Complaints procedure psychosocial workload TU/e

The Executive Board of Eindhoven University of Technology hereby resolves to adopt a uniform procedure for processing complaints relating to sexual intimidation, aggression, violence, bullying, discrimination and pressure of work, as referred to in the Code of conduct on psychosocial workload TU/e.

Article 1

1. Anyone employed or studying at Eindhoven University of Technology and who is confronted with sexual intimidation, aggression, violence, bullying, discrimination or pressure of work, can consult a confidential adviser or submit a complaint to the complaints committee.

2. A complaint must be submitted within three years of cases of sexual intimidation, aggression, violence, bullying, discrimination or pressure of work.

3. Complaints submitted to the complaints committee anonymously will not be investigated further.

4. The provisions of the previous paragraphs do not affect the right of the complainant to seek recourse to the courts.

Article 2

1. There are two confidential advisers, to be appointed by the Executive Board, for a period of four years. Subsequent reappointments for further periods of four years are possible.

2. The confidential advisers are authorized, observing the necessary confidentiality, to interview the person accused of inappropriate behavior and other persons involved and to acquire information, in as much as this is necessary to carry out his or her tasks.

3. The confidential advisers will issue an annual report to the Executive Board about their activities. They will also meet annually with the Secretary of the University.

Article 3

1. The tasks of the confidential advisers include at least the following:

   - acting as a point of contact for people who are confronted with sexual intimidation, aggression, violence, bullying, discrimination or pressure of work;
   - supporting and providing them with after-care;
   - advising complainants on possible further steps;
   - taking steps, at the complainant’s request, to find a solution;
   - assisting, at their request, persons considering submitting a complaint to the complaints committee;
   - advising the competent authority, on request and on his or her own initiative on matters relating to sexual intimidation;
   - if necessary, deputizing for the other confidential adviser.
2. The confidential advisers are authorized:

- to examine the personnel file of the complainant, if the complainant has given written permission for this and with the permission of the director of the Personnel and Organization department;
- to consult directly with anyone within or outside the university to request information after receiving a complaint.

3. The confidential advisers have a duty of confidentiality regarding all information that he or she acquires while performing his or her task of confidential adviser.

**Article 4**

1. The Executive Board will set up a complaints committee for psychosocial workload, consisting of three members, one of which is the chair, and three deputy members, including a deputy chair. The members and deputy members, including the chair and deputy chair, will be appointed by the Executive Board. In appointing the members, the Executive Board will take as much care as possible to ensure that they fairly represent the various branches and disciplines within the university. The members and deputy members of the complaints committee are appointed for four years. They can be reappointed once.

2. The complaints committee is assisted by a secretary designated by the Executive Board. He will be appointed for a period of four years. Subsequent reappointments for further periods of four years are possible.

3. The members of the complaints committee must include at least one woman.

4. A member of the complaints committee will be replaced by a deputy member if the former is directly or indirectly involved in the sexual intimidation, aggression, violence, bullying, discrimination or pressure of work about which the complaint has been submitted, or if the complainant or the accused have indicated that they object to the member concerned.

5. The Executive Board is responsible for ensuring that there is sufficient expertise in the complaints committee relating to problems of sexual intimidation, aggression, violence, bullying, discrimination and pressure of work.

6. The members and deputy members of the committee have a duty of confidentiality.

**Article 5**

1. The complaints committee is responsible for investigating complaints it has received and advising the competent authority on what action to take.

2. The task of the complaints committee is to advise, on request or on its own initiative, on policy to combat sexual intimidation, aggression, violence, bullying, discrimination and pressure of work in the context of work and/or study.

3. The complaints committee determines its own method of working.
4. The complaints committee is authorized to request the recommendation of experts, if it should consider this necessary to perform its activities. If there are costs relating to this, the prior permission of the Secretary of the University is required. The complaints committee is also authorized to acquire information from informants.

5. There will be an annual meeting of the confidential advisers and the complaints committee.

**Article 6**

1. Complaints must be submitted by the complainant in writing to the complaints committee and contain:
   - a description of the confrontation with sexual intimidation, aggression, violence, bullying, discrimination or pressure of work;
   - the name of the person or persons accused of inappropriate behavior;
   - a description of any steps undertaken by the complainant.

2. Any written documents relating to steps taken must be submitted to the complaints committee.

**Article 7**

1. The complaints committee will decide within two weeks of receiving a complaint whether the complaint is admissible and notify the complainant of this decision.

2. If the complaint is declared admissible and is to be investigated, the complaints committee will send a statement of the complaint and the submitted documents to the person accused of inappropriate behavior.

3. If the complaint is to be investigated, the complaints committee will separately interview first the complainant and then the person accused of inappropriate behavior. A report will be drawn up of the interviews.

4. The complainant and the person accused of inappropriate behavior can be assisted by an adviser at this interview.

5. Anyone summoned to appear before the complaints committee is obliged to appear and to provide information and has a duty of confidentiality.

6. The meetings of the complaints committee are not open to the public.

**Article 8**

1. Within six weeks of receiving a complaint that has been declared admissible, the complaints committee will issue a written report to the competent authority, containing a recommendation on measures or sanctions to be imposed. A copy of the report and the recommendation regarding possible measures or sanctions will be sent to the complainant, the person accused of inappropriate behavior, and the confidential advisers.
2. If the report and the recommendation cannot be issued to the competent authority within the term referred to in the first paragraph, the complaints committee will notify the complainant and the person accused of inappropriate behavior, giving reasons for the delay, specifying a reasonable period within which the report and the recommendation can be expected.

3. If the competent authority of the person accused of inappropriate behavior is different to that of the complainant, the written report will be issued only to the competent authority of the accused person.

4. The recommendation can comprise:

   - a. for staff members: imposition of a disciplinary measure, as referred to in chapter 6, paragraph 2 of the CAO Nederlandse Universiteiten;
   - b. for students: denial of access to the university buildings and grounds under article 7.57h of the Higher Education and Research Act (WHW).

5. The recommendation may also contain measures beneficial to the complainant including, for staff members, voluntary transfer to another position and, for students, allocation of another mentor or placement in a different group.

**Article 9**

1. The competent authority will reach a decision on the complaint within four weeks of receiving the report and the recommendation from the complaints committee. The complainant and the person accused of inappropriate behavior will be notified of the decision without delay. A copy of the decision will be sent to the complaints committee.

2. If the decision of the competent authority deviates from the recommendation of the complaints committee, it must give reasons for this when issuing the decision.

**Article 10**

The complaints committee will issue an annual report to the Executive Board on the number of complaints processed, the nature of the complaints and the recommendations issued on them.

**Article 11**

1. Complainants, confidential advisers and members of the complaints committee may not suffer any harm to their position as a result of their having submitted a complaint, or because of their position as confidential adviser or member of the complaints committee.

2. The approval of the Executive Board is required to terminate the term of office of a confidential adviser or a member of the complaints committee.

**Article 12**

The Executive Board will provide confidential advisers and the members of the complaints committee with the facilities required to perform the tasks with which they have been charged.

Adopted by the Executive Board on September 13, 2012