Policy for Confidential Advisors for Inappropriate Conduct

A student and/or staff member who experiences inappropriate conduct may discuss this with a confidential advisor for inappropriate conduct. This scheme aims to safeguard the independence and confidentiality of confidential advisors for inappropriate conduct and sets out their duties and powers.

Definitions

University: Vrije Universiteit Amsterdam;

Executive Board: The Executive Board of the university;

Inappropriate conduct: Behaviour whereby the personal integrity of another person is compromised, whether verbally, non-verbally, physically, digitally or in any other way, including bullying, sexual harassment, discrimination, aggression and violence. This may include the following:

1. Bullying

Bullying is repeated inappropriate conduct against which a person cannot defend themselves and takes many forms. From belittling remarks to open criticism and intimidation, from crude jokes to physical violence, and from gossip to isolation and cyberbullying. Often, the bully's aim is to deliberately hurt and humiliate the other person;

2. Sexual harassment

Sexual harassment is defined as any form of verbal, non-verbal or physical behaviour with a sexual connotation, the purpose or effect of which is to undermine a person's dignity, particularly when a threatening, hostile, offensive, humiliating or hurtful situation is created. (Non-)verbal harassment may, for example, consist of sexually suggestive comments, messages, images or gestures, but also of staring or suggesting intimate behaviour. Physical harassment may, for example, consist of grabbing someone or blocking their path, making ambiguous comments, unnecessary touching, peeping, displaying pornographic images, but also includes sexual assault and rape. Sexual harassment also occurs in cases of sexual blackmail, where the prospect of a promotion, a (favourable) appraisal or a decision regarding work or study depends on sexual favours being performed;

3. Discrimination

Discrimination occurs when some staff members or students are treated differently from others on the grounds of their origin, gender, sexual orientation, age, disability or chronic condition, political affiliation, employment status, employment contract, marital status, nationality, religion or philosophy of life;

4. Aggression and violence

There are various forms of aggression and violence. These include, for example, verbal aggression (swearing, shouting or engaging in heated arguments), physical aggression (kicking, pushing, hitting, spitting, biting, vandalism) and psychological aggression (verbal or written threats, intimidation, blackmail or humiliation, cyberbullying);

Complainant: The person:

1. towards whom alleged inappropriate conduct has taken place on university premises or grounds, in the university's digital work or study environment, or in the course of their work or teaching duties;
2. who, at the time of the alleged inappropriate conduct
   - had an employment contract with the university or was otherwise carrying out work at the university, or
   - was enrolled or registered at the university as a student or external student, or
   - was a guest, or
   - was attending a programme or course run under the supervision of the university;

Defendant: The person:

1. who is accused of alleged inappropriate conduct
2. who, at the time of the alleged inappropriate conduct,
   - had an employment contract with the university or was otherwise carrying out work at the university, or
   - was enrolled or registered at the university as a student or external student, or
   - was a guest, or
   - was following a programme or course provided under the supervision of the university

Confidential Advisor: The person referred to in these Regulations on Confidential Advisors for Inappropriate Conduct;

Complaints Committee: The committee established by the Executive Board as described in the Complaints Procedure on Inappropriate Conduct;

Article 1 Appointment and appointment of confidential advisers

1. The Executive Board shall appoint a confidential advisor for a period of 4 years, upon the recommendation of the Director of Human Resource Management, Health and Safety & Environment. Reappointment is possible.
2. The Executive Board appoints an external confidential advisor on the recommendation of the Director of Human Resource Management, Health and Safety & Environment. This person does not have an employment contract with the university.
3. The confidential advisor must have completed training as a confidential advisor and must regularly participate in further training.
4. The role of confidential advisor is incompatible with:
   a. with a position involving an assessing or supervisory role, or
   b. with a position in a participation body or a postion of decision-making authority over strategic or operational policy.
   This incompatibility applies in particular to a position involving responsibility for human resources policy, appraisals, disciplinary procedures, decisions on academic progress or other processes that have direct consequences for staff or students.
   This incompatibility does not apply to members of the programme committees.

Article 2 Powers of confidential advisers

1. The confidential advisor is authorised, with due regard for the necessary confidentiality and insofar as this is necessary for the performance of their duties, to gather information regarding the alleged inappropriate conduct and the circumstances under which it took place.
2. The confidential adviser is authorised to seek advice or assistance from experts if this is reasonably necessary to assist a complainant or respondent.
3. Persons approached in this context are bound by a duty of confidentiality.

Article 3 Legal protection for confidential advisors

1. The Executive Board shall ensure that confidential advisers are able to fulfil their duties without any detriment to their position within the university.

Article 4 Duties of confidential advisers

1. A confidential adviser has the following duties:
    a. to act as a point of contact for persons who have been confronted with or have become aware of inappropriate conduct;
    b. supporting, guiding and advising individuals who have been subjected to or have become aware of inappropriate conduct, and referring them to professional support services where necessary;
    c. supporting and advising the complainant or the defendant to put an end to the inappropriate conduct, exploring possible solutions, and assisting in engaging an expert or mediator in conflicts relating to inappropriate conduct.
    d. accompanying a respondent at their request.
2. A confidential advisor may refer a complainant or defendant to another confidential advisor or an external confidential advisor as referred to in Article 1 of these regulations.
3. A confidential advisor is not permitted to assist both the complainant and the defendant at the same time. The confidential advisor must refer one of them to a fellow confidential advisor.
4. The confidential advisor shall not take any action on behalf of the complainant or the defendant without their consent.
5. The confidential advisor is authorised to resign from their duties on behalf of the complainant or the defendant if the latter makes no or insufficient effort to contribute to (the search for) a solution. The confidential advisor shall not resign from the role until the complainant or the defendant has been given the opportunity to comply within a reasonable period. The confidential advisor shall inform the complainant or the defendant of this in writing, stating the reasons.

Article 5 Policy advice and reporting

1. The confidential advisor is authorised to provide solicited and unsolicited advice or to raise concerns with the Executive Board regarding university policy on inappropriate conduct.
2. The confidential advisor is authorised to provide solicited and unsolicited advice or to raise concerns with a faculty board or head of department regarding the implementation of the

university's policy on inappropriate conduct. The advice or report must not be traceable to specific individuals.

Article 6 Reporting activities

The confidential advisers shall report on their activities retrospectively, and in general terms, via an annual report to the Executive Board for the purposes of the VU's annual report. The report shall provide a general account of the cases handled and the activities carried out. Furthermore, the report must not be traceable to specific individuals.

Article 7 Right to refuse to give evidence and duty of confidentiality

The confidential advisor enjoys a right of non-disclosure regarding information entrusted to them by complainants or defendants in their capacity as a confidential advisor. The confidential advisor may (internally) invoke this confidentiality and duty of secrecy and is not required to answer questions from the employer. However, there is no legal right to refuse to give evidence (externally, in court) as applies to doctors and lawyers.

The confidential advisor has a duty of confidentiality towards third parties. Complainants and defendant must be able to rely on the fact that their accounts will not be disclosed to others.

Article 8 Breaching confidentiality

The rule of 'confidentiality unless' applies to the confidential advisor. The confidential advisor is authorised to breach confidentiality:

- to comply with a statutory duty to report or make a statement (for example, in cases of rape, murder or crimes against the state) or when the police or judicial authorities request information and the confidential advisor has no possibility of invoking a right to refuse to give evidence;
- if the complainant or defendant consents to this, subject to the conditions set by the complainant or defendant;
- if there are good reasons to believe that the complainant, the defendant or third parties are at risk of demonstrable and serious harm or danger, and that informing a specific official or authority is the only viable way to avert this threat, and the complainant's consent has not been obtained despite considerable efforts to do so;
- if the confidential adviser consults with other officials regarding a matter brought to their attention, provided that this is done in such a way that discussion of the matter cannot be traced back to the complainant or the defendant.

This policy was adopted by the Executive Board on 16 June 2026, following approval by the USR on 6 February 2025 and the Works Council on 8 May 2026.