



Protocol Confidential Advisor

In case of complaints regarding transgressive behaviour

Introduction

The ACC wishes to be a safe place for both students and staff. Nevertheless, situations may occur in daily practice that are contrary to this principle, for example due to acts of "transgressive behaviour": sexual abuse, sexual intimidation, physical violence, psychological violence (including bullying), discrimination or radicalization. Students, staff members and teachers can be both perpetrators and victims in this respect. When transgressive behaviour occurs, the ACC is required to act with the utmost care.

The ACC has a complaints procedure, which can be found on our website and in the study syllabus. Part of the complaints procedure is the right to complain about sexual harassment and other transgressive behaviour. Complaints of said nature may be brought forward internally and/or externally, but we always recommend contacting the external Confidential Advisor, who has a designated role in this.

The Confidential Advisor can be contacted by students as well as employees and faculty (teachers). The contact details of the confidential advisor are provided at the bottom of this document.

NB: This document describes the role, tasks and protocol to be followed by the Confidential Advisor, so it only concerns complaints relating to transgressive behaviour. Complaints of a different nature do not belong with the Confidential Advisor and should be submitted to the management of the ACC, as described in our complaints procedure.

Definitions

- **Transgressive behaviour:** Sexual abuse, sexual harassment, physical violence, psychological violence (including bullying), discrimination or radicalization.
- **Sexual harassment:** Unwelcome conduct of a sexual nature, manifested through verbal, physical and nonverbal conduct, which may be intentional or unintentional, in circumstances where a person could reasonably be expected to feel insulted, humiliated or intimidated as a result (a reasonable person, taking all circumstances into account, could have foreseen that the intimidated person would feel insulted, humiliated or intimidated).
- **Direct discrimination:** Occurs when someone is treated unfavourably based on a personal characteristic.
- **Indirect discrimination:** Occurs when a rule appears neutral, but has a discriminatory effect on certain individuals.
- **Bullying:** Behaviour directed at a person, or a group of people, that poses a risk to health and safety, e.g., physical and/or verbal abuse, exclusion and/or isolation of individuals.
- **Confidential Advisor:** The person appointed by the Competent Authority, who acts as a point of contact for the Reporter/Accused. The Confidential Advisor has an independent position and has no employment contract with the Competent Authority.
- **Competent Authority:** The management of the ACC.
- **Disputes Committee:** The ACC is affiliated with the disputes committee of the National Council for Training and Education (NRTO). The address of the Disputes Committee is: PO Box 90600, 2509 LP The Hague (www.degeschillencommissie.nl).
- **Reporter:** Anyone who is a member of the ACC, including a student or former student, an employee, a teacher or anyone who performs work for the organisation, who believes they have been confronted with transgressive behaviour and has reported this to the Confidential Advisor, the Competent Authority or the Disputes Committee.
- **Report:** a substantiated report/complaint, submitted verbally or in writing to the Confidential Advisor, relating to sexual harassment and/or other transgressive behaviour.



- **Accused:** The person about whom a report has been made concerning sexual harassment and other forms of transgressive behaviour.

Role and duties of the Confidential Advisor

1. Appointment of the Confidential Advisor

- The ACC has one Confidential Advisor.
- The Competent Authority shall appoint, suspend and dismiss the Confidential Advisor.
- The appointment is for a period of four years. Re-appointment for a new period is possible.
- The Confidential Advisor is not part of the organization and has an independent position.

2. Duties of the Confidential Advisor

- The Confidential Advisor is independent and has an obligation of confidentiality.
- The Confidential Advisor acts as the point of contact for suspicions of, or reports related to, sexual harassment and/or other transgressive behaviour. These reports can be submitted directly to the Confidential Advisor. The complaint can also be reported by a third party on behalf of the Reporter.
- The Confidential Advisor explains the possible steps to Reporter, so that the Reporter can make a well-considered decision whether a solution can be reached through mediation or the event gives cause to submit an official complaint.
- If applicable, the Confidential Advisor notifies the Reporter of the possibility to report the incident to the police or the judicial authorities.
- The Confidential Advisor refers the Reporter, if and in so far as necessary or desirable, to other agencies (not being ACC) that are specialised in (psychological) care.
- If the Confidential Advisor only receives indications, but no concrete complaints, he may bring these to the attention of the Competent Authority.
- The Confidential Advisor shall give solicited or unsolicited advice to the Competent Authority.
- The Confidential Advisor shall apply the greatest possible care in his activities. He/she is obliged to observe confidentiality regarding all matters that come to his/her attention in that capacity. This obligation shall not cease after he/she has terminated his/her duties as Confidential Advisor.
- The Confidential Advisor shall submit a written report on his/her activities to the Competent Authority at the end of each calendar year, still adhering to the confidentiality obligation as described above.

Protocol Confidential Advisor

1. If a Reporter contacts the Confidential Advisor, he/she will be heard by the Confidential Advisor no later than 14 days after contact has been made. In this conversation, at least the following will be discussed:
 - As concretely and factually as possible: what has been the situation that the report or complaint is regarding?
 - Does it concern an accusation, or a request to look into the alleged undesirable behaviour?
 - Why does it concern a matter that is important to the Reporter?
 - What does the Reporter want to do with his/her feelings of dissatisfaction or complaint?
2. The Confidential Advisor can draft a report of the conversations in consultation with the Reporter. This report is confidential and may not be made available to the Accused or the Competent Authority, unless the Reporter gives written permission to do so.
3. The Confidential Advisor will not inform the Competent Authority of a complaint or report, unless the Reporter explicitly wishes to do so. If the Reporter has given his/her explicit consent, the Confidential Advisor may inform the Competent Authority.
4. If the complaint or report concerns an accusation towards a staff member, a conversation may take place with the accused staff member in consultation with the Competent Authority. In principle, the Confidential Advisor does not take part in this meeting. The Competent Authority then proceeds to deal with the substance of the complaint/notification.



5. The Confidential Advisor will check with the Reporter whether a solution can be reached through mediation. The Confidential Advisor does not perform the mediation himself/herself, because this is not appropriate.
6. The Confidential Advisor and the Reporter together will look into whether the event gives cause to submit a complaint to the Disputes Committee, if this has not already been done.
7. Both the Reporter and the Accused will be informed that they can be assisted or represented by an authorised representative. The Confidential Advisor refers the Reporter, if and in so far as necessary or desirable, to other agencies (not being ACC) that are specialised in (psychological) aftercare.
8. The Confidential Advisor shall ensure that he/she reports in the annual reports when a contact has taken place. The annual report shall state whether a report of the contact was made and whether the contact has led to a complaint with the Disputes Committee, a report to the police or a referral to an external agency of (psychological) aftercare. Confidentiality applies to any person related to the complaint and the content thereof.

Contact the Confidential Advisor

To contact the Confidential Advisor of the ACC, you can use the following contact details:

Name: Peter van Alten

Address: Grindweg 82-88

3055 VD Rotterdam

Phone.: +31 (0)6 22 92 44 22

E-mail: contact@peterdemediator.nl