



## University of Groningen Confidential Advisor Regulations

### Definitions

#### Article 1

The following definitions are used in these regulations:

- **undesirable behaviour:** sexual harassment, aggression, violence and discrimination
- **sexual harassment:** any undesired sexual advances in the form of requests for sexual favours or other verbal, nonverbal or physical behaviour (including either sending unsolicited pornographic material in writing or depiction, or expressly perusing it visible to others, for instance via 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:** either making statements in any way, shape or form about taking action towards or making decisions about persons which are insulting to them because of their race, religion, gender, life principles or sexual orientation, or making any distinctions based on these factors
- **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 Code of Conduct Concerning Sexual Harassment, Aggression, Violence and Discrimination (SIAGD) of the University of Groningen and in Article 4 of the SIAGD Regulations of the University of Groningen; 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 be or not yet be designated a formal complaint because it is being dealt with informally or provisionally being dealt with informally
- **reporter:** a student or member of staff of the University of Groningen 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:** someone with an employment contract with the University of Groningen or who is otherwise conducting work for the University of Groningen
- **student:** someone who is receiving teaching at the University of Groningen, as well as someone who is conducting PhD research and receives 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 University of Groningen.
2. The position of Confidential Advisor is incompatible with any other position(s) within the University of Groningen that could place the Confidential Advisor in a subordinate position.
3. The Board of the University of Groningen will ensure that the position of Confidential Advisor will not be infringed upon in any way as a result of any action taken as Confidential Advisor.

### **Article 3**

1. The Confidential Advisor has an Office/Secretariat.
2. The Confidential Advisor will determine the working method and design of the Office/Secretariat.

### **Article 4**

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.

### **Artikel 5**

The Board of the University will appoint a successor to the Confidential Advisor as soon as it is expected that he/she will be unable to fulfil his/her position for a longer period of time. These regulations apply equally to the deputy.

### ***Questions and reports***

### **Article 6**

1. The Confidential Advisor deals with questions and reports from students and staff members that are related to the undesirable behaviour of a student or staff member of the University of Groningen.
2. The Confidential Advisor deals with questions and reports from students and staff members about unequal treatment by a student, a staff member, a body or an administrative body of the University of Groningen.
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 and/or bodies or administrative bodies of the University of Groningen.

### **Article 7**

1. Reports may be made verbally or in writing. Only in the case of reports related to problems in working together or improper/unfair treatment may the Confidential Advisor request that the report be made in writing.
2. A written report should at least include:
  - a. the name and address of the person reporting
  - b. the date
  - c. a description of the behaviour(s) that the report is related to
  - d. the reason the reporter objects to the behaviour(s)
  - e. the signature of the reporter.
3. If a written report does not comply with the conditions outlined in Article 7.2, 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 8**

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 and complaints that:
  - a. have been reported anonymously
  - b. are not related to the University of Groningen
  - c. are related to behaviour(s) that have already been reported

- d. are related to behaviour(s) that took place a year before the report, unless the report concerns undesirable behaviour
- e. are related to behaviour(s) that form(ed) part of an appeal procedure, unless new facts or circumstances have come to light that could lead to fresh insights
- f. are related to behaviour(s) that form(ed) part of legal proceedings before a judicial authority, with the exception of behaviour(s) that form(ed) part of criminal proceedings or a criminal investigation, unless new facts or circumstances have come to light that could lead to fresh insights
- g. are related to behaviour that is of too little import or of hardly any importance to the reporter.

### **Article 9**

If a report that the Confidential Advisor is processing is submitted as an appeal or if the report is submitted to a judicial authority as referred to in Article 8.2e and Article 8.2f, the Confidential Advisor will end the processing of the report. The previous sentence will not apply if it was a pro forma submission to keep within time limits.

### **Article 10**

If a 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 11**

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

## **Confidentiality**

### **Article 12**

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 all persons 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 13**

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

## **Article 14**

In determining his/her role, the Confidential Advisor must 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 University of Groningen, 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 University of Groningen.

## **Undesirable behaviour**

### **Article 15**

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 dovetailed by the Confidential Advisor to the possibilities and reasonable desires of the reporter. Should third parties become involved as a result, this will only occur with the explicit consent of the reporter.
3. The Confidential Advisor may gather information necessary for a clear understanding of the behaviour(s) or which might contribute towards a possible, informal solution to the behaviour(s).
4. For an informal solution that comprises arbitration, the Confidential Advisor will engage an arbitrator other than himself/herself.
5. 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 improper or unfair treatment**

### **Article 16**

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 dovetailed by the Confidential Advisor to the possibilities and reasonable desires of the reporter. Should third parties become involved, this will only occur with the explicit consent of the reporter.
3. The Confidential Advisor may gather information necessary for a clear understanding of the behaviour(s) or which might contribute towards a possible, informal solution to the behaviour(s).
4. If resolving the report requires a formal decision, the administrative body in question will make it.

## **Information**

### **Article 17**

1. The Confidential Advisor is authorized to request information from bodies, administrative bodies and members of staff of the University of Groningen, and also to request access to documents and records related to the report.
2. Bodies, administrative bodies and members of staff are required to heed such a request as referred to in Article 17.1.
3. If the reporter has provided permission in writing, the Confidential Advisor may consult personal details related to the reporter.
4. Copies of any documents submitted or supplied to the Confidential Advisor will be provided to the reporter.

## **Other duties**

### **Article 18**

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

### **Article 19**

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 20**

There is no possibility to appeal a decision made by the Confidential Advisor, including a decision as referred to in Article 10.

### **Article 21**

The student or member of staff who has, or the body or administrative body that has, a complaint about the Confidential Advisor's actions must submit the complaint in writing to the Confidential Advisor. When 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 in line with the General Complaints Procedure of the University of Groningen.

## **Final provisions**

### **Article 22**

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 24 February 2004, taking immediate effect, and were last amended on 14 September 2010.
3. These Regulations shall take effect on 1 December 2010.