

# Code of Conduct for Undesirable Behavior of Eindhoven University of Technology

See article 1.12 CAO Dutch Universities

## Preamble

### Undesirable behavior

Undesirable behavior includes sexual harassment, aggression, violence and intimidation, bullying and discrimination.

This Code of Conduct for Undesirable Behavior is an extension of the efforts of the CAO parties to guarantee a good and stimulating working climate within Dutch universities. In a good and stimulating working climate, collegiality, respect and attention to one another are part of normal etiquette and undesirable behavior is reacted to promptly. Such a climate requires an active contribution from everybody working at the university: not only in regard to one's own behavior, but also through a vigilant attitude towards any form of undesirable behavior observed in one's own working situation. Undesirable behavior should always be dealt with, either by directly addressing the parties involved or by engaging third parties. The aim of the Code of Conduct is to explicitly bring these principles to the attention of the university community at large.

The Code of Conduct also applies to students.

### Adoption

This Code of Conduct was adopted by the Executive Board in accordance with the University Consultation Body on 4 October 2000 and updated on June 11 2020.

### Scope

This Code of Conduct applies to all employees and students (including exchange students) of the university in regard to their behavior towards:

- (other) employees of the university
- other persons working on behalf of the university, such as visiting lecturers, interns/trainees and temporary employees
- (employees of) third parties who carry out work on the university grounds
- (other) students and visitors to the university

### Definitions

**Sexual harassment:** undesirable sexual advances in the form of requests for sexual favors or other verbal, non-verbal or physical behavior of a sexual nature (including the unsolicited sending of pornographic images or texts or deliberately making these visible to others, e.g. via the Internet).

**Aggression, violence and intimidation:** mentally or physically disturbing, threatening or attacking others in circumstances which are directly related to work or study. The behavior can consist of verbal violence (name-calling, taunting, jokes at the expense of), psychological violence (threatening, intimidating, pressuring) and the destruction of the property of the employee/student.

**Bullying:** bullying refers to all forms of intimidating behavior of a structural nature by people at work (colleagues, managers, customers or students) against an employee/student who cannot defend themselves against this behavior. A characteristic of bullying is that it occurs regularly, often by the same person or persons, directed against the same person or group of persons.

**Discrimination:** discrimination is the making of unjustified distinctions. It concerns differentiation on the basis of religion, beliefs, political affiliation, race, gender, nationality, sexual orientation, disability, chronic illness or age.

**Sexual harassment, aggression, violence and intimidation, bullying and discrimination can be used in different ways:**

- Whether or not they allow the undesirable behavior is explicitly or implicitly used as a condition of employment for the person towards whom this undesirable behavior is directed.
- Subjection to/rejection of the undesirable behavior is used as a basis for decisions which affect the work or study of the person being targeted.
- The purpose or effect of the undesirable behavior is to alter the work or study performance of the person being targeted and/or to create an intimidating, hostile or unpleasant working or studying environment.

### **Preventative policy**

The adoption of this Code of Conduct is intended as a form of preventive policy. Preventive policy on sexual harassment, aggression, violence and intimidation, bullying and discrimination is part of the overall university personnel policy, which must be concretized by (among other things):

- making this code sufficiently known
- providing adequate information on the policy and the risks of sexual harassment, aggression, violence and intimidation, bullying and discrimination within the institution
- systematically identifying the risks relating to undesirable behavior within the framework of the Risk Inventory & Evaluation within the framework of the Dutch Working Conditions Act
- removing or reducing risks relating to undesirable behavior
- monitoring compliance with the Code of Conduct
- training managers within the institution

### **Confidential counsellors**

The university has at least two confidential counsellors for undesirable behavior. The confidential counsellors have an independent position and are protected by the employer. The duties of the confidential counsellors include:

- acting as a point of contact for persons confronted with sexual harassment, aggression, violence and intimidation, bullying or discrimination
- offering and providing follow-up care to those persons
- advising those who report undesirable behavior on possible further steps to be taken and possible guidance in relation to this
- discussing, with the reporter, steps aimed at finding a solution
- providing guidance at the request of persons who are considering submitting a complaint to the complaints committee
- providing solicited and unsolicited recommendations to the (mandated) competent authority in regard to matters concerning undesirable behavior

## **Complaints procedure**

The university has a complaints procedure for undesirable behavior. This is included as an appendix to this Code of Conduct. The most important subjects which are part of this procedure are:

1. **Sanctions.** The procedure specifies the sanctions applicable by law or the CAO.
2. **Confidentiality.** There is an article within the procedure which guarantees confidentiality in the handling of complaints.
3. **Complaints committee.** The procedure contains an article in which the composition of an independent, competent complaints committee is specified.
4. **Complaints period.** The procedure specifies the period within which the complaint must be lodged in order for it to be considered.
5. **Confidential counsellor.** The procedure contains an article in which the duties of the confidential counsellor are specified.