

Procedural Policy for Notifications and Complaints Regarding Violations of Interpersonal Integrity (Inappropriate Behaviour)

Introduction

The Utrecht University Procedural Policy for Notifications and Complaints Regarding Violations of Interpersonal Integrity (the UU Interpersonal Integrity Violations Policy) constitutes the formal description of the process followed by the Committee for Interpersonal Integrity (hereinafter CII) when handling notifications and complaints pertaining to violations of interpersonal integrity (or allegations thereof).

This concerns behaviour that goes against the UU Code of Conduct and/or the Code of Conduct for Preventing and Combating Violations of Interpersonal Integrity (hereinafter: the relevant Codes). Specifically, the policy deals with notifications and complaints regarding inappropriate behaviour, including bullying, sexual and other forms of harassment, aggression, violence and discrimination.

Aim

This document describes the policies and procedures for ensuring that notifications and complaints of violations of interpersonal integrity are handled properly and confidentially. A distinction is drawn between notifications and complaints. Complaints are investigated to determine their admissibility and validity, both parties are invited to tell their version of events, a recommendation is issued to the Executive Board, and legal or other measures can follow as a result.

This document first lists some general provisions (Section A). Section B addresses the members and duties of the CII.

Section C outlines the CII's procedure for handling a reported violation of interpersonal integrity.

Lastly, Section D describes the procedure for dealing with a complaint submitted by someone who has personally experienced a violation of interpersonal integrity. It also clarifies what the parties involved, the CII and Utrecht University can expect from one another. In particular, it outlines the steps to be taken by the CII when investigating a *complaint* (or when asked by the Executive Board to look into signs of a potential violation), the procedure for which forms part of this policy.

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A. General provisions

Section 1 Definitions

The following definitions apply to this Procedural Policy for Notifications and Complaints Regarding Violations of Interpersonal Integrity:

UU:	Utrecht University
EB:	The Executive Board of Utrecht University
CII:	the independent Committee for Interpersonal Integrity appointed by the EB for the purpose of handling and advising on notifications and complaints of violations of interpersonal integrity (and allegations thereof)
Confidential adviser:	the independent officer appointed by the EB to whom staff and students can turn for advice and support who have been confronted with inappropriate behaviour or who are the object of a notification or a complaint of a violation of interpersonal integrity;
Employee/ staff member: student: the relevant Codes:	a person who has an employment contract with UU or who is working at UU as a temp/interim worker or work-placement student; a person enrolled at UU as a student, 'extranus' or course participant;
Notification:	the UU Code of Conduct and the Code of Conduct for Preventing and Combating Violations of Interpersonal Integrity;
Complaint:	the oral or written information shared by the notifier with a manager, confidential adviser or the CII regarding a violation of interpersonal integrity. Notifications can be made anonymously to confidential advisers and the CII; a notification officially submitted to the CII for investigation is called a 'complaint'. Complaints can be made orally or in writing, and the name and identity of the complainant must be made known to the CII;
Notifier:	the past or present employee/staff member or student who submits a notification to a manager, confidential adviser or the CII. This person can also be a witness;
Complainant:	the notifier who issues a personally-experienced violation of interpersonal integrity to the CII for investigation. This person may also be a witness;
Violation of interpersonal integrity:	a behaviour, action, or omission thereof that is experienced as negative and has physical, psychological or social consequences. This concept includes, but is not limited to: intimidation, sexual harassment, discrimination, aggression, violence, and bullying, in the workplace or study situations or in the context of work or study;
Harassment:	any form of verbal, non-verbal or physical behaviour that has the object or effect of impacting a person's dignity, negatively affecting work or study performance or creating an unsafe work or study situation;
Sexual harassment:	any form of verbal, non-verbal or physical behaviour with a sexual connotation that has the object or effect of impacting a person's dignity, negatively affecting work or study performance or creating an unsafe work or study situation;
Discrimination:	drawing unjustified distinctions, issuing insults or performing violent acts against staff or students based on religion, worldview, political opinions, race, sex, gender identity, sexual orientation, nationality, civil status, age, disability, chronic illness, or on any other basis whatsoever;
Aggression and violence:	disturbing, threatening or attacking a staff or student using psychological, physical or verbal means;
Bullying:	intimidating behaviour of an ongoing nature by one or more staff or students towards one or more staff or students.

Section 2 Expiry and Safety-net provision

1. Complaints submitted more than five years after the events in question will be deemed inadmissible, unless the CII sees reason to make an exception.
2. Anonymous complaints will not be accepted by the CII. However, it is possible to *issue an anonymous notification* to the CII. Such notifications can only serve as an 'alert' with a view to prior or future notifications, but will not be processed or individually investigated unless a situation arises as described in Section 2 paragraph 4.
3. It is possible to submit a notification to the CII whereby the identity of the notifier is known only the relevant confidential adviser (confidential notification).

4. In exceptional cases, the EB may ask the CII to investigate a matter that was not submitted by a complainant to the CII in accordance with this Policy, but was instead brought to the attention of the EB in another manner. In such cases there must be a pressing need to investigate the matter, which must present a potential risk to social safety at UU.

Section 3 Confidentiality

1. All notifications and complaints will be treated confidentially, which means that information on the complaint/notification will only be shared with a limited number of people and strictly on a need-to-know basis. Information will only be made known outside this group when legally required, or if other significant public interests are at stake.
2. Anybody who gains access to confidential information under this Policy in any way whatsoever is obliged to maintain confidentiality.

Section 4 Protection from disadvantage

UU shall endeavour to protect all persons who have taken action under this Policy, who have offered their support or have appeared as a witness. Any form of disadvantage (in terms of career prospects, study progress, or otherwise) or retaliation towards a person issuing a notification in good faith shall be regarded as a violation of the relevant Codes and may lead to disciplinary or other measures. Disciplinary or other measures may also be taken against employees and students who report violations in bad faith or deliberately make accusations that they know to be untrue.

Section 5 Dissemination

The EB will ensure dissemination of this Policy.

The confidential advisers

(Please also refer to the confidential adviser protocol for inappropriate behaviour)

Article 6 Duties of confidential advisers

1. The duties of confidential advisers include:
 - acting as a point of contact for past or present UU students and staff who are/were confronted with instances of sexual harassment, violence, intimidation, bullying or discrimination;
 - providing care and aftercare for these persons, and referring them to specialists as necessary;
 - advising notifiers of any other steps to be taken and/or potential solutions, and possibly providing support in this regard;
 - explaining these regulations and the ensuing consequences;
 - on request, providing support to those considering submitting a complaint to the Committee for Interpersonal Integrity (CII);
 - providing solicited and unsolicited advice to the competent authority (mandated or otherwise) on matters pertaining to violations of interpersonal integrity;
 - providing information and publicity about the role played by confidential advisers;
 - registering notifications and issuing an anonymised notification to the Executive Board about the number of notifications and the nature of these notifications once a year;
2. maintaining confidentiality regarding all information they receive while performing their duties as confidential adviser;
3. destroying the file corresponding to a particular notification within two years of the date of its finalisation; storing certain data in anonymous form for a period of five years, in order to allow ongoing matching of alerts.

Section 7 Notifier's consent

Confidential advisers must not take any action on a notification without the permission of the person by whom they have been approached.

Section 8 Presentation to EB

Confidential advisers are able to bring a matter to the attention of the Executive Board if they and their fellow confidential advisers receive one or more notifications that the notifiers have not submitted, or will not submit, to the complaints committee, for reasons of their own. The names of the notifiers must not be provided without their permission. The EB can then ask the CII to issue a recommendation on the notification(s) if they pertain to an existing case, or if further investigation is requested by the ombudspersons, staff or students in matters concerning a pattern or trend that is not (or not only) related to violations of interpersonal integrity.

Section 9 Conflict of interest

A confidential adviser may not support both the notifier and the person who is the object of the notification. In such cases, the confidential adviser must refer the person who is the object of the notification to an external confidential adviser.

B. Members and duties of the CII

Section 10 Institution of the CII

The EB shall institute a CII to provide advice on the handling of notifications and complaints related to violations of interpersonal integrity (inappropriate behaviour).

Section 11 Composition of the CII

The EB will institute a CII with as broad and diverse a membership as possible. The CII will consist of nine members, including;

- an external chair;
- three external members, who will contribute professional knowledge and experience on the approach to specific types of violations concerning interpersonal integrity;
- three internal university staff members with knowledge of the organisation, preferably including at least one member of the academic staff and one member of support/administrative staff;
- two student members.

The EB must ensure adequate expertise in the

CII concerning violations of interpersonal integrity, including sexual harassment, aggression, violence, intimidation, bullying and discrimination.

- The chair shall ask one of the members to act as deputy chair.
- When investigating a complaint, the CII may temporarily be expanded to include additional experts, who may or may not be employed by the university.
- If a student is involved in the complaint, one of the student members must form part of the committee handling the complaint.

The CII members are bound to observe confidentiality, notwithstanding their duty to issue recommendations to the EB.

Section 12 Appointment

1. The members of the CII shall be recruited via an open (possibly external) procedure and appointed by the EB.
2. The external members shall be appointed for a period of four (4) years, after which they may be reappointed **once** for a maximum of another four (4) years. The appointment shall end automatically if an external member enters the employ of UU. External members must notify the chair of the CII when commencing any ancillary duties that may conflict with their work in the CII. In such a case, the chair of the CII must report to the chair of the EB in order to arrive at a joint solution.
3. The internal members shall be appointed for a period of four (4) years, after which they may be reappointed **once** for a maximum of another four (4) years. If their employment with UU ceases, the appointment shall end automatically.
4. Student members shall be appointed for a maximum period of two (2) years, after which they may be reappointed **once** for a maximum of another two (2) years. If the student ceases to be enrolled as a student at UU, their appointment shall end automatically.
5. Reappointments shall take place based on an evaluation by the CII and EB.
6. Confidential advisers and ombudspersons are not eligible for appointment to the CII.

Section 13 Secretary

The CII shall receive secretarial support, from a person with a legal background who can offer the CII independent support.

Section 14 Duties of the CII

The duties of the CII include:

- a. receiving notifications and complaints;
- b. assessment (for admissibility), conducting investigations of submitted complaints or at the request of the EB (see Section 8), and issuing recommendations to the EB regarding admissibility and validity;
- c. Providing solicited and unsolicited advice on combating sexual harassment, aggression, violence, intimidation, bullying and discrimination in the workplace and/or study environment.
- d. recording complaints and notifications, and issuing an anonymised annual report to the Executive Board about the number of complaints and their nature;
- e. destroying the file corresponding to a particular complaint within two years of the date of its finalisation.

The members of the CII who handle a specific complaint must not be personally involved in the relevant notification or complaint, nor have any personal interest in the outcome thereof.

Section 15 Authorisations

1. The Executive Board commits to providing the CII with all the necessary resources.
2. Insofar as necessary for performing its duties, the CII will have access to all organisational units and all relevant case files, subject to due observance of relevant legislation. It will be permitted to speak to any and all employees or students within the context of these duties.
3. The CII can consult experts who may or may not work for UU. The Committee will prepare a report on all such consultations.

C. CII Procedures

Notification

If the notification (verbal or written) is not anonymous, the CII shall invite the notifier to a preliminary meeting to discuss the nature of the notification and to procedurally inform the notifier of their options to convert the notification into a formal complaint. During this stage, the notifier may also be referred to the correct 'link' in the care chain (e.g. manager, confidential adviser, social worker, ombudsperson, etc.).

The notification will be interpreted as an alert that may be of relevance to a future complaint or notification, or to one that has already been made in the past. The CII may see cause to bring these alerts to the attention of the EB. As a rule, these notifications are stored for five years.

Anonymous notification as 'alert'

Upon receiving an anonymous notification or a notification by a witness, the CII can, in principle, take no official action; the CII will take the notification on as an alert, but will start no investigation, which requires an official complaint to be submitted (which must not be anonymous, but can still be confidential).

Only with serious cause – i.e. the suspicion that a work or study situation is immediately unsafe, or if persons or the UU are threatened with imminent potential damage to reputation – can the matter be brought to the attention of the EB. See also Article 2, paragraph 4 of this Policy.

D. CII protocol and complaints procedure

Article 16 What does a complaint look like?

After possibly having been first made orally, either with or without assistance from the confidential adviser, a complaint must be submitted in writing and include the following:

- a. a description of the inappropriate behaviour;
- b. the name of the person to whom the complaint pertains;
- c. the steps taken by the complainant in the matter and any pertinent written documents in this respect, which are to be submitted to the CII.

The complaint must be addressed to the EB, att.: chair of the CII.

A confirmation of receipt will be sent on behalf of the EB within seven (7) days.

Section 17 Additional information

If the initial complaint does not satisfy the criteria listed under Section 16, the CII may give the complainant the opportunity to provide additional information. In this situation, the two-week period for the assessment of admissibility will start once the committee receives the additional information.

Section 18 Who investigates the complaint and its admissibility?

1. Complaints are investigated by at least three CII members, including the chair or deputy chair. If the complainant or the object of the complaint is a student, the team handling the complaint must contain a student member. In the following Sections, 'CII' refers to the members handling the complaint.
2. If considered necessary by the three members who are handling a specific complaint, they can discuss their findings with the full CII before issuing their recommendation to the Executive Board.

Section 19 What happens to a complaint?

Within two weeks of a complaint being submitted, the CII will assess whether it is admissible and will issue a recommendation to the EB. The chair of the CII will liaise with the EB regarding the complaint. The EB will inform the dean or director of the relevant organisational unit as soon as a complaint is received.

1. If the CII deems a complaint inadmissible, the CII will give an indication – if possible – of how to proceed with the complaint (by referring to the right people, roles, locations, etc.).
2. The EB will issue a decision on the admissibility of a complaint within two weeks, and the CII will inform the complainant on behalf of the EB.
3. If the EB does not follow the CII's recommendation regarding admissibility, it must properly substantiate its decision to the CII and the complainant.

4. If the complaint is deemed admissible by the EB in accordance with the CII's recommendation, the CII will take it up for processing.
5. The CII will then draw up an investigation plan (see Section 23), part of which must specify when and how the complainant will be informed. As a rule, the CII will send the complainant an extract of the complaint along with any submitted written documents.
6. If the complaint is admitted for processing, as a rule first the complainant and then the accused party will be interviewed separately by the CII, unless these parties decline the right to a hearing in writing. A report will be drawn up of the interviews.
7. In principle, the complainant and the accused party will not be interviewed in each other's presence, however an exception may be made if a joint interview will promote the proper handling of the complaint.
8. During the interviews, the complainant and the accused party may engage the support of a legal adviser, confidential adviser or representative.
9. Everyone called in to be interviewed by the CII shall be obliged to appear, to provide all necessary information, and to maintain confidentiality.
10. The interviews, hearings and meetings of the CII shall not be open to the public.
11. Within 10 weeks of receiving the complaint, the CII will issue a recommendation to the EB regarding its validity.
12. The above deadline may be extended by four weeks; the CII will inform the complainant accordingly. Further extension shall only be possible subject to the written consent of the complainant.

Section 20 Decision-making/finalisation by EB

1. Within four weeks of receiving the CII's recommendation regarding the validity of the complaint, the EB will issue its decision. The decision will be prepared by the Legal Affairs department, and be accompanied by a recommendation on potential disciplinary or other measures.
2. If the EB does not follow the CII's recommendation, it must properly substantiate its decision to the CII and the complainant.
3. The EB will inform the CII of its decision.
4. The EB will inform the complainant and the accused party in writing of its decision regarding the validity of the complaint, and include the recommendation and findings of the CII's investigation.
5. Within 14 weeks of the confirmation of receipt having been sent, the complainant will be informed of the outcome of the complaint and any resulting follow-up actions. See also Article 19, paragraphs 11 and 12.

Complaint investigation protocol

Investigations into complaints regarding personally-experienced violations of interpersonal integrity are divided into three stages:

- | | |
|------|--------------------------------------|
| I. | Assessment |
| II. | Factual investigation and evaluation |
| III. | Recommendation |

This protocol shall also apply (insofar as relevant and possible) to CII investigations under Section 2 paragraph 4 or Section 8 of this Policy.

Section 21 Transparency

The CII shall do its utmost to carry out its investigations in a transparent manner, and to communicate as openly as possible with those involved. See also Sections 24 and 26 of this Policy.

I. Assessment

Section 22 Admissibility

1. To qualify as admissible, a complaint must contain enough concrete facts and circumstances to warrant an investigation. The complaint must be based on reasonable grounds. Sometimes an investigation is not possible due to a lack of information.
2. The CII may ask the complainant or other relevant person/party for additional information, in order to determine whether the complaint qualifies as admissible and to determine the future course of the investigation.
3. A complaint is deemed automatically inadmissible if:
 - it does not satisfy the definitions of this Policy on Violations of Interpersonal Integrity;
 - it is submitted after the deadline specified in Section 2 paragraph 1 and the CII sees no cause to make an exception;
 - it is submitted anonymously, unless a situation presents as described in Section 2 paragraph 4;

- it has already been handled by the CII (or its predecessor) in the past, and no new facts or circumstances have come to light; or
- the complaint runs parallel to an objection procedure, legal proceedings or a criminal investigation.

Section 23 Investigation plan

The investigation plan drawn up by the CII will outline the steps necessary to reach a conclusion regarding the validity of the complaint, and must stipulate at least the following information:

- the appointment of the investigation team, consisting of members of the CII including the chair or deputy chair, whereby the CII chair either appoints a head of the investigation team or is themselves the head of the team;
- the means of investigation to be employed;
- an overview of internal and external experts who – insofar as can be determined at the outset – need to be consulted over the course of the investigation (if applicable);
- a legal summary of the applicable laws and regulations (as foreseeable and applicable);
- the necessary steps to be taken prior to or during the investigation (e.g. measures intended to prevent retaliation/disadvantage or to limit any potential damage);
- when the accused party must themselves be informed;
- whether – and if so, how – the accused party's manager should be informed (if and insofar as possible);
- If there is cause to do so, the head of the investigation team will discuss the potential retaliation/disadvantage risks with the complainant, including what the complainant can do and who can be contacted if such a risk presents itself during the investigation.

Section 24 Contact person

During the investigation, the head of the investigation team will act as the primary point of contact for the complainant and the accused party for any questions or matters related to the investigation. The head of the investigation team will make agreements with parties on how contact will be maintained and which media will be used to do so.

Section 25 Confidentiality

1. Information on the complaint, the identity of the complainant and the identity of any others involved in the complaint must be treated confidentially both during and after the investigation, and only shared on a need-to-know basis.
2. Details of the investigation plan, the results of the investigation and the recommendations must not be shared with the parties involved if such may violate the privacy or legal rights of these parties.
3. Information on the notification/complaint must be stored so that it is physically and digitally only accessible to those involved in the investigation and who have received authorisation in this capacity.

II. Factual investigation and evaluation

Section 26 Factual investigation

Depending on the complexity of the complaint, further factual or other investigation may be necessary. The investigation itself must be aimed at an objective and factual analysis of the matter at hand.

Section 27 Interviews

1. The investigation team may conduct interviews with the parties involved (the complainant, the accused party, witnesses and/or experts).
2. In order to establish the truth and arrive at a satisfactory outcome, it is important that the complainant and accused party be properly prepared for their interviews (see the brochure/flyer; 'How do I prepare for an investigation interview with the CII?').
3. Interviews with the parties involved (the complainant, accused party, witnesses and/or experts) often form part of an investigation. Interviews must be carried out in good time. Interviewees must receive a timely invitation for their interview, stating the following information:
 - the date, time and location of the interview; and
 - the details of who will be present and their positions/roles.
4. At the start of the interview, the interviewers must clearly explain the purpose and process of the interview, and the expectations of the interviewee. Specific attention must be paid to the rights and responsibilities of the interviewee and potential retaliation risks.
5. Parties who take part in an interview must observe confidentiality and may not share anything discussed as part of the investigation with third parties.

6. Interviews with the complainant, the accused party and witnesses will be recorded in their entirety and transcribed by (one of) the interviewer(s) or the secretary. After the interview, a report will be sent to the interviewee to be signed. If a party is unwilling to sign, they will be given an opportunity to add written comments to the report.

Section 28 Access to information

If access to information is part of the CII's investigation plan and has been approved by the chair of the EB, the investigators shall have access to all relevant information that they deem necessary for investigating the relevant complaint, such as: IT and other systems, employee files, operational premises and buildings, operational assets (laptops, tablets, etc.), personal devices that contain UU software (in such cases, access will be limited to the installed UU software). The relevant information may also be stored and/or copied. The investigation team must adhere to all applicable IT, security and/or privacy regulations and procedures.

Section 29 Informing the complainant and accused party

The head of the investigation team will keep the complainant and the accused party informed on the progress of the investigation (insofar as legally and reasonably possible), while taking into consideration possible limitations in terms of confidentiality, privacy and the legal rights of all parties involved.

Section 30 Outcome of the investigation

The outcome of the factual investigation and the conclusions drawn as a result will be documented in writing by the CII (the head of the investigation team and/or in conjunction with the secretary), see also Section 18, paragraph 2.

1. Recommendation

Section 31 Finalisation and recommendation

1. The CII shall endeavour to finalise the investigation and issue a recommendation on the validity of the complaint as quickly as possible, in order to minimise uncertainty for all parties.
2. The CII shall, in any case, issue a recommendation to the EB regarding the validity of the complaint within ten weeks of receiving the complaint in full. The CII may issue a separate recommendation to the EB concerning the nature of the disciplinary/other measures to be taken, or any other recommendations pertaining to the complainant or accused party.
3. If deemed necessary or desirable, the CII will issue a separate memorandum on any steps to be taken by UU as a result of the complaint for the promotion of social safety (tightening regulations or codes of conduct, drawing up or amending policies or protocols, organising training sessions, etc.).
4. The EB will inform the complainant regarding the validity of the complaint, and send the recommendation along with its decision.

Final provision

Article 32

This Policy may be referred to as the "Utrecht University Policy for Notifications and Complaints Regarding Violations of Interpersonal Integrity (Inappropriate Behaviour)."

It was adopted by the Executive Board as far as students are concerned with the consent of the University Council on 3 October 2022 and as far as employees are concerned on 19 October 2022 in agreement with the Local Consultative Body, and replaces the Complaints Regulation on Undesirable Behaviour Utrecht University dated 9 April 2019.