In view of Article 1.12 of the Collective Labour Agreement of the Dutch Universities (CAO), the employer has adopted the following regulations.

PREAMBLE

In order to promote well-being in the study and working environment, Radboud University Nijmegen wishes to eliminate undesirable behaviour. To prevent and deter such behaviour, the Executive Board has adopted these Regulations on Undesirable Behaviour.

Everyone at Radboud University Nijmegen has a shared responsibility to maintain a pleasant social atmosphere. Staff and students are expected to behave in a proper manner by respecting the rights of others at all times. Even if you yourself are not experiencing any form of undesirable behaviour, you should still act responsibly by pointing out any such behaviour in your own study or working environment.

A. DEFINITIONS

Article 1
In these regulations, ‘undesirable behaviour’ is understood to mean:
Any behaviour exhibited in work or study-related situations that violates an individual's personal integrity, whether verbally, non-verbally or in any other manner, including bullying, discrimination, sexual harassment, aggression and violence.

Article 2
In these regulations, the terms given below have the following definitions:

- **report**: a written or oral report of undesirable behaviour submitted to a confidential advisor;
- **reporter**: an employee or student as referred to in these regulations who is personally experiencing undesirable behaviour;
- **confidential advisor**: the confidential advisor appointed by the Executive Board to handle complaints about undesirable behaviour;
- **employee**: a person who, in whatever capacity, is employed by or works for Radboud University Nijmegen, or who was so employed at the time of the occurrence, or last occurrence, of undesirable behaviour;
- **student**: a person who is entitled to use the facilities of Radboud University Nijmegen, or was so entitled at the time that the occurrence, or last occurrence, of undesirable behaviour took place;
- **complaint**: a complaint about undesirable behaviour lodged with the Complaints Committee for Undesirable Behaviour;
- **complainant**: the employee or student who has lodged a complaint with the Complaints Committee for Undesirable Behaviour about undesirable behaviour that he/she has personally experienced;
- **the accused**: the employee or student concerning whose behaviour a report has been filed or against whom a complaint about undesirable behaviour has been lodged;
- **Complaints Committee**: the Complaints Committee appointed by the Executive Board to handle complaints about undesirable behaviour;
- **Executive Board**: the Executive Board of Radboud University Nijmegen;
- **Foundation**: the Board of the Catholic University Foundation.

Article 3
A report or complaint should be filed within two years following the occurrence of undesirable behaviour.
B. DUTIES AND POWERS OF THE CONFIDENTIAL ADVISOR ON UNDESIRABLE BEHAVIOUR

Article 4
1. The Executive Board will appoint at least four confidential advisors on undesirable behaviour, two for staff and two for students.
2. The confidential advisors will be appointed for four years, with the possibility of reappointment.

Article 5
1. The confidential advisor’s duties include:
   (a) providing care, assistance and advice to the reporter/complainant who consults him/her;
   (b) providing care, assistance and advice to the person who is the subject of the report/complaint at his/her request;
   (c) seeking an informal solution.
2. The confidential advisor may not provide guidance to both the reporter/complainant and the person who is the subject of the report/complaint. The confidential advisor should refer the other person to another confidential advisor.
3. A confidential advisor will not handle any report on a matter that is already the subject of a complaints procedure before the Complaints Committee for Undesirable Behaviour, of a request to the Executive Board for a decision, of an appeals procedure or of court proceedings.
4. A confidential advisor will not take any actions on behalf of a person consulting him/her, unless this person has given him/her permission to do so.
5. Anonymous reports will not be accepted by the confidential advisor.

Article 6
1. The confidential advisor provides information on undesirable behaviour.
2. The confidential advisor on undesirable behaviour informs and advises the Executive Board and responsible management on the prevention and deterrence of undesirable behaviour (on request and otherwise).

Article 7
1. The confidential advisor registers the reports and the processing thereof. The reports are then filed in the confidential advisors’ archive for five years, after which they are destroyed.
2. Reports resulting in complaints lodged with the Complaints Committee are kept in accordance with Article 19 of the Regulations on Undesirable Behaviour.
3. The confidential advisor on undesirable behaviour annually issues an anonymised report; an oral explanation of its contents is given before the Executive Board. The findings in this report are then communicated to the Employees Council and the Students Council.

Article 8
1. The confidential advisor has a duty of confidentiality with regard to the facts that have come to his or her knowledge in the discharge of his/her duties and that may harm the reporter’s or complainant’s privacy. Deviations from this rule are only allowed with the express permission of the complainant.
2. The confidential advisor has the right to decline to handle the case.
3. The provisions of paragraphs 1 and 2 are invalid if they contravene legal provisions.

C. COMPLAINTS COMMITTEE

Composition

Article 9
1. For the processing of complaints as referred to in these regulations, the Executive Board delegates to a Complaints Committee maintained by an external agency. This external agency appoints the chairperson, one member (expert) and the support staff. In principle, Radboud University Nijmegen has one seat on the committee. If so desired, and when appropriate, the number of internal members of the Complaints Committee may be increased.
2. To fill Radboud University’s seat(s) on the external committee, the Executive Committee appoints at least two members of staff and at least two student members, aiming at an even distribution of male and female members.

3. The internal members of the Complaints Committee are appointed by the Executive Board, after consultation with the Works Council and Student Council, for a term of two years. At the end of this term, these members may immediately be reappointed.

4. An internal member’s membership will be terminated as soon as the member in question is no longer an employee of, or student at, Radboud University Nijmegen. This member will then be replaced by a newly appointed member for the remaining term of the member who has been replaced.

5. The committee is supported by an external administrative secretary, who is not a member of the Complaints Committee and therefore has no voting right.

Procedure

Article 10
1. The complaint must be lodged in writing, stating:
   • the type of undesirable behaviour the complaint refers to
   • the name of the accused
   • what steps have been taken in the matter by the complainant and the written documents relating to them. These documents will be submitted to the Complaints Committee.

2. Copies of the complaint and the documents submitted to the Complaints Committee will be sent to the accused by the Complaints Committee;

3. Anonymous complaints will not be accepted.

Article 11
1. The Complaints Committee will determine whether the complaint is admissible within two weeks of receipt of the complaint.

2. If a claim is deemed admissible, the administrative secretary will inform the Executive Board, as well as the Dean of the faculty or Director of the department concerned, that a complaint has been lodged, stating the names of the complainant and accused, but not the substance of the complaint. The Dean or Director will then inform the supervisors of the complainant and accused, if and insofar as the complainant and accused have given their permission to do so. The foregoing will take place in the strictest confidence.

3. Without prejudicing the provisions of paragraph 2, a supervisor may be examined as a witness in the complaints procedure.

4. The complaint will be investigated by the chairperson and at least two members of the Complaints Committee.

5. During this investigation, the complainant and accused may be represented by a legal counsel. In its written invitation to the complainant and accused to attend the hearing, the Complaints Committee must state that they have this option of legal representation.

6. A confidential advisor who assists a complainant or accused in the complaints procedure does NOT act as representative of the complainant or accused.

Article 12
1. The Complaints Committee will hear all the parties involved separately.

2. The administrative secretary will draw up a report of each hearing, to be signed for approval by the party concerned, and supplemented where necessary with comments. If the signed report has not been returned to the Complaints Committee within one week of its receipt, the report will be deemed to have been approved and adopted.

3. Upon conclusion of the investigation, the complainant, the accused and their respective counsels are given the opportunity to inspect all the signed reports at Radboud University Nijmegen. They can then comment on the substance of these reports at a final meeting.

4. At the hearing, as well as in the report of the hearing, the Complaints Committee will inform the complainant, the accused, and the witnesses/third parties that their statements may be included, wholly or partly, in the Complaints Committee’s report of findings.

5. The chairperson of the Complaints Committee will see to it that the investigation is completed within ten weeks of receipt of the complaint. If this deadline cannot be met, the Complaints
Committee will inform the complainant, the accused, the Executive Board, and the Dean or Director concerned in a timely manner by means of a letter stating the reasons.

**Article 13**
1. All sessions of the Complaints Committee take place behind closed doors.  
2. The members of the Complaints Committee, the administrative secretary, and all other parties concerned are obliged to preserve the confidentiality of all the information that has come to their attention in relation to the complaint.

**Article 14**
The Complaints Committee will send a report of its findings, including its advice on the complaint, to the Executive Board within two weeks following the conclusion of the investigation.

**Article 15**
1. The Complaints Committee advises on:  
   (a) the admissibility/inadmissibility of the complaint;  
   (b) the merits of the complaint.  
2. The advice must be well-reasoned. The reports of the hearings will be appended to the report of findings that the Complaints Committee sends to the Executive Board.

**D. EXECUTIVE BOARD**

If the accused is an employee

**Article 16**
1. The Executive Board will take a decision within four weeks of receipt of the Complaints Committee’s advice.  
2. If the Executive Board’s decision differs from the advice given by the Complaints Committee, the former will state the reasons for this difference.  
3. The Executive Board will notify in writing the complainant, the accused, the Complaints Committee, and the confidential advisor concerned of the decision it has taken subsequent to the Complaints Committee’s advice, and will enclose copies of the report of findings and the advice provided by the Complaints Committee (the reports of the hearings will remain in the Executive Board’s possession).  
4. The Dean or Director concerned and the supervisors will be notified of the decision taken by the Executive Board, and will receive, in confidence, a copy of the letter sent to the accused in which he/she is informed of the decision taken by the Executive Board. A supervisor who is unaware of the existence of the complaint will only receive said copy if the complaint is found to have some merit.  
5. The Executive Board will emphatically state that all this information is confidential and may not be made public.

If the accused is a student

**Article 17**
1. The Executive Board will take a decision within four weeks of receipt of the Complaints Committee’s advice.  
2. If the Executive Board’s decision differs from the advice given by the Complaints Committee, the former will state the reasons for this difference.  
3. The Executive Board will notify in writing the complainant, the accused, the Complaints Committee, and the confidential advisor concerned of the decision it has taken subsequent to the Complaints Committee’s advice. The complainant and the accused will also receive copies of the report of findings and the advice provided by the Complaints Committee (the reports of the hearings will remain in the Executive Board’s possession).  
4. The Dean concerned will be notified of the decision taken by the Executive Board, and will receive, in confidence, a copy of the letter sent to the accused in which he/she is informed of the decision taken by the Executive Board.
5. The Executive Board will emphatically state that all this information is confidential and may not be made public.

E. FINAL PROVISIONS

Article 18
The fact that an employee of, or a student at, the University is or has been personally involved in a report or complaints procedure as a reporter/complainant, confidential advisor, member of the Complaints Committee, or as a witness/third party, as laid down in these regulations, shall not have any negative consequences for his/her position within the University.

Article 19
The Complaints Committee annually submits to the Executive Board an anonymised overview of the number and type of complaints and the advice provided in each instance. This report is made known to the Works Council, the Student Council and the confidential advisor on undesirable behaviour. The report may also contain policy recommendations.

Article 20
If a report is filed against a member of the Executive Board, the Complaints Committee will provide advice and submit a report of findings to the Board of the Radboud Foundation, which will then take a decision.

Article 21
The Executive Board will ensure that these regulations are widely known.

Article 22
These regulations may be cited as 'the Regulations on Undesirable Behaviour'. These regulations will come into force on 1 February 2010 and will replace the Klachtenregeling Ongewenst Gedrag (unwanted behaviour complaints regulations) of 1 April 2000 as well as the Regeling Vertrouwenspersoon (regulations for confidential counsellors).

Explanatory note to the Regulations on Undesirable Behaviour

These regulations were drawn up in accordance with the statutory provisions on equal treatment and the obligations of employers as laid down in the Working Conditions Act with a view to implementing policy for the prevention and reduction of psychosocial work load, including undesirable behaviour.

These regulations also implement Article 1.12 of the Collective Labour Agreement of the Dutch Universities (CAO).

The bottom line is that staff and students at Radboud University should all respect the rights of others. They have a shared responsibility in this respect, which means not only that they themselves should refrain from undesirable behaviour, but also that they should call others to account for any undesirable behaviour on their part.

Supervisors can also play a significant part in preventing undesirable behaviour and taking appropriate action. If supervisors show proper professional behaviour, their employees will generally behave accordingly. It is the supervisors who set the standards of conduct in their departments. They are therefore expected to make extra efforts in reflecting on the effects of their own behaviour.

A supervisor should also take immediate action in concrete situations. Gossiping and making jokes at the expense of others spoil the working atmosphere and create a climate in which undesirable behaviour can thrive. It is up to the supervisor to put an end to this type of behaviour.

Someone can, intentionally or unintentionally, display a kind of verbal or non-verbal behaviour that another person may experience as undesirable behaviour within the meaning of these regulations. The study results or work performance of this other person may be negatively affected as a consequence, or it may lead to an intimidating or unpleasant study or working environment. In cases in
which talking with the instigator is not possible or does not produce the desired result, these regulations provide clarity as to what steps employees and students can take against such undesirable behaviour, and what procedures need to be followed for lodging a complaint about such behaviour.

These regulations were drawn up to guarantee easily accessible forms of assistance, confidentiality and due care, for the reporter or complainant as well as for the accused.

These regulations involve two steps that can be taken: an informal phase in which a report is filed with a confidential advisor, and a phase in which a complaint is lodged with the Undesirable Behaviour Complaints Committee.

In addition to providing help and guidance to the victim or the accused, the confidential advisor may see to it that a solution is sought through informal mechanisms. The confidential advisor may, for example, engage the services of a mediator on behalf of the reporter in order to solve the problem through mediation, which essentially comes down to putting a stop to the undesirable behaviour.

Generally speaking, complaints are lodged only when reports have not led to the desired solution. Staff and students are advised to first consult a confidential advisor before actually lodging a complaint. They are, however, entirely free to lodge a complaint directly with the Complaints Committee.