



Regulations Concerning Complaints About Sexual Harassment, Aggression, Violence and Discrimination

University of Groningen 2010

The Board of the University of Groningen,

having regard to the legal framework:
Chapter 9 General Administrative Law Act

and having regard to:
Article 1.12 Collective Labour Agreement for Dutch Universities 2007-2010 (CAO NU)
Code of Conduct concerning sexual harassment, aggression, violence and discrimination,
University of Groningen 2010

adopts the following regulations:

Article 1 Definition of terms

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 text or image form, or expressly perusing it in a way that is visible to others, for instance via the internet).

Aggression and violence:

Intentionally expressing aggression and/or violence verbally or using physical force or power, or threatening to do so, against a student or member of staff.

Discrimination:

Making statements in any way, shape or form about taking action towards or making decisions about persons that are insulting to them because of their race, religion, gender, beliefs and/or sexual orientation, or making any distinctions based on these factors.

Bullying:

The systematic, repeated use of mental abuse by a person or group against a colleague or fellow student.

CLRS:

The Central Portal for the Legal Protection of Student Rights

Committee/Complaints Committee:

The independent, expert Complaints Committee for Sexual Harassment, Aggression, Violence and Discrimination (SIAGD) appointed by the Board of the University.

Complainant:

The person (or persons) who has (have) lodged a written complaint with the Board of the University.

Complaints may be submitted by:

- a person employed by the University of Groningen
- a person who is not employed by the University of Groningen but who carries out work on the University campus
- a person enrolled as a student at the University of Groningen.



Defendant:

The person whose behaviour the complaint relates to.

Complaints can be submitted about the behaviour of:

- a person employed by the University of Groningen or who in some other way carries out work for the University
- a person enrolled as a student at the University of Groningen.

Article 2 General provisions

1. A person who considers him or herself a victim of undesirable behaviour such as sexual harassment, aggression, violence, bullying and discrimination committed by a staff member of the University of Groningen, or a person who in some other way carries out work for the University of Groningen, or a student enrolled at the University of Groningen and who meets the definition of complainant as referred to in Article 1, can lodge a complaint on this matter with the Board of the University.
2. If several people consider themselves victims of sexual harassment, aggression, violence, bullying and discrimination, committed by the same person or persons, they can lodge a joint complaint with the Board of the University.

Article 3 Lodging a complaint by a member of staff

1. The complaint must be lodged in writing with the Board of the University, for the attention of the secretary of the Complaints Committee on Sexual Harassment, Aggression, Violence and Discrimination, Antwoordnummer 172, 9700 VB Groningen.
2. The complaint must be signed and should at least include:
 - a. The name and address of the complainant
 - b. The date
 - c. A description of the behaviour(s) that the complaint relates to.

Article 4 Lodging a complaint by a student

1. Students should lodge a complaint about undesirable behaviour as referred to in these regulations with the Central Portal for the Legal Protection of Student Rights (CLRS), in accordance with the Regulations concerning the CLRS.
2. Complaints may be submitted in writing to the Central Portal for the Legal Protection of Student Rights via www.rug.nl/studenten or P.O. Box 72, 9700 AB Groningen.
3. The procedure outlined in these Regulations concerning Complaints about Sexual Harassment, Aggression, Violence and Discrimination will apply in full to the handling of a complaint.

Article 5 Confidential Advisor

The lodging of a complaint will not affect the option of discussing the undesirable behaviour with the University's Confidential Advisor.

Article 6 Acknowledgement of receipt

The Board of the University will give written acknowledgement of receipt of the complaint.

Article 7 Complaints Committee

1. The complaint will be handled by the Complaints Committee for Sexual Harassment, Aggression, Violence and Discrimination.
2. The Committee will perform its task without bias.
3. The Committee will consist of three members and three deputies. One member and one deputy will not be part of the University community. One member and one deputy will be appointed on the joint recommendation of the University Council and the Local Consultative Committee.
4. The members of the Committee are appointed by the Board of the University for a period of four years.



5. The chair and deputy chair are direct appointments.
6. The Committee has an official secretary.

Article 8 Challenges and exclusions

1. At a party's request any committee member may be challenged on account of facts or circumstances that might influence the Committee's impartiality.
2. The request should be made as soon as the facts or circumstances become known to the applicant.
3. The Committee will make a decision on the challenge as soon as possible. The decision must be substantiated and will be communicated to the parties as soon as possible.
4. In the event of misuse, the Committee may decide not to handle any subsequent request.
5. A member of the committee may request to be excluded on account of facts or circumstances that might influence his or her impartiality.
6. The Committee will decide on the request for exclusion as soon as possible.
7. If a member of the Committee is challenged or excluded, the deputy will take his or her place.

Article 9 Not handling a complaint

1. The Board of the University is not obliged to handle a complaint if it relates to behaviour:
 - a. about which a complaint has been lodged and handled earlier in accordance with these regulations
 - b. that took place more than 18 months before the complaint was lodged
 - c. against which the complainant has lodged an appeal or could have lodged an appeal
 - d. against which the complainant lodged a higher appeal or could have lodged a higher appeal
 - e. that form(ed) part of legal proceedings before a judicial authority other than an administrative tribunal or
 - f. as long as the matter is subject to an ongoing prosecution or criminal investigation by order of the public prosecutor, or if the behaviour is part of the investigation or prosecution of a criminal offence and that offence is subject to an ongoing prosecution or to a criminal investigation by order of the public prosecutor.
2. The Board of the University is not obliged to consider the complaint if the complainant's interests or the behaviour are obviously of too little import.
3. The complainant will be notified of the decision not to consider the complaint as soon as possible and at the latest within four weeks of receipt of the complaint in writing.

Article 10 Written complaint and appeal

If a member of staff lodges both a written complaint against undesirable behaviour and an appeal, the complaint can be considered in the same procedure as the appeal.

Article 11 The investigation

1. As soon as possible after receiving the complaint the Committee will begin the investigation into the undesirable behaviour to which the complaint relates.
2. The person whose behaviour the complaint relates to will be sent a copy of the complaint together with a copy of any documents enclosed with the complaint.
3. The Board of the University will give the complainant and the person whose behaviour the complaint relates to an opportunity to be heard.
4. Hearing the complainant can be waived if the complaint is obviously unfounded, or if the complainant has stated that he or she does not wish to exercise the right to be heard.
5. A record is made of the hearing.
6. Where necessary, the Committee may issue interim advice to the Board of the University. The Committee may also arrange for or itself undertake an attempt at mediation.
7. If no interim advice is issued or no attempt at mediation is undertaken, the Committee chair will ensure that the investigation is completed within thirty days of the complaint being



lodged. In the event that interim advice is issued or an attempt at mediation is undertaken, the investigation will be completed as soon as possible thereafter.

Article 12 Confidentiality and secrecy

1. All documents relating to the complaint are strictly confidential.
2. The members of the Committee are bound by secrecy.
3. The sessions of the Committee are closed.
4. The Committee can call on people to provide information, whether or not at the request of the complainant or the other party. These people are bound to secrecy regarding the matters divulged at the session.
5. The Committee is authorized to consult experts if it considers this necessary for the investigation. These experts are bound by secrecy on the matter.
6. The Committee is also authorized to gather information by other means within the University of Groningen and to request documents with which it wishes to acquaint itself in connection with the advice it will issue.

Article 13 Support for complainant and other party

1. The complainant and the other party may be supported during the complaint procedure by someone of their own choosing, including the Confidential Advisor.
2. Lodging a complaint or supporting a complainant or other party may in no way harm an individual's own position within the organization.
3. The complainant may request the Committee at any time during the procedure to end the procedure. The Committee will issue advice on this matter to the Board of the University, which will make a decision after considering the interests of all parties involved.

Article 14 The Committee's recommendations

1. Once the Committee has completed its investigation, it will decide on its advice.
2. The Committee will send the report of its findings accompanied by its advice and any recommendations to the Board of the University within ten days of completion of the investigation.
3. The Committee will also send its advice to the complainant and other party.

Article 15 Consideration of the advice by the Board of the University

1. The Board of the University will notify the complainant in writing of the findings of the investigation into the complaint, giving reasons, together with any conclusions that the Board attaches to the findings.
2. In the event that the conclusions of the Board of the University differ from the committee's advice, the conclusion must state the reason for this difference and the advice must be accompanied by the above notification.
3. If a subsequent complaint can then be lodged with a person or committee appointed to handle complaints about the Board of the University, this must be reported in the notification.

Article 16 Registration

The Board of the University will ensure the registration of written complaints lodged with the Board.

Article 17 Final provisions

1. These regulations may be cited as the 'University of Groningen Regulations concerning Complaints about Sexual Harassment, Aggression, Violence and Discrimination 2010'.
2. When these regulations come into force, the University of Groningen's Regulations concerning Sexual Harassment, Aggression, Violence and Discrimination, adopted by the Board of the University on 20 January 2009, will lapse.
3. These regulations will take effect on 1 December 2010.



**university of
 groningen**

office of the university

According to the Local Consultative Committee established by the Board of the University of Groningen, on 29 November 2010.