. The official secretary convenes the complaints committee, organizes the committee sessions and performs all secretarial duties required for proper performance of the duties of the complaints committee.

Article 7 – Objection and Immunity

For the handling of a complaint, one or more of the parties involved may object to any member or deputy member of the complaints committee, on account of facts or circumstances that might interfere with impartial judgement of the (deputy) member concerned. A complaints committee (deputy) member may also claim immunity from the handling of a complaint on account of such facts or circumstances.

Article 8 - Tasks and areas of authority

1. The complaints committee judges whether a complaint filed is admissible. If a complaint filed is admissible, the complaints committee judges whether it is valid or unfounded.
The complaints committee issues a written recommendation on the validity of a complaint to the Executive Board, which subsequently decides in accordance with Article 15 of this regulation whether the complaint is valid.
2. The complaints committee can adopt more specific rules regarding its method of operation by regulation. Such a regulation is subject to approval by the Executive Board.
3. The complaints committee keeps anonymous records of the nature and scope of complaints they have handled. These data will be included in a report per calendar year to be discussed with the Executive Board.

4. The complaints committee can make solicited as well as unsolicited recommendations to the Executive Board and University management with regard to policy bottlenecks relevant to preventing and combating inappropriate interpersonal behaviour.
5. In handling a complaint, the complaints committee has the authority to discuss work atmosphere and mutual relations with the management of an organizational unit, to visit workplaces and to inspect data on students and staff members relevant to proper performance of their duties.

CHAPTER 4 THE COMPLAINTS PROCEDURE

Article 9 – Confidentiality of complaint handling

1. Each complaint is treated confidentially. This means that all individuals involved in the complaints procedure must observe confidentiality regarding anything they learn – either verbally or in writing – concerning the complaint and treat all facts and information they receive confidentially. This confidentiality does not apply to the Executive Board’s decision on validity of the complaint, unless the Executive Board stipulates such confidentiality in its written decision in a particular case.
2. Confidentiality must also be observed when collecting information from third parties for the investigation of the complaint.
3. Any individual failing to meet this confidentiality requirement acts in violation of proper procedure for a staff member/student in similar circumstances. Depending on the situation, the Executive Board may decide to impose a sanction against the individual who has violated confidentiality.
4. The written documents pertaining to complaint investigation are filed in the archives of the complaints committee’s official secretary. The final report of the complaints committee, as well as the Executive Board’s written decision on the validity of the complaint, will also be filed in the archives of the complaints committee’s official secretary.

Article 10 – Guarantees for the complainant and the accused

1. The complaints committee enables the complainant and the accused to be heard by the committee separately. The complainant as well as the accused may seek the assistance of a counsel. The complaints committee has the authority to hear others and/or to consult experts.
2. The complaints committee may decide to hear the complainant and the accused in each other’s presence if it deems this to be in the interest of proper complaint handling and/or its judgment and provided there are no objections of due care or confidentiality against such a hearing in mutual presence.
The complaints committee may also decide to hear the complainant and the accused in each other’s presence at the request of the complainant or the accused. Such a request is denied only if there is an objection of due care or confidentiality against such a hearing in mutual presence.
The second sentence of Section 1 of this article is applicable by analogy to a hearing in mutual presence.

3. Without prejudice to the provisions of Sections 1 and 2 of this article, the complaints committee enables both the complainant and the accused to submit questions to each other in writing.
4. Prior to sending any documents concerning a complaint to the accused, the accused will be given the opportunity to specify the postal address to which they are to be sent.
5. While the investigation of the complaint is in progress, the complaints committee will keep the complainant as well as the accused simultaneously informed in writing of the development of the procedure.
6. The complainant is at all times authorized to withdraw the complaint. If the complaint is withdrawn, its handling will be terminated instantly.
7. In the event that a complaint is filed without any actual inappropriate interpersonal behaviour occurring, with the deliberate intention and for the sole purpose of harming the accused, the Executive Board, following the complaints committee's recommendation, may decide to take a measure as specified in Article 14, Section 1 of this regulation.

Article 11 – Procedure of filing complaints

1. Complaints are to be filed with the complaints committee, preferably in the designated format 'Inappropriate Interpersonal Behaviour Complaint Form', which is included in Appendix 2.
The complainant must print the designation "VERTROUWELIJK" ("CONFIDENTIAL") on the envelope containing his letter of complaint.
2. The complaints committee can be reached at the following address:
Complaints Committee for Inappropriate Interpersonal Behaviour
for the attention of the Official Secretary
Support Services / HRM unit
P.O. Box 10090
8000 GB Zwolle.
3. As soon as the complaints committee has received a complaint, it verbally notifies the accused of the complaint filed. Furthermore, the accused receives a copy of the complaint, with due observance of Article 10, Section 4. The complaints committee also notifies the Executive Board of the fact that a complaint has been submitted.

Article 12 – Admissibility of the complaint

1. The complaints committee judges and decides as soon as possible but not later than within four weeks of the complaint being submitted whether it is to be found admissible or inadmissible.
The complaints committee declares a complaint inadmissible if:
 - a. The complaint does not relate to inappropriate interpersonal behaviour;
 - b. The complaint is not filed in writing;
 - c. The situation to which the complaint refers occurred more than five years before the date of the complaint being filed.
 - d. The accused is neither employed by the University of Applied Sciences, nor registered as a student at the University of Applied Sciences.

2. Immediately after the complaint has been declared inadmissible, the complaints committee will advise the Executive Board, the complainant and the accused thereof in writing.
3. If the complaint is declared inadmissible, the documents pertaining to the complaint will be destroyed instantly, except for the relevant decision of the complaints committee.
4. Anonymous complaints are not taken into consideration by the complaints committee.
5. As soon as the complaints committee has declared a complaint admissible and started the complaint handling procedure, it sends written notification thereof to the complainant and the accused, the Executive Board and the Director of the organizational unit in which the accused is a staff member or student.

Article 13 – Complaint handling procedure

1. Immediately after declaring a complaint admissible, starting the complaint handling procedure and notifying the parties concerned, the complaints committee starts an investigation into the validity of the complaint.
2. The complaints committee prepares a written report and recommendation to the Executive Board on the investigation specified in Section 1.
3. The complainant and the accused are heard by the complaints committee, with due observance of the provisions of Article 10; subsequently, the complaints committee may recommend the complainant and the accused to reach a mutual settlement. The complaints committee may propose a mediator to be appointed.
4. The complaints committee may hear witnesses and other individuals who may be able to provide information about the circumstances in which the alleged inappropriate interpersonal behaviour occurred.
5. The complaints committee may hear experts, including the confidant(e).
6. The complaints committee notifies the complainant and the accused of the report and recommendation referred to in Section 2 of this article. They are provided with copies of the written reports of the hearings as drafted by the complaints committee.
7. The written report of each hearing by the complaints committee must be signed for approval by all parties heard (complainant, accused, witnesses, third parties) with or without remarks. If any party concerned refuses to sign, this refusal will be stated in the report, including the reason, if known.
8. The complainant, the accused and witnesses / third parties must sign the report provided to them and return it to the complaints committee within one week of receipt. If this requirement is not met, the report will be deemed to be approved and adopted without remarks, unless the party concerned can plead force majeure.
9. If there is a suspicion that the complaint relates to an offence, the complaints committee will notify the Executive Board forthwith.

10. If the complaints committee declares the complaint unfounded, it will advise the complainant, the accused and the Executive Board thereof within twelve weeks of the complaint being filed. Based on valid reasons, the chair of the complaints committee may decide to extend this period to a maximum of sixteen weeks.
11. If the complaints committee declares the complaint valid, it will issue its recommendation to the Executive Board concerning measures to be taken also within twelve weeks of the complaint being filed. Based on valid reasons, the chair of the complaints committee may decide to extend this period to a maximum of sixteen weeks.
12. During the course of the complaints procedure, the complaints committee may recommend the Executive Board to take a temporary measure based on (one of) its interim report(s).

Article 14 – Recommendation concerning measures to be taken

1. After a complaint has been declared valid, the complaints committee may recommend the Executive Board to take the following measures against the accused:
 - A. Students:
 - a. a warning
 - b. a written reprimand;
 - c. temporary or permanent denial of access to the University of Applied Sciences;
 - d. termination or refusal of registration as a student.
 - B. Staff members:
 - a. a warning
 - b. a written reprimand;
 - c. transfer;
 - d. suspension;
 - e. dismissal.
2. After a complaint has been found valid, the complaints committee may also recommend the Executive Board --in cases where it deems such a course of action appropriate-- to break off relations with third parties (internship institutions / service suppliers / clients), notifying said third parties of the reasons for this break.
3. After a complaint has been declared valid, the complaints committee may recommend the Executive Board to take measures in favour of the complainant, including the following:
 - A. Students:
 - a. Appointment of another supervisor by the examining board;
 - b. Reassessment of any part(s) of the study programme (examination, assignment etc.) by the examining board;
 - c. Appointment of another Internship post by the examining board;
 - d. Designating the events as mitigating circumstances beyond the student's control as specified in Article 3 Section 1 of Windesheim's Profile Fund Regulation.
 - B. Staff members:
 - a. Voluntary transfer;
 - b. Voluntary change of duties.

Article 15 – Decision by the Executive Board

1. As soon as possible but as a rule within four weeks of the complaints committee's report and recommendation being issued, the Executive Board takes a substantiated proposed decision based on the report and recommendation made and advises both the complainant and the accused thereof in writing.
2. If the Executive Board takes a proposed decision deviating from the complaints committee's recommendation, the reasons for this deviation will be duly stated.
3. If the Executive Board's proposed decision involves a measure being imposed as specified in Article 14, Section 1, the accused will be given the opportunity to defend himself verbally and / or in writing against this proposed decision within three weeks of its publication.
4. Subsequently, the Executive Board takes a final decision within two weeks and advises the complainant, the accused, the complaints committee and the relevant organizational unit director in writing within two weeks of its decision.
5. The Executive Board also advises the confidential inspector for higher education of its decision.
6. The decision taken by the Executive Board as specified in Section 4 of this article is added to the personal file of the accused student or staff member.

Article 16 – Grievance and Appeal

1. In accordance with the Staff Grievance Procedure for Windesheim University of Applied Sciences, a staff member may register a grievance against the Executive Board's decision to take a measure against him/her as specified in Article 14, Section 1 Subsection a.
2. In accordance with the provisions of the CAO (i.e. collective labour agreement), a staff member may lodge an appeal against the Executive Board's decision to take a measure against him/her as specified in Article 14, Section 1, Subsections b through e.
3. In accordance with the provisions of the Higher Education and Research Act (WHW), a student may lodge an appeal against the Executive Board's decision to take a measure against him/her as specified in Article 14, Section 1, Subsection a.
4. The decision which is open to grievance or appeal refers to the option of registering a grievance or lodging an appeal and specifies the competent body, the applicable procedure and the deadline for registering the grievance or lodging the appeal.

CHAPTER 5 INCIDENT INVESTIGATION AT THE EXECUTIVE BOARD'S REQUEST

Article 17 – Request for investigation by the Executive Board

1. The Executive Board may submit a written request to the complaints committee to investigate an incident relating to inappropriate interpersonal behaviour if and insofar as this has any bearing on the University.

2. The Executive Board's request states which staff members and/or students are (alleged to be) involved in the incident, including their position and workplace, or in which university degree programme they are registered, respectively. The request shall also specify the nature and circumstances of the incident as completely as possible.
3. If the complaints committee finds that it cannot investigate an incident, it shall advise the Executive Board thereof in writing and with reasons duly stated.
4. If the complaints committee decides to investigate an incident, it will advise the staff member(s) and/or student(s) referred to in Section 2 of this article, the Executive Board and the relevant organizational unit's director thereof in writing.

Article 18 – Performance of investigation

1. The complaints committee advises the staff member(s) and/or student(s) referred to in Article 17 Section 2 of this regulation in writing of the Executive Board's request to investigate the incident and provides them with a copy of said Executive Board request. The complaints committee invites those concerned to submit a written account representing their version of the incident.
2. In performing its investigation, the complaints committee may make inquiries to gather information.
3. In one or several hearings, the complaints committee may hear the staff member(s)/student(s) involved as well as any witnesses, experts and informers.

Article 19 – Conclusion of investigation; report and recommendation

1. The complaints committee concludes its investigation after all those involved in the incident have been given the opportunity to submit their version of the incident in writing. All those involved will be advised in writing that the investigation has been concluded.
2. The complaints committee submits a report on the results of its investigation to the Executive Board. This report may also contain a recommendation from the complaints committee to the Executive Board.

Article 20 – Articles applicable by analogy

1. Wherever possible, Articles 7 through 10, 13 and 14 of this regulation shall apply by analogy to an investigation as referred to in this chapter.
2. Wherever possible, Articles 15 and 16 of this regulation shall apply by analogy to a decision by the Executive Board following the results of an investigation as referred to in this chapter.

CHAPTER 6 FINAL PROVISIONS

Article 21 – Nature of terms

1. All terms specified in this regulation are terms of procedure. This means that they are of a non-mandatory nature. Any person bound by such a term should make a serious effort to meet it.

2. During a complaints procedure, the chair of the complaints committee may decide for serious reasons to extend the terms applicable to this procedure (further). The complainant, the accused and any other interested parties will be notified in writing of any such extension and the reason(s) for it.

Article 22 – Contingencies

1. If at any time during a complaints procedure a contingency occurs which is not covered by this regulation but requires a decision to be taken, the chair of the complaints committee is competent to decide in this matter. If necessary, the chair of the complaints committee will consult with the Executive Board on this matter before taking a decision.
2. If at any time other than during a complaints procedure a contingency occurs which is not covered by this regulation but requires a decision to be taken, the Executive Board is competent to decide in the matter.

Article 23 - Substitution of the Executive Board by the Supervisory Board

In situations where an Executive Board member is either the accused or involved in an incident as referred to in Article 17 Section 1 of this regulation, 'Executive Board' is to be substituted by 'Supervisory Board' in the provisions of this regulation then applicable.

Article 24 – Evaluation of operation and implementation of regulation

1. The operation and implementation of this regulation is subject to periodic evaluation, at least triennially.
Such an evaluation will be performed for the first time in July 2013.
2. This evaluation is performed by the confidant(e)s and the complaints committee, supported by Support Services, HRM unit. The evaluation results are documented and discussed with the Executive Board.

Article 25 – Effective date of regulation and replacement of previous regulation

1. This regulation was adopted by the Executive Board on 5 April 2012, with the approval of the University's Central Participation Council, and becomes effective as from 1 April 2012.
2. This regulation replaces the Regulation Regarding Harassment Complaints, which had been in effect at the University as from 1 July 2005 and has expired as from 1 April 2012.

Appendix 1

Confidant(e) profile

Education

The confidant(e) has completed at least a higher-education degree programme (HBO) and also a specific training programme preparing for the position of a confidant(e) for inappropriate interpersonal behaviour. The confidant(e) attends sufficient extra training and refresher courses on the subject of inappropriate interpersonal behaviour each year.

Competences, skills and qualities

The confidant(e) is a sociable, easily approachable, sincere and authoritative individual who enjoys the confidence of members of the university community (administrators, staff members and students).

The confidant(e) is capable of familiarizing himself quickly with the university's culture and organizational structure.

The confidant(e) has excellent communicative skills, both orally and in writing.

The confidant(e) understands his own actions and their effects.

The confidant(e) is a capable adviser and interviewer/discussion partner and possesses the knowledge and skills to present himself and the subject of inappropriate interpersonal behaviour to various target groups.

The confidant(e) is able to contribute to policy development and implementation in the area of inappropriate interpersonal behaviour.

The confidant(e):

-has a great deal of experience of life, has an impeccable reputation, is incorruptible and level-headed;

-is empathic and patient;

-is a good listener;

-is able to reflect on his own as well as someone else's behaviour;

-can handle confidential information and knows how to deal with resistance;

-knows how to keep an appropriate degree of critical detachment in dealing with the cases submitted to him;

-is able to maintain an independent position;

-is prepared to participate in peer review sessions.

Knowledge

The confidant(e):

-has knowledge of and insight into the nature of inappropriate interpersonal behaviour issues (subject expert) as well as the possible reactions of and emotional consequences for inappropriate interpersonal behaviour victims;

-has knowledge of human interaction as well as individual and group processes involved in inappropriate interpersonal behaviour;

-knows the 'social map' and the various cultural backgrounds of those involved;

-knows the potential consequences in terms of legal status and judicial system of lodging an inappropriate interpersonal behaviour complaint;

-knows how to provide PR information.

Appendix 2

Inappropriate Interpersonal Behaviour Complaint Form

Strictly confidential

To: Complaints Committee for Inappropriate Interpersonal Behaviour
For the attention of the Official Secretary
c/o Support Services / HRM unit
P.O. Box 10090
8000 GB Zwolle

- This complaint was filed by:

Name:
Address:
Postal code and place of residence:
Telephone number:
Department/unit where complainant works or studies:
Position of complainant:
Relation to the accused:

- This complaint is made against (the accused):

Name:
Department/unit where the accused works or studies:
Position of the accused:
Relation to the complainant:

- Specification of the complaint
(formulated in terms of clearly observable behaviour in accordance with the Terms and Definitions in Chapter 1 of the Inappropriate Interpersonal Behaviour Complaints Regulation):

- Date /dates, time(s), period(s) and/or frequency of the above-mentioned inappropriate interpersonal behaviour occurring:

- Place(s) where the above-mentioned inappropriate interpersonal behaviour occurred:

- Any material to be provided to support the complaint.

All above-mentioned data are provided truthfully.

Date:
Place:

Complainant's signature: