rijksuniversiteit groningen

University of Groningen (UG) Confidential Advisor Regulations

Definitions

Article 1

The following definitions apply to these Regulations:

- **undesirable behaviour:** sexual harassment, aggression, violence, discrimination and bullying
- **sexual harassment:** any undesired sexual advances in the form of requests for sexual favours or other verbal, nonverbal or physical behaviour (including sending unsolicited pornographic material in writing or images or expressly perusing where others can see, for instance on the internet)
- **aggression and violence:** intentionally expressing aggression and/or violence verbally or by using physical force or power, or the threat thereof, against a student or member of staff
- **discrimination:** making statements in any way, shape or form or taking action towards or making decisions about people which are insulting to them because of their race, religion, gender, life principles or sexual orientation, or making any distinctions based on these factors
- **bullying:** the systematic, repeated psychological abuse of a colleague or fellow student by a person or group
- **unequal treatment:** either directly or indirectly making any distinction between people based on religion, life principles, political orientation, race, gender, nationality, sexual orientation, marital status, length of employment, age, physical impairment or chronic illness
- **Confidential Advisor:** the University of Groningen member of staff as described in the University of Groningen Code of Conduct Concerning Sexual Harassment, Aggression, Violence and Discrimination (SIAGD) and in Article 5 of the UG SIAGD Complaints Procedure; the Confidential Advisor is not an administrative body
- **report:** a report of undesirable behaviour, unequal treatment, problems in working together and/or improper/unfair treatment which cannot, or not yet, be designated a formal complaint within the framework of the University of Groningen Regulations for Reporting Malpractices and Irregularities because it is being dealt with informally either provisionally or definitively
- **reporter:** a UG student or member of staff, or a prospective student or a job applicant, who reports undesirable behaviour and/or unequal treatment, or a member of staff who reports a problem in working together and/or improper/unfair treatment

- **staff member:** a person with an employment contract with the University of Groningen or who is otherwise conducting work for the UG, for example as an independent contractor or intern
- **student:** a person who is receiving teaching at the University of Groningen or who is conducting PhD research based on funding from a grant
- **arbitration:** in the interest of the reporter, informally supervising a negotiation process aimed at resolving a problem.

Position

Article 2

1. The Confidential Advisor is independent and in fulfilling the related duties is not subordinate to any administrative body within the UG.
2. The position of Confidential Advisor is incompatible with any other position within the UG that could place the Confidential Advisor in a subordinate position.
3. The Board of the University will ensure that the position of Confidential Advisor is not infringed upon in any way as a result of any action taken as Confidential Advisor.

Article 3

1. The Confidential Advisor may be supported by a secretariat.
2. The secretariat will treat confidentially all information that it receives in relation to the performance of its duties.

Article 4

1. The Confidential Advisor is appointed by the Board of the University.
2. The Confidential Advisor may be relieved of his/her position by the Board of the University should he/she through any action, or by refraining from action, seriously damage the confidence that must be instilled in him/her.
3. The Board of the University will hold annual R&O interviews with the Confidential Advisor, bearing in mind the provisions of Article 2.

Article 5

The Board of the University will appoint one or more deputy Confidential Advisors, preferably a staff welfare officer who has completed a confidential advisor training programme. These Regulations also apply to any such deputy Confidential Advisor(s).

Duties

Article 6

1. The Confidential Advisor acts as the first point of contact for students and staff members who experience undesirable behaviour or unequal treatment, observe or suspect cases of malpractice within the organization, or who are involved in a conflict in their work situation.

2. The Confidential Advisor refers people to the right bodies within or outside the UG.

3. The Confidential Advisor provides support and guidance to students and staff during the complaints or report procedure.

4. The Confidential Advisor provides information in the field of how to prevent undesirable behaviour and unequal treatment.

5. The Confidential Advisor is alert to social safety-related signals within the UG organization and is able to issue solicited and unsolicited advice to the Board of the University and the Supervisory Board about structural bottlenecks in the implementation of policy.

Questions and reports

Article 7

1. The Confidential Advisor deals with questions and reports from students and staff members that are related to the undesirable behaviour of UG students or staff members.

2. The Confidential Advisor deals with questions and reports from students and staff members about unequal treatment by students, staff members, bodies or administrative bodies of the UG.

3. The Confidential Advisor deals with questions and reports from staff members that are related to problems with working together with or improper or unfair treatment by other staff members or bodies or administrative bodies of the UG.

4. The Confidential Advisor deals with questions and reports from students that are related to improper or unfair treatment by staff members or bodies or administrative bodies of the UG.

Article 8

1. Reports may be made verbally or in writing.

2. A written report must at least include:

a. the name and address of the reporter

b. the date

c. a description of the behaviour that the report concerns

d. the reason why the reporter objects to the behaviour

e. the signature of the reporter.

3. If a written report does not comply with the conditions outlined in Article 8.2, the reporter will be given the opportunity to rectify this.

4. The Confidential Advisor will acknowledge receipt of a written report within seven days.

Article 9

1. Before the Confidential Advisor processes a complaint, he/she will establish whether it falls under his/her brief and these regulations. The Confidential Advisor can always decide not to process a report.

2. In principle, the Confidential Advisor will not process any questions or complaints that:

a. are reported anonymously

b. are not related to the UG

c. are related to behaviour that has already been reported

d. are related to behaviour that took place a year before the report, unless the report concerns undesirable behaviour

e. are related to behaviour that forms/formed part of an appeal procedure

f. are related to behaviour that forms/formed part of legal proceedings before a judicial authority

g. are related to behaviour that is of too little import or of hardly any importance to the reporter.

Article 10

If a report that the Confidential Advisor is processing is submitted as a complaint or appeal, or if the report is submitted to a judicial authority as referred to in Article 9.2e and Article 9.2f, the Confidential Advisor will end the processing of the report. The previous sentence will not apply in the event of pro forma submission to keep within time limits.

Article 11

If the Confidential Advisor does not process a report, or does not continue to investigate a report or to arbitrate in relation to one, he/she will inform the reporter of this as soon as possible, referring to the reasons.

Article 12

If the Confidential Advisor does not process a report because there is another, more fitting, procedure available, the Confidential Advisor will refer the reporter to the competent body or proper procedure.

Confidentiality

Article 13

1. The Confidential Advisor is required to maintain confidentiality regarding reports and anything that comes to his/her attention in the course of his/her duties.

2. This confidentiality must also be maintained by everyone working for the Confidential Advisor.

3. Any third parties involved with the processing of a report about undesirable behaviour are required to maintain confidentiality with regard to matters they have become cognizant of due to their involvement.

4. All third parties involved in a report related to unequal treatment, problems working together or improper/unfair treatment are required to maintain confidentiality with regard to matters they have become cognizant of due to their involvement, insofar as this may within reason be expected of them.

5. The Confidential Advisor is required to report to the proper authorities any cases covered by Articles 160 and 162 of the Dutch Code of Criminal Procedure.

Work method

Article 14

1. The work method of the Confidential Advisor is characterized by independence, confidentiality, hearing both parties and the absence of prejudice, and can entail providing advice, supervision and/or arbitration. Wherever possible, the Confidential Advisor will encourage the reporter to independently effect a solution.

2. The Confidential Advisor will not act as the reporter's authorized representative.

Article 15

In determining his/her role, the Confidential Advisor will consider:

a. the nature of the problems that the report refers to

b. the personal interests and welfare of the reporter, the interests of others and the interests of the organization or of the unit in question

c. the division of responsibilities and authority within the UG, including internal regulations and appeals procedures

d. the possibilities and limitations of his/her position and person

e. the possibilities and limitations of the involved bodies or administrative bodies within the UG.

Consulting the Confidential Advisor for advice and guidance in the event of a malpractice or irregularity

Article 16

1. In accordance with the University of Groningen Regulations for Reporting Malpractices and Irregularities, students or staff members may consult the Confidential Advisor for advice and guidance if they do not (or do not yet) wish to formally report a case of malpractice or irregularity and prefer to discuss it confidentially with the Confidential Advisor first.

2. In accordance with the University of Groningen Regulations for Reporting Malpractices and Irregularities, a student or staff member may also make a confidential report to the Confidential Advisor. The Confidential Advisor will inform the competent authorities of the report in a manner and at a time agreed with the reporter.

3. The Confidential Advisor will not act as the reporter's authorized representative.

Undesirable behaviour

Article 17

1. The Confidential Advisor will provide initial adequate assistance and guidance to whoever is being or has been confronted with undesirable behaviour and who has reported this to him/her. The Confidential Advisor will also provide aftercare.

2. Possible steps, such as those outlined in the following provisions, will only be taken after consultation with the reporter and after the reporter has granted his/her explicit permission. The steps to be taken will be adapted by the Confidential Advisor to the possibilities and reasonable desires of the reporter. Should any third parties become involved, this will only occur with the explicit consent of the reporter.

3. With an informal solution that comprises arbitration, the Confidential Advisor will engage an arbitrator other than him/herself.

4. If an informal solution is out of the question, the Confidential Advisor can support the reporter in filing a complaint with the SIAGD Complaints Committee.

Unequal treatment, problems in working together and unfair treatment

Article 18

1. Through advice and arbitration, the Confidential Advisor will attempt to effect a solution to the report within the existing structure regarding authority and responsibilities.

2. Any steps will only be undertaken after consultation with the reporter and with his/her explicit permission. The steps to be taken will be adapted by the Confidential Advisor to the possibilities and reasonable desires of the reporter. Should any third parties become involved, this will only occur with the explicit consent of the reporter.

3. If resolving the report requires a formal decision, the administrative body in question will make it.

Information

Article 19

1. Bearing in mind the provisions of Article 13, the Confidential Advisor is authorized to request information from UG bodies, administrative bodies and staff members, and also to request access to documents and records related to the report.

2. Bodies, administrative bodies and staff members are required to heed the request referred to in Article 19.1.

3. The Confidential Advisor may consult personal details related to the reporter if the reporter provides permission for this in writing.

4. Copies of any documents submitted to the Confidential Advisor will be provided to the reporter.

Other duties

Article 20

If, due to repeated similar reports, the Confidential Advisor is able to identify problem areas in University policies, including staff policy, he/she will apprise the body or administrative body involved.

Article 21

The Confidential Advisor will inventory the reports, maintaining anonymity, and submit an annual report on his/her activities. This report will be sent to the Board of the University, the deans and the University Council. The report will be made freely available.

Objection or complaint

Article 22

There is no possibility to appeal against a decision made by the Confidential Advisor, including a decision as referred to in Article 11.

Article 23

Any student, staff member, body or administrative body who/which has a complaint about the Confidential Advisor's actions must submit the complaint in writing to the Confidential Advisor. If the discussion about the complaint between the complainant and the Confidential Advisor does not lead to a resolution to the complainant's satisfaction, the complainant may submit the complaint in writing to the Board of the University or the Supervisory Board in line with the University of Groningen Regulations for Reporting Malpractices and Irregularities or the University of Groningen General Complaints Procedure.

Final provisions

Article 24

1. These Regulations may be cited as the 'University of Groningen Confidential Advisor Regulations'.

2. These Regulations were approved by the Board of the University on 18 December 2017 and took effect on 1 January 2018.