



**COMPLAINTS  
REGULATIONS  
UNDESIRABLE CONDUCT**

## Chapter 1 notions

University	The Protestant Theological University as intended in Ordinance 13-2-3 of the Clerical Order of the Protestant Church in the Netherlands
Seminary	The seminary of the university as intended in Ordinance 13-8 of the Clerical Order of the Protestant Church in the Netherlands
EB	The Executive Board of the university
CEA	The Collective Employment Agreements of the Dutch Universities
Undesirable conduct	Behaviour in which the personal integrity of someone is violated verbally, non-verbally or otherwise physically, digitally, by telephone or text message, amongst which bullying, discrimination, undesirable sexual behaviour, racist behaviour, aggression and violence in the university buildings or grounds.
Report	The oral or written report of alleged undesirable conduct to a confidential intermediary.
Reporter	The person <ol style="list-style-type: none"><li>1. against whom alleged undesirable conduct has been exercised or who has taken note of this in the university buildings or grounds, or in the buildings or grounds of the Protestant Church in the Netherlands where the activities of the seminary are held, and</li><li>2. who reports this to the confidential intermediary and</li><li>3. who at the time of the alleged undesirable conduct:<ul style="list-style-type: none"><li>• was engaged in an employment contract with the university or otherwise carried out work at the university, or</li><li>• was registered as (external) student at the university, or</li><li>• enjoyed the university's hospitality or</li><li>• took courses or educational activities under the auspices of the university, or</li><li>• was present as visitor in the university buildings or grounds, or the buildings or grounds of the Protestant Church in the Netherlands where the activities of the seminary are held</li></ul></li></ol>
Complaint:	Written complaint about alleged undesirable behaviour submitted by a complainant to the EB
Complainant	The person <ol style="list-style-type: none"><li>1. against whom alleged undesirable conduct has been exercised in the university buildings or grounds, or in the buildings or grounds of the Protestant Church in the Netherlands where the activities of the seminary are held, and</li><li>2. who reports a complaint on this to the EB and</li><li>3. who at the time of the alleged undesirable conduct</li></ol>

	<ul style="list-style-type: none"> <li>• was engaged in an employment contract with the university or otherwise carried out work at the university, or</li> <li>• was registered as (external) student at the university, or</li> <li>• enjoyed the university's hospitality or</li> <li>• took courses or educational activities under the auspices of the university</li> </ul>
defendant	<p>The person</p> <ol style="list-style-type: none"> <li>1. against whom a complaint was directed and</li> <li>2. who at the time of the alleged undesirable conduct: <ul style="list-style-type: none"> <li>• was engaged in an employment contract with the university or otherwise carried out work at the university, or</li> <li>• was registered as (external) student at the university, or</li> <li>• enjoyed the university's hospitality or</li> <li>• took courses or educational activities under the auspices of the university, or</li> <li>• exclusively in case of a report, was present as visitor in the university buildings or grounds, or the buildings or grounds of the Protestant Church in the Netherlands where the activities of the seminary are held</li> </ul> </li> </ol>
Confidential intermediary	The person mentioned in appendix 1
Complaints committee	The committee appointed by the EB, as intended in appendix 2

## Chapter 2 General

### Article 1 Prohibition clause

It is forbidden to any person, mentioned as 'defendant' in chapter 1, to display undesirable behaviour, as mentioned in chapter 1, in the university buildings and grounds or in the buildings and grounds of the Protestant Church in the Netherlands where activities of the seminary are held, or in the buildings or grounds of VU University, which the university rents from this university for activities related to education, research or services on the basis of cooperation agreements.

### Article 2 Confidentiality report/complaint

1. Every report and complaint is treated confidentially. This means that anyone directly or indirectly involved in the reporting procedure or complaints procedure is bound by secrecy with respect to any information relating to the report or complaint.
2. An exception to sub 1 holds for the confidential intermediary and the legal aid assistant in relation to the client.

### **Article 3 Assistance confidential intermediary**

The confidential intermediary plays a part in the execution of these regulations. The tasks of the confidential intermediary have been specified in Article 4 of appendix 2 *Regulations confidential intermediary*

## **Chapter 3 Reporting procedure**

### **Article 4 Reporting**

Report is submitted to the confidential intermediary

### **Article 5 Registration of report**

1. The reports submitted to the confidential intermediary and their treatment are registered.
2. Of a report the following is registered:
  - Date of receipt
  - (if possible) the name of the defendant
  - The place where the alleged undesirable conduct has taken place
  - An indication of the type and size of the alleged undesirable conduct and, if possible, including the date
  - The assessment of the report
  - The names of witnesses, if any
  - A brief description of aftercare, mediation or support rendered
3. Except for cases in which a report is submitted anonymously, the following data of the reporter are registered
  - name
  - telephone number and/or
  - e-mail address
  - student number or work unit
4. The confidential intermediary has a closed archive, which is exclusively accessible for him/her.
5. A report that does not lead to a complaint is kept for a period of two years in the archives of the confidential intermediary. After this period the report is destroyed by the confidential intermediary.
6. A report that leads to a complaint and is included in the complaints procedure, will be kept in accordance with Article 14 sub 3 of these regulations.

## **Chapter 4 complaints procedure**

### **Article 6 submission of a complaint**

1. A complaint is preceded by a report to the confidential intermediary.
2. A complaint is submitted in writing to the EB.
3. A complaint mentions the name of the complainant, the name of the defendant, a description of the alleged undesirable conduct, if possible the place(s) where and the confidential circumstances under which the alleged conduct has taken place, names of witnesses if any and, where applicable, the period in which the alleged undesirable conduct has taken place and the steps taken so far to end the alleged undesirable conduct.
4. If a complaint is submitted to the EB, it forwards the complaint without delay to the complaints committee.

5. As soon as possible, but within ten days after receipt of the complaint at the latest, the official secretary of the complaints committee sends notification of receipt to the complainant, as well as a copy of these *complaints regulations undesirable conduct*.
6. As soon as possible, but within ten days after receipt of the complaint at the latest, the official secretary requests the confidential intermediary to hand over the correspondence relating the report. The confidential intermediary consults with the reporter as to which correspondence will be forwarded. The correspondence is sent as soon as possible, but within ten working days at the latest.
7. The complainant may withdraw the complaint at any moment in time. Within four weeks after withdrawal the file of the complaint is destroyed.

### **Article 7 Police**

The EB may file a complaint with the police, without prejudice to the complainant's independent right to file a complaint, in case of justified suspicions of undesirable conduct, if the confidential circumstances of the case at hand give rise to this

### **Article 8 Admissibility**

1. A complaint is not admissible if:
  - a. The conditions of Article 6 sub 1 through 3 have not been met.
  - b. It concerns a visitor as described in chapter 1.
  - c. It does not relate to undesirable conduct.
  - d. It is submitted more than one year after the alleged undesirable conduct has taken place or has continued.
  - e. The defendant at the time of submission of the complaint:
    - was not engaged in an employment contract with the university or otherwise carried out work at the university, or
    - was not registered as (external) student at the university, or
    - did not enjoy the university's hospitality or
    - did not take courses or educational activities under the auspices of the university
2. At the latest within fifteen working days after receipt of a complaint, the president of the complaints committee pronounces judgment with respect to admissibility of the complaint on behalf of the committee.
3. In case of non-admissibility the president motivates this to the complainant in writing.
4. In case of admissibility the official secretary informs the defendant without delay in writing that a complaints procedure has been brought in against him or her. The secretary encloses a copy of the complaint, a copy of the judgment of admissibility and a copy of these *complaints regulations undesirable conduct*.
5. In case of admissibility the official secretary informs the complainant and the EB in writing of the admissibility of the complaint without delay.

### **Article 9 processing complaints**

1. The complaints committee holds one or more hearings.
2. The defendant may send a written defence to the official secretary until one week before the hearing for which he has been called.
3. If there is a suspicion that the complaint relates to a criminal offence, the complaint committee informs the EB of this without delay.

4. If the defendant is assisted by a legal aid assistant, the EB may in exceptional cases decide to provide legal aid assistance for the complainant.
5. If the complaint is declared unjustified, the EB may in exceptional cases decide to compensate the defendant's expenses for legal aid.

#### **Article 10 Hearing**

1. The president of the complaints committee determines the date and place of the first hearing as soon as possible, but within three weeks of receipt of the complaint.
2. As soon as possible, but at the latest two weeks before the hearing, the secretary summons the complainant, the defendant, witnesses and/or other persons as intended sub 9 and 10 in writing.
3. The hearing(s) is/are held within four weeks after which the complaint has been declared admissible by the committee. The hearings are held behind closed doors.
4. Both the complainant and the defendant may be assisted by a person of their own free choice. Officially or by request parties may be heard separately.
5. By request of one of the parties, a hearing may be suspended for a period of maximally four weeks.
6. A written report is produced of each hearing. The reports are sent to the complainant and the defendant.
7. Persons heard in addition to the complainant and defendant, receive a copy of the report of their personal hearing.
8. Anyone who has been heard, may add enclosures to their own report within ten days after it has been sent. If the secretary has not received the enclosures within ten days, the contents of the report are considered adopted.
9. The complaints committee may hear witnesses as well as other persons and/or experts who may be able to provide information on the alleged undesirable conduct and the relevant confidential circumstances.
10. The complaints committee may hear experts as mentioned in Article 4 of appendix 2 *Regulations complaints committee*.
11. The complaints committee may ask the complainant and the defendant to work out a mutually acceptable agreement. The complaints committee may to this effect propose a possible mediator. If no agreement has been reached within two weeks, the committee continues the process.
12. The complaints committee may advise the EB in the interim to take a temporary measure.
13. All documents gathered during the investigation, are of a confidential nature.

#### **Article 11 Anonymous witness**

1. A witness who wishes to remain anonymous, may send a written request for the protection of identity to the committee.
2. If in a motivated and written reply the committee does not grant the request, the witness may withdraw at any time.
3. During hearing of an anonymous witness, the only people present are the members of the complaints committee, the official secretary, and on request of the witness, a confidential intermediary.

4. In exceptional cases the anonymous testimony may be submitted in writing. The committee may in that case ask questions in writing.
5. The report of the hearing is anonymised.

#### **Article 12 Declared (un)founded and advice complaints committee**

1. After completion of the investigation the complaints committee motivates in writing on the basis of a majority vote if the complaint is founded or unfounded.
2. The judgment as to 'founded' or 'unfounded' is sent to the EB within three weeks after the hearings at the latest. The complainant, the defendant and the relevant confidential intermediary receive a copy as well.
3. In case the complaint is judged founded, the complaints committee may advise the EB to take certain measures.
4. In addition to its advice, the committee encloses a written activities report for the EB.

#### **Article 13 decision EB**

1. Within three weeks after receipt of the (un)founded judgment and the accompanying advice, if any, the EB makes a decision, unless sub 3 applies.
2. The decision of the EB concerns sanctions against the defendant and/or other measures on the basis of the justified complaint and the nature of the reproachable conduct.
3. Prior to making a decision, the EB may order the committee to provide additional information. The EB informs the complainant and the defendant of this in writing.
4. If the EB does not accept the committee's advice, this needs to be motivated.
5. Correspondence relating to a founded judgment, a sanction and/or measure concerning the defendant is added to the defendant's personal employment file in a sealed envelope and may be opened only after authorisation of the operational managing director.
6. The EB informs the complainant, the defendant, the complaints committee and the relevant confidential intermediary of its decision regarding the measures in a motivated letter.

#### **Article 14 Registration complaint**

1. Only the official secretary has access to the archive of the complaints committee.
2. By request the members of the complaints committee, the complainant or the defendant, may inspect the relevant files in the presence of the official secretary.
3. The files relating to a complaints procedure are kept for a period of ten years after resolution in a (closed) archive of the secretariat of the complaints committee. After this period the files are destroyed by the official secretary.

#### **Article 15 Objection and appeal**

1. The decision mentioned in Article 13 may be objected to with the EB in a motivated letter.
2. The decisions of the EB mentioned in Article 13 are subject to the stipulations of the CEA and the Regulations Committee of Appeal.

## **Chapter 5 final clause**

### **Article 16 final clause**

1. If a complaint is directed against a member of the EB, any instance of EB  
In these regulations should be replaced by 'Supervisory Council'.
2. The regulations have been enacted after approval of the University Council.
3. These regulations may be referred to as 'Regulations Undesirable Conduct'.
4. These regulations are operative as of 6 March 2008.

**Enacted by the Executive Board on 3 July 2015**

*DISCLAIMER*

*Although every care has been taken to translate the texts of the Dutch regulations accurately, the original texts in Dutch of the main text and appendices are binding in case of differences in interpretation*

## **Appendix 1 Regulations confidential intermediary**

### **Article 1 appointment confidential intermediary**

The EB appoints a confidential intermediary. This confidential intermediary works on a contract basis through 'Arbo service Arbo Unie' and is Mrs. J. Veltkamp; tel. 038-4558900; jennine.veltkamp@arbounie.nl.

### **Article 2 competences confidential intermediary**

1. The confidential intermediary is authorised to obtain information relating to the undesirable conduct and the confidential circumstances related to it, thereby observing confidentiality and only in so far as this is required for the proper execution of his/her task.
2. The confidential intermediary is authorised to obtain advice or assistance of experts to deal with the report, if there is a reasonable need for this.
3. Persons approached in this respect are bound by confidentiality.

### **Article 3 legal protection confidential intermediary**

In case of special facts or confidential circumstances that could complicate impartial judgment, a confidential intermediary may refer a reporter, complainant or defendant to another confidential intermediary.

### **Article 4 tasks confidential intermediary**

1. The tasks of a confidential intermediary are:
  - a. functioning as contact point for persons who have been confronted with undesirable conduct or have been informed of such behaviour.
  - b. providing care and where necessary referring to organisations of (psycho) social care.
  - c. investigating possible solutions together with reporter and assisting and advising complainant/reporter on their request to end the undesirable conduct. If reporter is unable to effectuate ending the undesirable behaviour, the confidential intermediary may attempt to achieve a solution together with the defendant and defendant's senior executive.
  - d. if appropriate, suggesting proposals to the relevant senior executive(s) before submitting a complaint.
  - e. by request, supporting the person wishing to lodge a complaint with the complaints committee or filing a complaint with the police respectively.
  - f. by request, assisting a defendant or having a defendant assisted.
2. It is not permissible for a confidential intermediary to assist both complainant and defendant at the same time. The confidential intermediary should refer the other person to a colleague confidential intermediary.
3. The confidential intermediary does not act for complainant or defendant without their express permission.
4. Reporting:

The confidential intermediary draws up an annual report for the EB, listing an anonymised survey of the number of registered reports, as well as of their nature. To the report recommendations may be added.

## **Appendix 2 Regulations complaints committee**

### **Article 1 Appointment complaints committee**

1. The EB appoints the members of the complaints committee, including the president.
2. The complaints committee consists of three members, among whom at least one woman and one man and is composed in such a way that sufficient legal and behavioural expertise is present.
3. For each member a substituting member is appointed, including a substituting president.
4. The (substituting) members of the complaints committee do not carry out other tasks for the university.
5. The (substituting) members are appointed for a period of five years and may be re-appointment consecutively for a second term of five years.
6. Membership of the committee is incompatible with lack of independence.
7. The complaints committee is assisted by an official secretary, appointed by the EB.
8. The official secretary is not a member of the committee and has no voting rights.

### **Article 2 Disapprobation and temporary leave**

1. For the treatment of a complaint any member of the complaints committee may be rejected by one or more parties involved, on the basis of facts or confidential circumstances that might complicate the impartial judgement of the member concerned. A request to this effect must be submitted to the president or in case of his absence to the substituting president.
2. In case a request is made to reject a member, the other members of the committee who are not affected by the request, make a decision. In case of equality of votes the request is granted.
3. On the basis of facts or confidential circumstances, as mentioned sub 1, a member of the committee may take temporary leave from the committee
4. In case of an accepted rejection and in case of a temporary leave, the relevant substituting member fills the vacancy in the committee.

### **Article 3 Tasks and competences complaints committee**

1. The complaints committee assesses if a submitted complaint is admissible, and if so, whether it is founded or unfounded. The committee may advise measures in writing to the EB in relation to complaints that were founded.
2. The committee may obtain further information and/or assessment from experts in relation to and in preparation of the hearing.
3. The committee draws up specific regulations concerning working method. Such regulations need to be approved by the EB.
4. The committee keeps a record of size and nature of the complaints dealt with, which will be anonymised for inclusion in the annual report of the committee for the EB.
5. The committee may advise the EB with respect to policies for the prevention and control of undesirable conduct.
6. The official secretary of the complaints committee registers the complaints submitted to and dealt with by the committee in a (closed) archive of the committee.