



Social safety requires reinforcement

Investigation into the social safety system
at the University of Amsterdam

External Committee on Social Safety

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(Informal translation)

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Introduction

This is the report of the External Committee on Social Safety UvA (the **Committee**), titled *Social Safety Requires Reinforcement*. At the end of June 2020, the Committee was asked by the executive board (the **Board**) of the University of Amsterdam to investigate the system of reports and complaints (and its functioning) regarding social safety (or lack thereof) at the University of Amsterdam and to make recommendations on how to improve the current system. This was prompted by an article in the Dutch newspaper *NRC Handelsblad* of 12 June 2020 about a social safety issue at the University's Faculty of Humanities (**the FH case**).

The Committee has carried out its work over four months and conducted 33 interviews with a total of 54 individuals. The conversations were held with a wide representation of students and staff members from various faculties and various levels in the organisation. Some of the interviewees are responsible or co-responsible for ensuring social safety within the University of Amsterdam and the faculties, in particular the Faculty of Humanities. Specifically, with regard to the Conservation and Restoration of Cultural Heritage (**C&R**) Masters' programme, the Committee spoke with students from various years (2014-2020), specifically of the Book and Paper (**B&P**) specialisation. We would like to express our gratitude to the interviewees for their cooperation, despite the limitations imposed by COVID-19 and the summer holiday.

This report offers an analysis based on the documents made available and the interviews held. The Committee has not investigated *what* happened in the FH case, but has analysed *how* the FH case was handled. Based on that analysis, the Committee gives answers to the questions formulated in the Board's brief and the Committee makes a number of recommendations. The analysis relates to

the incidents that occurred at the Faculty of Humanities in the 2014-2020 period.

The conversations held were open and informative. There was a high level of preparedness to help the Committee with suggestions for improvements and reassessment of the facilities and responsibilities in relation to social safety.

The Committee's analysis is not the result of a fact-finding process. The interviews have offered several truths, observations and reflections, on the basis of which the Committee has drawn conclusions and has made recommendations. In that context, the Committee has taken into account the varied input of perspectives from various parts of the organisation.

The Committee has strictly adhered to its brief. The investigation of the Committee has focused on what can and could be improved. However, the many conversations have also given the Committee the opportunity to hear various positive experiences and initiatives focusing on improving social safety within the University of Amsterdam.

The Committee's brief and method

Brief

Further to the FH case and the unrest caused within the University of Amsterdam, the Board set up the Committee and on 24 June 2020 sent each member a confirmation containing the following brief:

- to investigate the reporting and complaints system (and its functioning) with regard to social safety or the lack thereof; and
- to make recommendations on how the current system can be improved.

The Board at least wished to receive answers to the following questions:

- Have the Board and the FH dean responded with a sufficient degree of care and alertness to the case at hand?
- How can the University of Amsterdam modify the reporting and complaints procedures in such a way that students and staff members feel safer and the complainant feels sufficiently protected against possible negative implications of filing a complaint?
- Does the positioning of the Ombuds Officer, as it will be set up at the University of Amsterdam and for which the preparations are now being made by the acting Ombuds Officer/Ombuds office coordinator, give sufficient guarantees for his/her independence vis-à-vis the Board?

The Board has given the Committee the liberty to expand on these questions.

The Committee completed the investigation within 4 months (24 June– 30 October 2020).

Composition of the Committee

The Committee is made up of:

- Marry de Gaay Fortman (chair)
- Mary Tupan-Wenno
- Martine Bijkerk

Independence of the Committee

The Committee confirms that it was completely independent in its investigation and analysis. The Committee has been able to write down its findings without any third-party influence.

The Committee's Investigation Protocol

Upon receipt of the brief, the Committee submitted a draft investigation protocol to the Secretary General of the University of Amsterdam. After incorporating a few minor remarks from the Secretary General, the Committee adopted the investigation protocol.

Interviews

The Committee held 33 interviews with in total 54 individuals. In doing so, the Committee has tried to talk to as wide a group of representatives of the University of Amsterdam as possible, including:

- students and former students from various degree programmes within the Faculty of Humanities, including the students who made complaints public, and from the Amsterdam Law School;
- people with administrative responsibility for guaranteeing social safety (in terms of policy or otherwise) and the reporting and complaints system;
- people with administrative responsibility and other managers from the faculties, including the Faculty of Humanities, involved in promoting social safety;
- former and current officers within the official reporting and complaints system;
- representatives of the Central Works Council (**COR**), the Faculty's Works Council (**OR FGw**), the Central Student Council (**CSR**), and the Faculty Student Council (**FSR FGw**).

The Committee used as the starting point a list of individuals provided at the beginning by the Secretary General of the University of Amsterdam. The Committee talked to a large number of the individuals on this list. In addition, the Committee, usually

at the suggestion of those previously interviewed, interviewed other persons (than those on the aforementioned list). A number of persons took the initiative to contact the Committee. Some of them were also interviewed by the Committee. The list with the names and positions of the interviewees is included as **Annex 2** – insofar as they have given permission for inclusion.

In general, the interviews were conducted by two members of the Committee; in nine cases, all members of the Committee took part in the conversation. Prior to the interview, the participants were sent the investigation protocol.

During the interviews, the Committee always asked about the reporting and complaints system (question b) and the positioning of the acting Ombuds Officer (question c). The question of the actions of the FH dean and the Board (question a) was not relevant to all interviewees or could not be answered by all interviewees.

As long consent was given, the interview was recorded for the purpose of drawing up a report of the conversation. Those reports were submitted to the interviewees so they could give comments, correct inaccuracies or make additions. All interviewees approved the final version of the report of their interview and returned it to the investigators. The recordings were subsequently deleted.

Documents

At the start and during the investigation, the Committee received a large number of documents via the Secretary General of the University of Amsterdam.

The Board, current and former representatives of executive departments, current and former employees, and current and former students were fully cooperative at all times and complied with all requests from the Committee to send further information. Moreover, interviewees also submitted

documents at their own initiative. Last but not least, the Committee itself looked for documents and consulted them. A list of all non-confidential documents used by the Committee is included as **Annex 3**. The Committee has tried to verify the information included in the documents received where necessary and possible.

Handling materials

The Committee kept all information it received in a separate and secure environment.

(Draft) timeline and report

The Committee submitted the timeline of the actual events in the FH case, as set out in Chapter 2, to the Board, the FH dean and one of the Complainants for the purpose of verification.

Five days prior to completion of this report, the Board viewed the final draft and checked that version for factual inaccuracies. This has resulted in a few minor adjustments.

General information

During the interviews, several other social safety aspects were brought up by the interviewees in addition to the answers to the questions, which were relevant for answering those questions. These recurring themes have been included as general findings in **Chapter 1**. In **Chapter 2**, the Committee addresses the FH case and the question of whether the FH dean and the Board have acted with a sufficient degree of alertness and care (question a). The present reporting and complaints system and possible improvements thereon with a view to improving social safety as referred to in question b, are dealt with in **Chapter 3**. The positioning of the Ombuds Officer vis-à-vis the Board (question c) is described in **Chapter 4**. This is followed by the **Recommendations**.

The **Annexes** contain definitions, a list with the names of the interviewees, a list of the documents consulted and an overview of officers.

Chapter 1 General subjects from the interviews

Introduction

During the interviews, the Committee left the interviewees room to steer the conversation, in the context of the questions asked, and to discuss those subjects that the interviewees deemed relevant in that context. A number of subjects recurred during the interviews.

These subjects are discussed in this chapter, insofar as the Committee deems them relevant in the context of a social safety system.

Again, the investigation of the Committee has focused on what can or could be improved. However, the many conversations have also given the Committee the opportunity to hear various positive experiences and initiatives focusing on improving social safety within the University of Amsterdam.

Prior to addressing the subjects mentioned by the interviewees, the Committee will first discuss the meaning of the terms 'complaint' and 'social safety system'.

The term 'complaint'

Within the University of Amsterdam, a distinction is made between reports and complaints. The term 'complaint' is used in a formal sense in connection with raising a problem with the Complaints Committee. Other expressions of dissatisfaction are considered 'reports'.

In this report, the Committee follows the National Ombudsman, who qualifies "every expression of dissatisfaction" as a complaint. The Committee uses the following definition of the word 'complaint':

"All actions that 'cause friction' between the interests, perspectives or points of view of the uni-

versity and those involved in it (i.e., staff members and students), therefore also signs of bottlenecks or problems." ¹

The Committee notes that the fact that someone expresses a complaint does not mean that the complainant has a case. Whether or not someone has a case should become apparent by hearing the complaint.

The Committee also notes, again referring to the National Ombudsman,² that not every complaint can be resolved.

Social safety system

The Committee considers the social safety system as the complex of (i) relevant documentation (policy memo's, regulations and protocols) and (ii) officers with a role and responsibility in the field of social safety.

The Social Safety Taskforce that was recently set up and the social safety coordinator, both set up to promote social safety and the social safety system, do not form any part of this in this approach.

The term 'social safety'

Some interviewees indicated, when asked, that they did not know the exact meaning of the term 'social safety' or that they doubted whether it was a clear term. In general, interviewees defined the term 'social safety' as the absence of undesirable behaviour, regardless the nature thereof.

In the *Social Safety Overview (Overzichtsnotitie Sociale Veiligheid)* dated 5 February 2019, the Board opted for a broad approach to the term 'social safety'. In this Overview, the Board used the description from the Dutch Working Conditions Act (*Arbowet*) as its starting point:

¹ See Nationale Ombudsman, *Ombudsvisie op professionele klachtbehandeling*, (Dutch National Ombudsman's view on professional complaint handling) Report 2008/005, 19 March 2018, p.7 (**Ombudsvisie**).

² See *Ombudsvisie*, 4.4

"Social safety at work is that one knows they are and feel protected from undesirable forms of behaviour and the threat of danger as a result of human actions within or in relation to the university."

The Dutch Working Conditions Act considers the following behaviours undesirable: aggression, intimidation and violence, sexual harassment, bullying, stalking and discrimination.

International students indicated during their interviews that the term '*social safety*' is not an existing term in English. To them, this term not only covers the absence of undesirable behaviours, such as described in the Dutch Working Conditions Act, but also the absence of abuse of power.

On 27 August 2020, the University of Amsterdam drew up a Code of Conduct, which describes in general words what undesirable behaviour is:

"There is undesirable behaviour as soon as one of those involved can reasonably experience it as such. Staff members and students bring up undesirable behaviour, even if they are merely bystanders (...)."

In many interviews, the Committee asked where they draw the line (in the opinion of the interviewee) between acceptable and unacceptable behaviour at the university. There is widespread agreement on what is unacceptable (discrimination, violence, abuse of power, sexual harassment). In addition, there is a big grey area in which one considers something as unacceptable and the other as acceptable. In assessing behaviour, the personality of the person involved (age, gender and (cultural) background) and the context within which the behaviour is exhibited (whether there is any hierarchical relationship or not) play a role.

During the interviews, no issues regarding the physical environment (e.g., the safety of the buildings) was raised in the context of social safety.

Awareness of the social safety system

Many interviewees believe that people are not sufficiently aware of the social safety system within the University of Amsterdam. This lack of awareness is found among students and employees alike.

Moreover, there are questions about the functioning of the system and the role and possibilities of the various officers that make up the system. In short, people are not or not sufficiently familiar with who is responsible for what within the social safety system and what the relationship between the various officers is. It is not clear to the interviewees whether there is an escalation ladder or that such ladder is lacking, and the various officers in the social safety system exist alongside one another.

Communication

Many interviewees indicated that there has been a long period in which social safety, what is and what is not acceptable and what to do in a particular situation was not sufficiently discussed. This opinion was found among students and staff members, including supervisors.

A large number of the interviewees expect that embarking on the debate and identifying dilemmas, whether or not on the basis of actual cases, will not only result in a stricter idea of social safety, but also will show how social safety is perceived and will promote understanding for each other. In addition, an open debate about social safety or the lack thereof can contribute to increasing the *feeling* of social safety.

During the orientation of students and staff members at the University of Amsterdam, the social safety system should be explicitly addressed.

It was indicated that the faculties should be made responsible for communications on social safety.

Some interviewees said that communicating via e-mail with students has insufficient effect, because they do not or rarely read their e-mails. Instead of that form of communication, messages should be

posted on Instagram or on screens situated in the buildings.

Social Safety Guide

The Committee has taken note of the Social Safety Guides. The University of Amsterdam recently drew up a Social Safety Guide (*Wegwijzer Sociale Veiligheid*), which already existed for staff members,³ for students.⁴ The Social Safety Guide shows the way "to the various individuals or bodies you can contact if you are confronted with unsafe situations or undesirable behaviour".

Both Social Safety Guides mention the following of officers among others:

- the Confidential Advisers, namely the Confidential Adviser on Individual Legal Status (for staff members), the Confidential Adviser for Academic Integrity and the Confidential Adviser (for students/staff);
- the Complaints Committee;
- the Ombuds Officer;
- a lecturer or study adviser (for students) in case of undesirable behaviour of a fellow student.

The first four officers are also mentioned in the Social Safety Overview, unlike study advisers.

The Social Safety Guides also mention, apart from the officers listed above, the welfare at work department and the occupational physician (for staff members) and student doctors, student psychologists and student counsellors (for students). These officers are disregarded in this report, as their roles were not mentioned in any interview.

A brief description of the duties and powers of the relevant officers (study advisers, confidential advisers, Complaints Committee and the Ombuds Officer) is included in **Annex 4**.

Role of supervisors in complaints

In the interviews, the role of supervisors as officers in the social safety system was discussed on a regular basis. The interviewees noted that it is and should be the supervisors that have to deal with complaints about social safety within the faculty (or the unit). It is part of their job, role and responsibilities. When supervisors do not take action further to a complaint, e.g., discuss it with the complainant, try to find out what the complaint is about and check whether a solution can be found, there is the risk of the matter getting bigger and bigger.

Supervisors have overriding authority, unlike Confidential Advisers, Study Advisers, or the Complaints Committee. They can actively contribute towards solving problems (when a solution is possible). They can act as mediators, have discussions and, where necessary, take measures. Supervisors are expected to be open to signs, take complaints seriously and act accordingly.

Leadership

Not only do many interviewees believe that the supervisors should play a role in handling complaints, they also note that there is uncertainty among supervisors about their responsibilities, roles and functions in complaints regarding social safety. It would help supervisors if it is clear what they are expected to do when such complaints are made.

According to many, fulfilling a supervisory role is seen as 'ungrateful work'. Mention is made of academics primarily being interested in research, and to a lesser extent, in lecturing. Moreover, having a supervisory position usually is related to performing in a particular position. Incidentally, the *Recognition and Appreciation* project (project *Erkennen en Waarderen*) was mentioned on several occasions. The project aims to achieve a wider form of recognition and remuneration of academics, taking into

³ See <https://www.UniversityofAmsterdam.nl/shared-content/subsites/extranet/nl/a-z/sociale-veiligheid/sociale-veiligheid.html>

⁴ See <https://www.UniversityofAmsterdam.nl/shared-content/studentensites/UniversityofAmsterdam-studentensite/nl/az/sociale-veiligheid/sociale-veiligheid.html>

account individual performance in the field of research, as well as in education, impact and leadership.

Moreover, interviewees pointed out that a supervisory position in general is only held for a limited period by that same individual. Every few years, positions are rotated, as a result of which there is no continuity, making it hard to build up a 'memory' of matters addressed (in that particular position).

The question was asked whether those appointed to supervisory positions are appropriately equipped for that task. Academics are extremely good in their field, and they are ambitious. However, being a leader requires something else, namely, collaborating, preserving unity and managing others. In the opinion of several interviewees, there is a lack of sufficient awareness that academics are not necessarily suited for management positions.

Interviewees mentioned that there had been insufficient attention for the leadership qualities of academics over the years. The need for career development was mentioned, as well as offering training courses to people in management positions. In this context, reference is made to the leadership track that was set up in 2018, that is available to academic staff top down and that is highly appreciated. At a later moment, this track will be offered to a wider group within the university.

A number of interviewees indicated that leadership must be professionalised, which means, among other things, that supervisors:

- must be given tools for picking up signs regarding social safety issues in an early stage;
- must be given tools for increasing awareness of their responsibilities as supervisors and strengthening their legal competency;
- must be taught to give and receive feedback;
- must be assisted when an investigation is required in the context of a complaint in the field of social safety;

- must be assisted in increasing understanding and awareness of the aspects creating social safety.

Some of the interviewees indicated that a 'centre of expertise' within the University of Amsterdam should be in place where it concerns social safety. This centre of expertise should have expertise about the supply of courses, training sessions and the procedures and possibilities in terms of social safety.

Investigation

Interviewees pointed out that it was important to have the option of an independent (external) investigation into a complaint. Not only should there be the option of filing a complaint with the Ombuds Officer (see **Chapter 4**), but also of engaging an external investigator.

In that context, the Committee refers to the National Ombudsman⁵ who states the following in respect of complaints by citizens against the government:

"The investigation (...) focuses on finding out the facts that are relevant and necessary to take a position on the complaint. First of all, it is about establishing what has happened (...) The investigation by itself can already have a mitigating effect on the conflict. If the citizen can see that a thorough investigation is conducted and if good reasons are given for the position taken, they will more easily accept the resolution. Therefore, it is important that the citizen is also kept informed during the investigation about the steps taken and the status of the investigation."

Hierarchy, inequality of power, culture

Many of the interviewees focused on the hierarchical relationship within a university and the associated inequality of power, and the existing risks in terms of a lack of social safety.

⁵ See *Ombudsvisie*, p. 34

They also drew attention to the inequality of power between students and lecturers, employees working on a parttime basis or on the basis of a temporary employment contract and their managers, and between PhD students and their principal supervisors. A number of the interviewees identified the PhD students as the most dependent, and therefore the most vulnerable group. In the opinion of many of the interviewees, there is in general insufficient awareness of the level of inequality of power and of the importance and impact of the use of power which may result in inequality of power and people feeling unsafe. In this context, reference is made to the need for an adequate system of checks and balances.

In the eyes of many interviewees, there is a high level of (informal) hierarchy, without the associated responsibilities. Connected with the informal hierarchical structure, they mentioned the culture within the University of Amsterdam. According to the interviewees, there is an image of the University of Amsterdam being a progressive university with open relationships and relative equality. At the same time, both staff members (including supervisors) and students sometimes desperately hang on to procedures and formalities. According to the relevant interviewees, this formal attitude resulted from a lack of trust, safety, mutual appreciation and empathy.

Some mentioned a blame culture, in which you cannot make mistakes or errors without this having consequences. This leads to people being cautious in discussing other people's mistakes or errors. The wellbeing and productivity of students and staff alike could benefit from people confronting one another with their behaviour in an approachable way.

It was noted that some faculties tended more to stick to procedures and hierarchy. Not only does that apply to staff members, but also to students and representatives of both groups.

In the experience of some interviewees, the University of Amsterdam is more in the public eye than other universities. This may have to do with the

size of the University of Amsterdam and with the fact that it is situated in the capital. Another factor mentioned was that there is more politically-driven activism at this university than at others. All of this causes, according to the interviewees, strategic behaviour and a tendency to pin responsibility on others.

Willingness to file complaints and perseverance

Interviewees regularly pointed out that complainants (students and staff members) decide against discussing or pursuing a complaint about socially undesirable behaviour. Sometimes, a Confidential Advisor is informed of a complaint, but the complainant then decides against discussing the complaint with a lecturer or supervisor or presenting it for assessment to the Complaints Committee (and now also, the Ombuds Officer).

The following reasons were given for this reticence:

- there is fear of abuse of power, the complainant assuming that the person against whom the complaint is made (i) can negatively affect the complainant's career (within the University of Amsterdam or elsewhere), and (ii) will actually do so;
- there is fear of being considered a nuisance, which is associated with the competitive environment within the University of Amsterdam;
- the complainant feels ashamed that he/she has a problem or needs help;
- the complainant is uncertain as to whether the behaviour really is inappropriate, thinking that the complainant perhaps does not see it correctly;
- there is the conviction that, if a complainant informs an officer with overriding authority of a complaint, the latter will not register the complaint and/or will fail to handle it, or handle it inadequately;
- in respect of the procedure before the Complaints Committee, there is the idea that the

procedure is 'very time consuming'⁶ and that a decision finding the complaint well-founded does not ultimately offer a solution, in respect of which it is noted that only a very small percentage of the cases handled were held to be well-founded.

Those who attribute the reticence to pursue a complaint to fear, suggested that such fear could be overcome by creating the option of filing a complaint anonymously (see more below).

Complaint registration

A number of interviewees pointed out that there are reservations about registering complaints.

If complaints are not registered (and not pursued by the complainant), they will be lost, and patterns will become less easily visible, if at all.

Some interviewees, who have a formal role in the social safety system, indicated that they felt the need for a central hotline where information (on complaints) is gathered. Some interviewees suggested that the (external) Hotline for Undesirable Behaviour within the University of Amsterdam, which was opened a few months ago by the University of Amsterdam be set up as a permanent facility.

In that context, the Committee refers to the *Ombudsvisie* which distinguishes between two main aims of complaints handling, namely:

- pointing the way for the complainant⁷; and
- learning from complaints for the future.

In respect of learning from complaints, the National Ombudsman stated the following:

"For a maximum learning-effect from complaints, it is important that the organisation registers the complaints received in such a way that some-

thing really can be learnt from them. This pertains not only to complaints within the meaning of the Dutch General Administrative Law Act, but also to each and every expression of dissatisfaction. (...) A government organisation must regularly analyse all expressions of dissatisfaction and do something with the outcome of those analyses."

"When a lot of complaints are received about a particular subject, it means that there may be room for improvement. However, a single complaint can also be an important signal about what can possibly be improved upon within the organization. Alertness is important in this respect, as well as giving positive reaffirmation to employees who are on the right track. For it is not only the complaint handler or the board and the management that can learn from complaints, all employees within an organization do so. Therefore, it is also important to look at each case to see who actually can learn something from the complaint in question. This may be the employee in question, or their direct colleague; but also the colleague who drew up the policy that was incorrectly interpreted by the employee in question." ⁸

Anonymity

During a number of interviews, the wish was expressed to create an option for filing complaints anonymously. In respect of complaints regarding social safety, the identity of the complainant should be protected from the person about whom the complaint is made.

Some distinguish between the various tracks. They deem the option of anonymity advisable, but make an exception for the procedure before the Complaints Committee. In that procedure, it should at best be possible to hear the complainant and the person about whom the complaint is made separately. The current procedure does not have an official provision for this⁹. Moreover, in the leadup to

⁶ Committee: according to information from the Complaint Committee' chair, the lead-time of a complaint on average takes six to seven months

⁷ The *Ombudsvisie* mentions here: citizen

⁸ See *Ombudsvisie*, 3.3, p. 18

⁹ The chair of the Complaints Committee has stated that, although the starting point is that the complainant and the person against whom the complaint is made

the moment at which an official complaint is filed, the complainant should have the possibility of seeking confidential assistance.

It was pointed out that the downside of anonymity is that the complaint becomes less specific. After all, the problem to which the complaint relates can only be discussed in such situations in general terms in order to prevent disclosure of the complainant's identity. In a meeting further to an anonymous complaint, a supervisor can give less explicit feedback.

Small organisational units

A number of interviewees noted that the risk of socially unsafe situations arising in the close subculture of small, isolated organisational units is higher than in bigger units. In a close subculture socially undesirable behaviour can, when there is insufficient response, become part of a 'normal behavioural pattern'.

Conflict of interest

Some interviewees with a background in C&R pointed out that there are lecturers who, in addition to their job at the university, also work on a commercial basis or have interests in their field of expertise. In the opinion of the interviewees, this sometimes results in lecturers allowing their commercial interests to influence their efforts for their university work. This is perceived as a problem by the interviewees from the perspective of social safety. One interviewee mentioned that it would be better if the position of programme director within C&R were held by someone without connections in the professional field.

Diversity and inclusion

Social safety was linked by a number of interviewees to diversity and inclusion. It was noted that social safety is a prerequisite for inclusion and belonging, and that diversity and inclusion also are a prerequisite for social safety. From faculties, it was

indicated that similar aspects play a role in social safety and diversity and inclusion, such as a lack of awareness about the experience and impact of inequality of power.

The need for diversity among the staff members (including supervisors) and the curriculum was pointed out, and the need for sensitivity and experience to coach staff members and students. A number of times, interviewees mentioned that diversity among officers with responsibility for social safety could lower the threshold for filing a complaint.

It was also noted that policy and facilities in the field of social safety, diversity and inclusion at the University of Amsterdam are relatively new and that their implementation is still a work in progress. It would be advisable to make available training sessions within the University of Amsterdam in these fields, geared towards the academic environment. In this context, reference is made to the supply (in the field of diversity and inclusion) that is already available from the *Chief Diversity Officer (team)*. Policy and facilities in the field of social safety on the one hand and diversity and inclusion on the other hand could be harmonized.

Decentralised organisation

Many of the interviewees made a link between the University of Amsterdam's decentralised organisation and social safety. They pointed out that the deans and unit heads have quite a lot of autonomy. The Board is responsible for the social safety policy. The responsibility for the implementation of this policy and the application in individual cases is vested in the faculties and the units.

A few interviewees indicated that the policy is not unambiguously applied, but that the dean the unit head determines how it is applied. Where subjects exceeding the boundaries of the faculty or unit are concerned, such as social safety, unambiguity and clarity are important.

be heard at the same time, the Complaints Committee in practice offers room for hearing them separately, provided that it is ensured that both sides are heard

and the person against whom the complaint is made consents to this.

One or two interviewees indicated that the system monitoring the implementation of the social safety policy was inadequate to allow for conclusions to be drawn as to whether the University of Amsterdam actually is a socially safe environment.

The Committee added to this that the Board has given the dean and unit heads a mandate. The mandate entitles them, put succinctly, to do whatever is necessary for and on behalf of the Board, in accordance with legislation and regulations, and with due observance of the internal rules of the University of Amsterdam. The mandate is not private, i.e., the Board also remains authorised to exercise the power mandated.

Chapter 2 The FH case

Introduction

This chapter first addresses the way in which the C&R masters' programme and the B&P specialisation are structured. It contains a timeline outlining the events in the FH case between 2014 and 2020. The timeline is followed by an evaluation of how the social safety system functioned in the case at hand. Last but not least, the Committee gives an answer to the question.

B&P background

Some 6000 to 7000 of the approximately 34000 students at the University of Amsterdam follow a programme at the Faculty of Humanities.

Within the Faculty of Humanities, there are eight departments which in total cater to 36 masters' programmes, including C&R. Within C&R, there are ten specialisations, including B&P.

C&R is unique in the world, not least thanks to the collaboration with the *Rijksdienst voor Cultureel Erfgoed*. C&R combines knowledge and practice. The programme attracts a lot of foreign students; the language of instruction is English. The programme contains a lot of practical classes and the students and lecturers work closely together. As a rule, there are no more than two or three lecturers associated with B&P.

Every other year, a new group of students is admitted to B&P. Admission takes place after a strict selection procedure. After a preselection based on online tests, a motivation letter, CV and a portfolio of the student's work, an initial selection is made. The remaining candidates subsequently have to pass handicrafts tests and follow two days of practical training. At the end, an interview is held with a selection committee during which the results of the various tests, the application, the candidate's attitude, progress and the quality of the work performed is discussed. For each group (i.e., every other year) four to six students are admitted to B&P.

After successfully completing the two-year masters' programme, students can apply for a two-year Advanced Professional Programme (**APP**), teaching them to become professional curators. The B&P lecturers determine whether or not a candidate with a master's degree is admitted to the APP.

After the first year there is no obvious contact between the B&P students on the one hand, and other students of the UvA on the other hand.

The Faculty of Humanities has its facilities spread among eleven sites in the city, ten of which are in the city centre and one of which, the C&R (and therefore B&P) facility, is in Amsterdam-Zuid (in the vicinity of the Rijksmuseum). Officers involved in social safety almost all have their offices in the city centre.

The FH case timeline

In summary, the FH case is about the performance and behaviour of a lecturer in the B&P programme (the **Lecturer**) over the course of a number of years.

The Committee has not focused on retrieving the facts that are necessary to be able to take a position on the substance of the complaints by the B&P students regarding the Lecturer's behaviour. For that reason, the Committee has not talked with the Lecturer.

The investigation of the Committee focuses on how the B&P students and (officers of) the University of Amsterdam handled the complaints until the article in question was published in *NRC Handelsblad*. The following timeline contains the events, which in the eyes of the Committee members are relevant in this context.

2014

The investigation of the Committee started with a six-page letter written by four B&P students (the **2014 Letter**). The 2014 Letter was addressed to

the then programme director and pertains (stated succinctly) to complaints about the capacities of two lecturers in terms of teaching skills and subject matter, including the Lecturer. That letter also contained five specific complaints about the atmosphere in the Lecturer's classes. About that atmosphere, they wrote, among other things:

"In the classes by [the Lecturer, added by the Committee], there is an atmosphere discouraging input from the students, students with a critical attitude or authors of studies to which students refer getting attacked personally. That has resulted in a situation where four students, who initially were highly motivated and eager to learn, now reluctantly work on their theses and no longer have faith in their own strengths" and "Remarks are being made to students about other students without them being present. In other ways, too, students are placed in uncomfortable situations."

Further to the 2014 Letter, the then programme director took action. The team was changed, the contract of one of the lecturers was not renewed and another lecturer (a woman) was hired. Moreover, changes to the curriculum were implemented. Insofar as the Committee has been able to verify, the 2014 Letter was not discussed with the Lecturer, not included in his employment file and not discussed with the then C&R capacity group chair.

2016

Late 2016, another student discussed the behaviour of the Lecturer with a study advisor. The student complained about things including favouritism, bullying, inappropriate touching and improper remarks.

Around that time, the study advisor also talked with two of the students who had co-written the 2014 Letter. These students described a situation in class that largely corresponded to the complaints of the student referred to above, and they indicated that that was what they hinted at in their letter under the heading 'atmosphere in the class' set out above.

With the student's permission (and without revealing her identity) the study advisor discussed the case with the programme director (at the time programme manager) and the C&R capacity group chair. The study advisor believes that he also mentioned his talk with the students who had written the 2014 Letter.

The study advisor moreover indicated that he had discussed the case in full (so not solely in respect of the inappropriate touching), at any case with the programme manager and possibly also with the C&R capacity group chair. The C&R capacity group chair stated that only the inappropriate touching had been mentioned.

The Lecturer was confronted by the C&R capacity group chair in general terms with the complaints. Reference was only made to the inappropriate touching, without a further explanation as to what this entailed, and without any sign that it also concerned other forms of undesirable behaviour. The Lecturer acknowledged that he easily tended to have physical contact, but also indicated that he had no bad intentions. The Lecturer was told that touching is never acceptable.

Insofar as the Committee has been able to verify, no mention was made in the Lecturer's employee file of the fact that a conversation with the Lecturer had taken place, or the matters discussed. The complaints were not discussed with a higher-ranking manager or with the HR department of the Faculty of Humanities.

The student, who initially contacted the study advisor, kept in touch with him. She informed him in February 2017 that touching by the Lecturer no longer occurred at that time, but that his (undesirable) behaviour otherwise had not changed. The study advisor presumes that he shared this information at the time with the then programme director and the C&R capacity group chair. The C&R capacity group chair's recollection is that around this time the study advisor indicated that touching stopped, without registering other complaints.

2018

During a graduation ceremony for B&P students in October 2018, the Lecturer held a speech in the presence of the graduates and their relatives and friends. Within two weeks of the speech, a number of complaints were filed by those graduates, and also by their relatives. The Lecturer was blamed for saying negative things about the graduates during the graduation ceremony, and stereotyping them where it concerned their nationality. The Lecturer was confronted with the speech by the then C&R capacity group chair and the new programme director, who had taken up his position in May 2017. The Lecturer did recognize himself in the picture painted.

In November 2018, three of those graduates sent a letter to the programme manager, setting out their complaints about the Lecturer's speech (the **2018 Letter**). They also stated that, in their view, the faculty should ensure that present and future students be treated fairly.

In December 2018, the Lecturer sent the graduates an apology by e-mail.

In the annual interview held with the Lecturer in May 2019, the speech was brought up. As the report of the annual interview was put in the Lecturer's employee file, what was discussed regarding the speech ended up in that file too.

Further to the unrest about the speech, the programme manager contacted B&P alumni at the end of 2018 (six of the fifteen alumni who graduated between 2011 and 2017) to get an idea about the Lecturer's behaviour. The programme manager prepared a brief memo about this (two pages).

January – April 2019

In the beginning of January 2019, the C&R capacity group chair, the faculty's HR department (**FH HR dept**) and the programme director received a draft of the memo of the programme manager further to the conversations she had had with the alumni.

On 12 March 2019, the programme director handed the file over to the C&R capacity group chair, due to personal circumstances. The next day, he shared the memo and the annexes with the FH HR dept. The next day, the head of the FH HR dept and the C&R capacity group chair had a meeting and informed the FH dean. A few days later, (on 19 March 2019), the C&R capacity group chair and the FH dean discussed the case. The dean received a copy of the memo with annexes.

On 1 April 2019, the FH dean received a letter dated 28 March 2019 (the **2019 Letter**) from two B&P students (the **Complainants**). The 2019 Letter contained the complaints about the unprofessional and unacceptable behaviour of the Lecturer, as they saw it, substantiated by nineteen detailed examples. They pointed out that the Lecturer had been able to behave this way for years, because the direct circle around the Lecturer had never taken action, despite earlier complaints, and because previous classes had not dared express themselves (in full), fearing repercussions. The Complainants indicated that they presumed there was no official complaints procedure in place at C&R, as there was no file of complaints against the Lecturer by students from previous years. They explained the significant dropout rate among B&P students due to the situation at B&P. The Complainants wrote that they were going to submit the case to FH dean, so that the complaints would no longer be confined to the close C&R environment, and would be handled according to the university codes. They wrote that they suspected that the Lecturer's interests were better looked after than the students' interests and that problems had been swept under the carpet. They believed that this should be recognised as a failure on the part of the faculty. This failure should, in their eyes, be remedied, by conducting a thorough and independent investigation into the behaviour of the Lecturer and by taking appropriate measures. They indicated that they believed that the Lecturer's employment contract should be terminated, and that he should be replaced by an inspiring, qualified and professional lecturer. The letter was accompanied by a

brief statement dated 1 April 2019, which was signed by the Complainants and five other current and former B&P students (from the 2012 and 2016 classes), supporting the request for a confidential and independent investigation into the Lecturer's behaviour.

The FH dean immediately invited the Complainants for a meeting and indicated that their fellow students were also welcome. The meeting took place on 5 April 2019. This meeting was solely attended by the Complainants and the FH dean; no meeting report was drawn up. The FH dean informed the Complainants on 8 April 2019 that he was going to talk to the Lecturer.

The FH dean spoke the Lecturer on 9 April 2019 in the presence of the C&R capacity group chair and the head of the FH HR dept. In the first instance, the Lecturer did not recognise himself in the picture painted.

On 12 April 2019, the FH dean sent the Complainants information regarding the complaints procedure in place at the University of Amsterdam. He also let them know that he had talked to the Lecturer and that the C&R capacity group chair was going to have follow-up meetings with the Lecturer. Moreover, he indicated that he had requested the C&R capacity group chair to keep in touch with the Complainants.

On 15 April 2019, further to the meeting, the FH dean gave the Lecturer a written warning, which was included in the employee file. This warning states that all the information that he had received taken together was serious and could be interpreted as undesirable behaviour, both regarding physical contact or physically coming too close to others and regarding discriminatory, stereotyping and sexist statements. It also mentions complaints about the quality of his teaching and the interaction with students during classes. It confirms that the Lecturer indicated that he did not recognise himself in the picture painted, that he was not aware of his behaviour having such effect and that he definitely

did not have the intention to treat students inappropriately. It states that such behaviour is never acceptable. The Lecturer was asked to reflect on his behaviour and the way in which his behaviour is or can be experienced by students. It also states that the Lecturer must be cautious in his contact with students and must refrain from any behaviour that may be experienced as undesirable or unsafe. It furthermore states that specific agreements would be made about improvements and changes in the interaction with students and the quality of teaching, offering the Lecturer to get a coach, if he so wished. The Lecturer continued to teach the students in the initial masters' programme and supervise their theses. He also taught the APP students the only class that he was assigned.

On 20 April 2019, the FH dean explained by e-mail the functioning of the complaints procedure to the Complainants, and drew their attention to the possibility of seeking advice from the confidential advisors. He asked them to forward any earlier complaints to him.

On 30 April 2019, a follow-up meeting with the Complainants was held at the request of the FH dean. That meeting was also attended by the faculty's executive secretary to the Board; again no meeting report was drawn up. Both the FH dean and the Complainants experienced this second meeting as unpleasant.

The FH dean advised the Complainants in both meetings to lodge an official complaint with the Complaints Committee so that it could be carefully investigated, using the principle that both sides be heard.

May – December 2019

On 15 May 2019, the Complainants forwarded the 2019 Letter by e-mail to the Board, accompanied by a three-page explanation dated 11 May 2019 (the **EB Letter**). In the explanation, the Complainants complained, among other things, about how they experienced the behaviour of the Lecturer, and stated why they did not see any good in filing

an official complaint with the Complaints Committee. They also indicated that they were dissatisfied and concerned about the way in which their complaints had been handled so far. Last but not least, the Complainants stated that they felt that they had exhausted all options to come up with a solution and that they had to resort to exploring alternative routes. However, they did not want to do so without notifying the Board.

On 16 May 2019, the FH dean informed the Complainants in writing about the status of their complaint, as stated earlier in the conversation on 30 April 2019 that he had had a meeting with the Lecturer and that the report was included in the Lecturer's employee file and that agreements had been made with the Lecturer during that meeting. He emphasised again that the procedure before the Complaints Committee was the appropriate route to take for this kind of situation. In that context, he pointed out that there was a one-year period during which a complaint can be filed with the Complaints Committee. He also indicated that it was worrying that neither he nor his predecessors at the time were aware of earlier complaints. He therefore stated that he was going to instruct a former faculty dean to analyse the positioning of C&R within the faculty and that he would also provide both complaints from 2014 and 2019, in anonymous form. He asked them to contact him if the Complainants had any questions or remarks, and to let him know whether they were going to file an official complaint. The Complainants did not reply to this message. The FH dean forwarded the message to the Complainants on 16 May 2019 to the Rector Magnificus for his information.

On 23 May 2019, the Board replied to the EB Letter. Among other things, the Board drew attention to the importance of a safe working and learning environment. The Board indicated that it had been informed by the FH dean of the fact that he took the complaints very seriously, that he had ordered an external investigation into the way in which C&R was embedded in the Faculty of Humanities and that he was keeping in touch with the Complainants. The Board invited the Complainants to inform

the Board if they felt that the University of Amsterdam had not correctly handled their concerns.

On that same day (23 May 2019), the Complainants replied that they were dissatisfied with the way the FH dean had handled their complaint and that they wanted an independent investigation into the behaviour of the Lecturer. Again, the Complainants stated that they were going to explore alternative routes, unless the University of Amsterdam was to have such investigation conducted.

On 6 June 2019, the Board replied, informing the Complainants that it would ask the Complaints Committee to investigate their complaints, including the complaint about the way in which the FH dean had handled the complaints.

On 12 June 2019, a staff member of the Board forwarded the e-mails exchanged between the Board and the Complainants to the secretariat of the Complaints Committee. That e-mail stated that the Executive Board would like to receive advice from the Complaints Committee about 'the complaint of the students mentioned below'.

On 2 July 2019, the secretary of the Complaints Committee sent the Complainants confirmation of receipt of their complaint dated 15 May 2019, which was sent via the Board. It confirmed that the FH dean would be asked to respond to the complaint. The Complaints Committee also asked whether the Lecturer should be informed. The Complainants were asked to let the secretary know when they would be available for a hearing in August 2019. Finally, the secretary of the Complaints Committee also stated that the working language during complaints procedures normally was Dutch, and that the hearing would be held in Dutch. The Complaints Committee also informed the faculty dean on 2 July 2019 of the complaints filed by the Complainants.

On 3 July 2019, the Complainants informed the secretary of the Complaints Committee that they had not filed a complaint with the Complaints Committee. They explained that they decided against this, because the Complaints Committee did not

deal with complaints older than one year, and because the Lecturer could significantly influence their job and publication opportunities. Last but not least, one of the Complainants indicated that, should the Board file a complaints against the FH dean, she might be prepared to act as a witness. In that case, she would first like to receive a copy of the complaint. On 5 July 2019, the secretary of the Complaints Committee forwarded its correspondence with the Board to the Complainants.

After a reminder dated 26 August 2019 from the secretary of the Complaints Committee, the Complainants again stated that they did not want to file a complaint with the Complaints Committee, but that they had asked the Board for an external investigation. They also indicated that they would not have any part in a complaint that they had not filed.

On 21 October 2019, the chair of the Complaints Committee notified the Board that the Complainants had written that they had asked the Board for an external investigation and that they were not prepared to cooperate in an investigation carried out by the Complaints Committee. The chair announced that, due to this, the Complaints Committee could not give advice, and asked the Board to consider that the nature of the complaint – in her opinion – justified engaging an external party. The chair of the Complaints Committee advised the Board to ask the FH dean to have a third party investigate the Lecturer and the safe social environment within the relevant division.

The Board forwarded the letter from the chair of the Complaints Committee dated 21 October 2019 to the acting Ombuds Officer, whose duties include advising the Board and carrying out independent investigations. Given her later advice, the acting Ombuds Officer understood that she was asked to give advice on the Complaints Committee's advice dated 21 October 2019 as to whether an (external) investigation should be ordered. The Board did not inform the Complainants of the fact that it had involved the acting Ombuds Officer in the case.

On 5 November 2019, the acting Ombuds Officer contacted the Complainants via e-mail and one of the other students who had supported the request for an investigation. Two individuals did not respond to the e-mail; a third person – one of the Complainants – stated that he/she was prepared to cooperate in any investigation, but that he/she no longer lived in the Netherlands. The acting Ombuds Officer did not try to contact the relevant Complainant any more about the FH case. The acting Ombuds Officer did, however, talk to the FH dean in that period.

Based on the conversation with the FH dean, the 2019 Letter and the Complainants' explanation of May 2019 to the Board, the acting Ombuds Officer advised the Board on 27 December 2019 that it should not proceed with a further investigation as advised by the chair of the Complaints Committee, because an investigation had recently been conducted, which, according to her, did not show any structural or systematic social safety problems. Moreover, the acting Ombuds Officer concluded in her advice that the problem regarding the relevant lecturer was known, had been recognized and that action was being taken to solve the problems. The acting Ombuds Officer finally stated that she had not managed to get any cooperation from the students, other than a promise to do so from someone who lived abroad and did not have any further affiliation with the University of Amsterdam. The Committee presumes that the latter means that the person who promised to cooperate no longer studied at the University of Amsterdam.

2020

On 8 January 2020, the Board adopted the recommendations made by the acting Ombuds Officer, decided against any further investigation at that moment and informed the FH dean accordingly. The Board did not inform the Complainants.

The *NRC Handelsblad* dated 12 June 2020 featured a long article about the FH case.

Assessment

Before the Committee can answer the question set out in its brief, it notes the following.

The social safety system has not been sufficiently effective

For at least six years, several B&P students sought contact with officers in the social safety system and expressed their dissatisfaction about the learning environment which they experienced as unsafe. They did not feel sufficiently heard or acknowledged.

It should be noted that there definitely were officers within the University of Amsterdam who took the complaints seriously and who tried to help the students. These officers, however, were not in a position to change the course of the FH case.

The system was not sufficiently able to distinguish and take cognizance of the different aspects of a socially unsafe environment in the complaints made by the students. As of 2014, the students complained, in essence, about the learning environment, which they felt was unsafe. In the 2014 Letter they complained about the atmosphere in the class, including the fact that they had lost faith in themselves, that they did not dare ask the Lecture questions and about students being played off against each other, in addition to the complaints about the capacities of lecturers in terms of teaching skills and subject matter. As of 2016, they also complained about sexually-tinted behaviour.

There were responses and interventions on a few occasions. The team of lecturers, for example, was changed, and the curriculum adjusted further to complaints about teaching skills, and the Lecturer was told, further to the complaints about inappropriate touching, that he should refrain from touching students. Further to the speech in 2018, the Lecturer was told that he, put succinctly, should be aware of his position. However, there was insufficient awareness that:

- the complaints about the atmosphere in the class described above were not addressed by adjusting the curriculum;

- the refraining from inappropriate touching did not immediately remove the feeling of an unsafe environment in the situation where the group is made up of only a few students and they cannot distance themselves from the lecturer in question, with whom they have contact on a daily basis;
- an e-mail with apologies from the Lecturer, without any official response from the system, does not make the feelings of an unsafe environment disappear.

Inadequate complaints registration

Senior students told the new students about their experiences with the Lecturer. As a result, the complaints by the students were seen in the light of complaints from previous years and not considered as individual complaints. When the Complainants realised that there was a history regarding the complaints, they decided that they had to protect future students from an unsafe learning environment, as they experienced it.

At the Faculty of Humanities, complaints were insufficiently registered, as a result of which later complaints were not or hardly ever linked to complaints from previous years.

Inadequate communications

The Complainants were not aware of the social safety system and the information that was or was not registered, including the names of those who had particular information. They presumed that all complaints were registered centrally.

The acting Ombuds Officer did not talk with the Complainants before she advised the Board not to pursue an investigation (by an external party).

The Board did not communicate any more with the Complainants after it had handed over the matter to the Complaints Committee and the acting Ombuds Officer, respectively.

The Complainants were not taken sufficiently seriously regarding the scope of their complaint

The 2019 Letter was written by two students and was endorsed by five other former and current B&P students. Two complainants does not seem like a big number, but as a percentage of a B&P year, it is. With the support from other years, and the reference to earlier complaints, serious consideration of the possibility that the problem with the Lecturer was structural should have been taken.

Only days after the publication of the article in *NRC Handelsblad*, it became apparent that the Complainants were not alone where it concerned the complaints. On 18 June 2020, 71 alumni of the C&R programme sent e-mails to the FH dean, in which they stated that they recognized the picture of the Lecturer painted in the newspaper. They indicated that many of them had had similar experiences with the Lecturer and that there was, in their opinion, a culture in C&R and at the University of Amsterdam in which students who exposed abuses were not adequately heard.

Two worlds with subjective experiences

The Committee discovered in the FH case two worlds with different subjective experiences.

On the one hand, the world of the students who felt subjected on a daily basis to a lecturer teaching a programme with very few students on whom they felt very dependent and whose behaviour was experienced as unsafe.

On the other hand, the world of role and responsibilities, formal structures with rules and protocols, and a legal assessment (under employment law) of the body of facts.

In the FH case, no bridge was built between those two worlds.

Answer sought

The answer sought is whether the FH dean and the Board responded with a sufficient level of alertness and care in the FH case.

The Committee understands the term 'alert' in the sense of being vigilant, attentive and prepared to take action. It understands the term 'careful' in the sense of being accurate and precise.

Has the FH dean responded with a sufficient degree of alertness and care in the FH case?

The answer to the question of whether the FH dean has responded with a sufficient degree of alertness and care, must be answered on the basis of what he knew on 1 April 2019 (the date on which he received the 2019 Letter) and what he learned in the months later on.

Little has been logged in the FH case, and the memories of the officers interviewed who were involved in the casus do not match very well. Based on the statements made by the persons interviewed, the Committee is unable to determine the exact course of affairs.

Based on its investigation, the Committee has formed the following opinion on the actions of the FH dean in the FH case:

- a. The FH dean has responded with a sufficient level of alertness. He has considered that the complaints set out in the 2019 Letter were serious enough to respond upon receipt thereof on 1 April 2019. Almost immediately, he invited the Complainants for a meeting. In a short time-span, he had two meetings with them and he took measures which, in his eyes, were adequate and in order.
- b. The Committee cannot answer the question of whether the FH dean has responded with a sufficient degree of care (in the sense of being accurate and precise). After all, there is no assessment framework of adopted procedures for handling complaints by supervisors.

The Committee also notes the following.

In the opinion of the Committee, the FH dean has insufficiently demonstrated that he was concerned about the social safety of the B&P students. Based

on the mere contents of the 2019 Letter and the initial exploration of the complaints with the Complainants and the Lecturer, the FH dean should have ordered an independent investigation, out of care for the wellbeing of all those involved (students, upcoming students and the Lecturer), discovering the facts that were relevant and necessary to be able to take a position about the complaint. It would have been obvious to discharge the Lecturer completely from his teaching duties pending the investigation.

Without such an investigation, the FH dean has taken a position about the complaints and has responded to that as described above. By intervening without an investigation, he has taken the risk of failing the Lecturer or the Complainants (and other former and current B&P students).

The FH dean has stated that part of the reason for his response was that he was also responsible for the Lecturer and was convinced that the Lecturer could change his behaviour and was entitled to a second chance.

Whatever the case may be, the actions of the FH dean offered a response to the 2019 Letter, but not to the underlying problem described by the Complainants in terms of a socially unsafe environment.

The FH dean referred the Complainants several times to the Complaints Committee assuming that the Complaints Committee – by hearing both sides of the case – could investigate the substance of the complaints and that he could take further measures only on the basis of the final decision in the procedure before the Complaints Committee.

Apart from the fact that the Complainants did not want to file a complaint for the reasons specified by them, the assumptions of the FH dean are incorrect. The Complaints Committee can only investigate matters to some extent. The Complaints Committee cannot force third parties to cooperate in the investigation and even cannot force those against whom the complaint is made to put up a defence. The Complaints Committee cannot independently

conduct an investigation within the organisation. In practice, it hardly ever hears witnesses and actually never hears experts. The question of whether and if so, how, certain facts can be proven is discussed at the hearing, but may not be answered if the two parties claim the opposite. In such a case, the Complaints Committee is unable to establish the facts.

In the 2019 Letter, the Complainants did not limit themselves to stating their complaints; they also specified the response they expected to get from the FH dean. Such a 'boarded up' approach involves a risk. Not only may it give the complaint handler the impression that he has no scope to word a response of his own, which can invoke a counterresponse, it may also obscure the complaints somewhat. In addition, the Complainants did not want their identities to be disclosed to the Lecturer, for the reasons specified by them. The Committee appreciates that the foregoing may have made it harder for the FH dean to find a solution, but it should not have kept him from ordering an independent investigation.

Has the Board responded with a sufficient level of alertness and care to the FH case?

In principle, the Board has no role in handling complaints within a faculty. Therefore, it was not up to the Board to give an opinion on the complaints about the Lecturer's behaviour.

The complaints set out in the EB Letter sent by the Complainants to the Board about how the FH dean had handled the complaints, however, are a matter to be reviewed by the Board.

As for the response of the Board to the EB Letter, the Committee has the following judgment:

- a. The Board has responded with such level of alertness that it first has engaged the Complaints Committee and then the acting Ombuds Officer. However, the Board has failed to recognise that the measures taken earlier further to the complaints about the Lecturer could not directly change the feeling that there

was a lack of safety within the vulnerable setting of the small-scale B&P division.

- b. The Committee cannot answer the question as to whether or not the Board has responded with a sufficient degree of care (in the sense of being accurate and precise). After all, there is no assessment framework of adopted procedures for handling complaints by supervisors.
- c. Last but not least, the Committee notes that the topic of social safety is a moving target; it is subject to developments all the time within the University of Amsterdam. Over the past two years, the Board has taken many initiatives and a myriad of policy rules have been formulated and implemented, including:
 - the formation of the Social Safety Taskforce (September 2019);
 - the creation of the position of Ombuds Officer and the appointment of an acting Ombuds Officer (1 November 2019);
 - the creation of an external undesirable behaviour hotline at CAOP until 1 January 2021;
 - the publication of the Social Safety Guide for staff and the Social Safety Guide for students;
 - the adoption of the Code of Conduct of the University of Amsterdam (27 August 2020);
 - the inclusion of social safety education and training for supervisors among others;
 - the appointment of a social safety coordinator who is responsible for harmonising the various initiatives in the field of social safety (August 2020).

Chapter 3 The social safety system

Introduction

The Board has set up an extensive social safety system (see more details in **Chapter 1** under *Social Safety System* and *Social Safety Guides*).

This chapter addresses the question of how the University of Amsterdam can adapt the procedures for filing reports and complaints in such a way that it makes students and staff members feel safer and complainants feel adequately protected against possible detrimental effects of filing a complaint.

In this chapter, the Committee limits itself to adjustments that pertain to the official complaints system, as laid down in the *Social Safety Guides* for staff and students. Other bottlenecks within the social safety system have already been identified in **Chapter 1**.

It has become clear to the Committee that the bottlenecks in terms of social safety are found in particular in the official complaints procedures for which the Complaints Committee and the Ombuds Officer are responsible. In respect of the more informal procedures handled by other officers, such as the student advisor, and the confidential advisor the Committee has not been able to find any disadvantages – other than the explainable lack of overriding authority. The position of the Ombuds Officer will be addressed separately in **Chapter 4**.

Official complaints procedure at the University of Amsterdam

The University of Amsterdam has a complaints procedure in place, as prescribed in the Dutch General Administrative Law Act (**Awb**) and the Dutch Higher Education and Research Act (**WHW**). The Board has an obligation to ensure that complaints about behaviour in the University of Amsterdam are handled adequately. Title 9.1 of the Awb specifies the parameters for complaints handling by the Board.

For the purpose of complaints handling, the Board is supported by the Complaints Committee (see

more in detail in **Annex 4**), which makes recommendations to the Board pursuant to the complaint handling. In the end, the Board decides on the complaint and any conclusions to be attached to it. Where reference is made to the complaints procedure before the Complaints Committee, complaints are in fact handled by the Board, with the help of the Complaints Committee. This procedure was laid down in the 2018 Complaints Regulations.

Complaints Regulations

The Committee distinguishes the following bottlenecks for filing complaints in accordance with the Complaints Regulations:

- it gives the impression that complaints about behaviour that occurred more than one (1) year ago, are not handled;
- complaints can only be filed by students and staff members, rather than also by former students and former staff members;
- complaints cannot be filed by a person regarding behaviour against a third party;
- Dutch is the working language in the procedure;
- the complainant cannot file a complaint anonymously;
- the hearing assumes that the complainant and the person against whom the complaint is made will be simultaneously present at the hearing;
- the procedure before the Complaints Committee is in essence unsuitable for complaints in the field of social safety because of (i) the composition of the Complaints Committee, (ii) the limited possibility of investigation; and (iii) the lead-time to settle the matter.

The Committee will elaborate on these bottlenecks below.

Filing term

The Complaints Regulations offers scope to the Board to decide against dealing with complaints about behaviour that occurred more than one (1)

year before the complaint was filed. This discretionary power to handle older complaints is laid down in a similar way as in the Awb.

The chair of the Complaints Committee has explained that – in order to avoid arbitrariness – this one-year term is the starting point. A longer term can be used if the behaviour ended less than one year before the complaint was filed. That is not actively communicated. A short time limit can be a problem where the behaviour pertains to socially unsafe situations, in which case discussing such behaviour openly feels difficult. Moreover, the time limit may have been preceded by the complainant having sought contact with other officers.

Access to the complaints procedure

The WHW prescribes that a university complaints procedure must be available for complaints of *"current, future and former students, current, future and former external students."* The Awb uses the term *"anyone"*. The Complaints Regulations depart from that starting point by making the complaints procedure exclusively available to students and staff members. It may be worth considering making the procedure available for at least former students and staff members as well.

In addition, it is not possible under the Complaints Regulations for someone to file a complaint that pertains to behaviour towards another person. This is provided for in the Awb.¹⁰

Language

The official working language in the complaints procedure is Dutch. In practice, correspondence is in English, and English can also be used in hearings, but the reports, findings and opinions are solely available in Dutch.

At an internationally oriented university such as the University of Amsterdam that may be an impediment for international students, especially where it concerns sensitive subjects such as social safety.

If language is an impediment, the Awb allows for measures to remove that impediment where possible.¹¹ It makes sense to officially allow English as a second language in the complaints procedure or in any case to make available an interpreter or translator on a structural basis.

Anonymity

As a rule, legal proceedings are not conducted on the basis of anonymity. This starting point understandably also applies to the procedure before the Complaints Committee. In exceptional circumstances, it may be advisable to protect the identity of the complainant by not disclosing it to the person against whom the complaint is made, as long as it is known to the Board and the Complaints Committee. However, caution is in order, to protect the person against whom the complaint is made and to guarantee the principle that both sides are heard. To date, such ad hoc arrangements have been made in individual cases; the Complaints Regulations does not provide for anonymity.

Hearing

The chair of the Complaints Committee has stated that, although the starting point is that the complainant and the person against whom the complaint is made be heard at the same time, the Complaints Committee in practice offers room for hearing them separately, provided that it is ensured that both sides are heard and the person against whom the complaint is made consents to this. The Complaints Regulations does not explicitly mention this option. With a view to protecting the complainant and the person against whom the complaint is made, it may be advisable in complaints regarding social safety to explicitly lay down that option or to take it as the starting point.

Procedure not suitable for each type of complaint

For a variety of causes, the Complaints Committee is insufficiently equipped to handle complaints about social safety. Causes mentioned are (i) the

¹⁰ See Section 9:1 Dutch General Administrative Law Act

¹¹ See Section 2:6(2) Dutch General Administrative Law Act

composition of the Complaints Committee, (ii) the limited possibility of investigation; and (iii) the lead-time to settle the matter.

The Complaints Committee is made up of an independent chair, someone representing the Board and, depending on who the complainant is, someone representing the Central Works Council or the Central Student Council. The Complaints Committee does not have any experts in the field of social safety, such as psychologists or someone with specific expertise in the field to which the complaint pertains. To date, the services of these experts are only used in individual cases; laying down that option in the Complaints Regulations could make it easier to use the services of an expert.

The investigative options of the Complaints Committee are limited to the things put forward in the procedure by the complainant or the person against whom the complaint is made. The Complaints Committee cannot investigate other aspects on its own initiative, or at least there is no obligation to cooperate in such investigation, as is the case in procedures before the Ombuds Officer (see **Chapter 4**). This means that where, as can happen with complaints about socially unsafe situations, the complainant and the person against whom the complaint is made adopt opposite positions without any additional evidence being produced, the Complaints Committee cannot do anything but advise that the complaint is unfounded. The Committee refers to **Chapter 2** (under *Investigation*) and **Chapter 4** about the possibilities to conduct investigations.

Finally, it takes six to seven months to handle a complaint (the lead-time). It has to be explored whether an accelerated procedure is an option where this is prompted by the nature and gravity of the complaint.

Awareness of the complaints procedure

The Committee has indicated earlier that it has become apparent that students and staff members are insufficiently aware of the procedure before the

Complaints Committee. It refers to **Chapter 1** (under *Awareness of the social safety system and Communication*).

Recommendations

The Committee recommends that the Board, in collaboration with the (chair of the) Complaints Committee, adjust or supplement the Complaints Regulations and the Complaints Committee Regulations in order to overcome the bottlenecks described above.

It may be worth considering drawing up separate Complaints Regulations for complaints in the field of social safety.

Chapter 4 The Ombuds Officer

Introduction

On 2 July 2019, the Board decided to appoint an acting Ombuds Officer for students and staff members, who acts, in addition to fulfilling the duties of an Ombuds officer, as a coordinator for the filling of the position as of (by now) 1 January 2021. On 1 November 2019, the current acting Ombuds Officer took office. The acting Ombuds Officer performs the tasks under the Framework Ombuds Officer working method a.i..

The Committee answers the question as to whether the Ombuds Officer has a sufficiently independent position vis-à-vis the Board, on the basis of the Framework Ombuds Officer working method a.i..

The current positioning was assessed by conducting an exploratory investigation into comparable (statutory) rules for Ombuds Officers, title 9.2 of the Awb (*complaint handling by an ombudsman*), the Dutch National Ombudsman Act (*Wet Nationale Ombudsman*) and the National Framework for Detailing the position of university ombuds office (*Landelijk kader voor invulling universitaire ombudsfunctie*) which was recently published.

Interviews

Where the interviewees had an opinion about the role of the Ombuds Officer, they indicated that the Ombuds Officer should have additional worth as an independent person where people can file complaints about social safety within the reporting and complaints system of the University of Amsterdam. Inter alia the mandate to investigate complaints and the protection of the identity of complainants in the procedure have been mentioned as important pluses to the current system.

A number of interviewees noted that – not least given the performance of the acting Ombuds Officer in the FH case – it is extremely important that: (i) the Ombuds Officer be completely independent from the Board and the University of Amsterdam in general; (ii) the Ombuds Officer actually operates independently and impartially; and (iii) acts and

communicates with an adequate level of transparency.

Only a few interviewees indicated that the tasks of the Ombuds Officer compared to those of the other officers must be clearly laid down, so that the roles of all officers are clear.

Framework Ombuds Officer working method a.i.

The Committee notices in the Framework Ombuds Officer working method a.i. (*Tijdelijke werkwijze Ombudsfunctionaris*) the following impediments, making it impossible to adequately guarantee the independence of the Ombuds Officer:

- the appointment and resignation of the Ombuds Officer a.i. by the Board, without other bodies within the University of Amsterdam having a say in it;
- the direct reporting and accounting obligations towards the Board;
- the influence the Board can exert in respect of sharing the findings;
- the independent of an independent support staff.

In addition, the Committee can identify other elements in the Framework Ombuds Officer working method a.i. that prevent the Ombuds Officer from performing to the best of his/her ability:

- the limited access to the procedure, that currently is only available to current staff members and students;
- the limited scope of the procedure that focuses on matters of a structural nature, going beyond individual cases;
- ruling out the power to conduct an investigation, when other reporting centres and complaints bodies have already given a judgement;
- the lack of explicit protection of the position of the complainant and the person against whom the complaint is made in the procedure.

The Committee will discuss these impediments below, and will make a number of suggestions. In doing so, the Committee distinguishes between aspects that affect the independence and aspects that pertain to his/her performance in general.

Independence of the Ombuds Officer

Appointment and removal from office

An Ombuds Officer is officially appointed and removed from office by the governing body. At the University of Amsterdam, that is the Board. In itself, that is not uncommon. However, the Framework Ombuds Officer working method a.i. does not mention any procedure preceding the appointment and removal from office.

In order to increase support for the Ombuds Officer within the University of Amsterdam and to ensure the independence of the individual holding the office of Ombuds Officer, a selection procedure could be set up in which (representatives of) various bodies within the University of Amsterdam have a (n equal) say. Moreover, clear rules on the appointment could be included, such as specific qualities the Ombuds Officer must have or incompatibility with particular (former) positions.¹²

Even if the Board intended to remove the Ombuds Officer from office, discussing this with the above group could be a prerequisite. That removes any doubt that the Ombuds Officer can be blamed for his/her recommendations or investigations. This is even more important if the Board itself is the subject of the complaint. Some regulations explicitly provide for that situation, by transferring tasks of the governing body. The Dutch National Ombudsman Act contains a full list of the grounds for removal from office.¹³

Reporting

The fact that the Ombuds Officer officially is appointed by the Board does not mean that the Ombuds Officer also has to report to the Board. That is now provided for in the Framework Ombuds Officer

working method a.i., which reporting obligation implies a certain degree of dependence. Other regulations, such as the Dutch National Ombudsman Act, do not contain that obligation. However, an obligation that is often imposed is that of producing an annual report.¹⁴

Report, publication and follow-up

The Framework Ombuds Officer working method a.i. states that certain results of investigations must first be presented to the Board. The Board subsequently has a say in which people are to receive a copy of the report. This is at odds with the independent and impartial role of the Ombuds Officer.

The Dutch General Administrative Law Act and other legislation provides for simultaneous dispatch of the findings of the Ombuds Officer to the governing body, the complainant and the person against whom the complaint was made. All those involved, including the Board, can give their views on the findings, for example, if there were actual inaccuracies. The final findings are determined by the Ombuds Officer.

Subject to confidentiality, the Ombuds Officer should be able to independently decide to publish the report. Insofar as it concerns recommendations or investigations pertaining to structural problems, publication is obvious.

The Framework Ombuds Officer working method a.i. does not provide for an obligation regarding follow-up and feedback on the recommendations made by the Ombuds Officer a.i., other than by the Board to the Ombuds Officer a.i.. This obligation should at least also apply to other persons or bodies for whom the recommendations are intended. There are regulations that make it obligatory for the Ombuds Officer a.i. as well as the complainant and the person against whom the complaint is made to be informed of the follow-up of the recommendations.¹⁵ Transparency and clear communications in

¹² See Section 5 Dutch National Ombudsman Act

¹³ See Section 4 Dutch National Ombudsman Act

¹⁴ See Section 16 Dutch National Ombudsman Act

¹⁵ See Dutch National Ombudsman Act

this respect will increase the effectiveness of the Ombuds Officer.

Organisation

The Framework Ombuds Officer working method a.i. does not imply sufficient guarantees that allow the Ombuds Officer to operate independently, both in terms of selecting and handling complaints. Where the scope of the position so requires, the Ombuds Officer should have their own independent support organization, who are jointly responsible for selecting and handling the complaints.

Optimum performance of the Ombuds Officer

Relationship to other officers

Both the website of the University of Amsterdam and *bewijzen* the Framework Ombuds Officer working method a.i. state that the Ombuds Officer is and will not be an additional agency or a substitute agency for any existing officer. The Committee understands that this means that following another complaint procedure closes down the road to the Ombuds Officer. This departs from other regulations, including the Dutch National Ombudsman Act. Often, it is even a requirement that first the 'regular' procedures have been exhausted before one can go to the Ombuds Officer. The starting point for effectively processing complaints is de-escalation, making other officers an essential part in the process.¹⁶

This is only different if one cannot reasonably be required to follow that procedure, for example, if the complaint pertains to the actions of the Board. In this case a direct complaint to the Ombuds Officer is obvious.

Within the complaints handling system, the Ombuds Officer is the only complaints facility that is truly independent from the Board¹⁷.

Scope of the complaint and the investigation

In the Framework Ombuds Officer working method a.i. the working area is limited to "*matters that go beyond the level of any individual and/or where there seems to be a pattern or structural abuse within (any part of) the University of Amsterdam*". On the website of the University of Amsterdam [and in] the Social Safety Guides for staff members and students, the Ombuds Officer a.i. is reserved for handling complaints about structural problems or situations of abuse. Otherwise, the complaints have to pertain to social safety.

Limiting the scope of the complaints that can be presented to the Ombuds Officer can impede the latter from performing to the best of his/her abilities. The limitation is not included in the Dutch Administrative Law Act, the National Ombudsman Act or other legislation. In principle, any expression of dissatisfaction can be presented to an Ombuds Officer.

It may also occur that a particular pattern only becomes visible after several individual complaints have been filed. If the threshold for reporting matters to the Ombuds Officer is too high, there is the risk that the purpose for which the Ombuds Officer was instituted will be far from realized. This is even more problematic as the Ombuds Officer is the office where confidentiality is best guaranteed for the complainant.

Accessibility

The same goes to some extent for the limitation imposed upon complainants. Based on the current Framework Ombuds Officer working method a.i., the procedure before the Ombuds Officer is only available for staff members and students at the University of Amsterdam. However, former staff members and former students may also want to request for an investigation. Undesirable behaviour of any staff member of University of Amsterdam can

¹⁶ See *Ombudsvisie*, pp. 8-9

¹⁷ The Complaints Committee is independent and has an external chairperson; the final complaint handling however rests with the Board whom the Complaints Committee reports directly and also advises.

also be directed against third parties. If the Ombuds Officer is accessible to a wider group, his/her effectiveness will increase.

For the purpose of comparison: the Dutch General Administrative Law Act and the National Ombudsman Act make the procedure available to 'anyone' provided that they want "*the manner in which a governing body has acted in a particular matter towards him or someone else*"¹⁸ to be investigated.

Protecting the complainant and the one against whom the complaint is made

Based on the Framework Ombuds Officer working method a.i., it is possible to remain anonymous as a complainant. Investigating a complaint does not always require that the complainant's identity be known (see above in **Chapter 1** under *Anonymity*). In order to even better protect the position of the complainant as well as the one against whom the complaint is made, the Dutch General Administrative Law Act and other regulations contain a clause that the Ombuds Officer can decide that the person against whom a complaint is made need not be heard in the presence of the complainant and vice versa. That option is not included in the Framework Ombuds Officer working method a.i..

Temporal limitation of the complaint

In the Framework Ombuds Officer working method a.i., the procedure is limited to complaints that were filed within one (1) year of the behaviour complained about. In itself, that is not uncommon. Usually the limitation is worded as a ground for refusal whereby the Ombuds Officer has the discretion to decide to accept older complaints. In situations in which the threshold to file complaints is high, as is often the case in socially unsafe situations, relaxation of that rule is essential. Incidentally, that means that the completion of another (unsatisfactory) complaint procedure is regarded as independent behaviour, the time limit of which only starts to

run before the Ombuds Officer after the end of that complaint procedure.

Language

Also at the Ombuds Officer a.i. Dutch is the official working language.

At an internationally oriented university such as the University of Amsterdam that may be an impediment for international students, especially where it concerns sensitive subjects such as social safety.

It makes sense to officially allow English as a second language in the procedure before the Ombuds Officer, or in any case to make available an interpreter or translator on a structural basis.

Recommendations

The Committee asks to consider taking into account the aforementioned suggestions when drawing up the definitive regulations for the Ombuds Officer.

¹⁸ See Section 9:18 Dutch General Administrative Law Act

Recommendations

In the previous chapters, the Committee has identified various bottlenecks that prevent people from feeling safe within the University of Amsterdam. In **Chapter 1**, the interviewees mentioned several suggestions to improve the social safety system in general. The Committee made several suggestions in **Chapters 3** and **4** to tighten the rules in the official complaints procedures before the Complaints Committee and the Ombuds Officer and to make them more suitable for complaints about social safety.

In addition to these suggestions, the Committee makes several other recommendations, to be considered by the Board to improve the social safety system.

Recommendation: independent investigation into the behaviour of the Lecturer in the FH case

The Committee has investigated *how* the FH dean and the Board have handled the complaints made by the students about the capabilities in terms of teaching and the behaviour of the Lecturer and the later complaint handling by the FH dean. Those findings do not say anything about the complaints themselves.

The Committee asks the Board to consider instructing the FH dean to have an independent investigation conducted into the complaints of the Complainants set out in the 2019 Letter after all.

Recommendation: reassessment of the social safety system

Supervisors are given an important role in the professional complaint handling because of their overriding authority.

In order to be able to perform their tasks belonging to that role, it is important that the supervisor has (i) the right qualities; and (ii) sufficient tools in the field of complaint handling pertaining to social safety (see more in detail in **Chapter 1** under *Role of Supervisor and Leadership*).

The Committee asks the Board to consider embedding the role of the supervisor in the social safety system and giving them adequate tools to properly assume that responsibility.

Recommendation: integration of recognition, support and aftercare within the social safety system

The Social Safety Guides present different options, where staff members or students were or are confronted with unsafe situations and undesirable behaviour. Within this social safety system, there is no policy in terms of recognition, support and aftercare for those involved.

The Committee asks the Board to consider integrating recognition, support and aftercare within the social safety system.

Recommendation: promoting uniform implementation in the field of social safety

The Board is responsible for drawing up policies in the field of the social safety system. Their implementation is the responsibility of the faculties and the units. As a result of the decentralised organisation, the implementation and application of the policies varies from one unit, faculty or even programme to the next.

The Committee asks the Board to consider actively promoting a uniform implementation of its policies in the field of social safety, so that the strength of these policies has effect. After all, social safety requires reinforcement.

Recommendation: acknowledge the risk of loyalty conflicts where complaints are handled by supervisors

Where a complaint needs to be handled, sometimes a 'choice' may have to be made between the interests of the staff member of the University of Amsterdam – and the long-term interest the University of Amsterdam has in retaining that staff member – and a student, who often is associated for a short period of time to the University of Amsterdam,

or in the relationship between staff members. This can cause a loyalty conflict for the supervisor or officer involved in handling the complaint.

The Committee asks the Board to consider acknowledging this loyalty conflict risk and to take appropriate measures.

Afterword

As members of the Committee, we conclude an educational period with this report. During the investigation, it became clear that social safety has several dimensions and touches on different factors that are relevant to an inclusive learning and working environment within the University of Amsterdam.

The conversations served as a compass, while the insights from interviews were decisive for the course of the conclusions and recommendations.

Last but not least, the Committee draws the attention to the way in which UCLA (University of California Los Angeles) handles complaints, which may be used for inspiration. In that system, staff members and students bring their complaints to the attention of different points of contact. Recognition, support and further investigation is the responsibility of individuals outside the faculty, and there are more customization options. The responsibility for reporting complaints, supporting and referral of staff members is embedded in the *UCLA Campus Human Resources*¹⁹ department and for students, there is the *UCLA Equity, Diversity and Inclusion*²⁰ department.

The members of the Committee hope that this report does justice to the experiences and recommendations the interviewees shared with us. We hope that this report will also contribute towards improvements to the social safety system and the reinforcement this issue deserves.

¹⁹ See: <https://www.chr.ucla.edu/staff-diversity/discrimination-harassment>

²⁰ See: <https://equity.ucla.edu/report-an-incident>

Annex 1 List of abbreviations and definitions

2014 Letter	the letter dated 30 January 2014 from four B&P students to the programme director
2018 Letter	the letter dated November 2018 from three graduates to the programme director
2019 Letter	the letter dated 28 March 2019 from the Complainants to the FH dean, sent to the FH dean by e-mail on 1 April 2019
Awb	Dutch General Administrative Law Act (<i>Algemene wet bestuursrecht</i>)
APP	the two-year further education <i>Advanced Professional Programme</i>
B&P	the Book and Paper (B&P) specialisation within C&R
Board	the Executive Board of the University of Amsterdam
C&R	The Conservation and Restoration of Cultural Heritage (C&R) master's degree programme
Committee	the External Social Safety Committee
Complainants	the current and former B&P students who wrote the 2019 Letter and the EB Letter
Complaints Regulations	the Complaints Regulations handling complaints from staff members and students (<i>Regeling ter behandeling van klachten van personeelsleden en studenten</i>) in place at the University of Amsterdam dated 28 November 2018
CSR	the Central Student Council of the University of Amsterdam
EB Letter	the letter with enclosures dated 11 May 2019 from the Complainants to the Board, sent by e-mail to the Board on 15 May 2019
Framework Ombuds Officer working method a.i.	the framework for the Ombuds Officer's working method dated 16 December 2019
FH	the Faculty of Humanities
FH case	a social safety problem at the Faculty of Humanities of the University of Amsterdam, as described in Chapter 2
FH HR dept	the FH Human Resources department
FH Works Council	the FH Works Council
FSR	the Faculty Student Council
FSR FGw	the FH Faculty Student Council
Lecturer	a lecturer at the B&P programme (to which the FH case pertains)
University of Amsterdam	University of Amsterdam, a legal entity governed by Dutch public law
WHW	the Dutch Higher Education and Research Act (<i>Wet op hoger onderwijs en wetenschappelijk onderzoek</i>)

Annex 2 Interviews

Interviewee	Position
L. Mügge	Chair of the Social Safety Taskforce
R. van Daalen	Former PhD Confidential Advisor
G. van der Pol	Chair of the Central Works Council and the FH Works Council
P. van der Jagt	Chair of the Central Student Council (2019/2020)
P. van Wijk	Acting C&R Programme Director
F. Weerman	FH dean
M. van Bommel	C&R capacity group chair (since Spring 2019 deputy FH Programme Director)
L. van Wees	Head of the HR department
M. Mathijssen-Verkooijen E. Kingma E. Laeven	FH Confidential Advisors
J. Schoone	Acting Ombuds Officer
M. de Witte-van den Haak	Chair of the Complaints Committee
S. Klaver	Study advisor of the Arts and Culture programme cluster
O. Guven-Kirli	Representative of the Faculty Student Council
Anonymous	Confidential
A. Fischer	Dean of the Faculty of Social and Behavioural Sciences
A. Nollkaemper	Dean Amsterdam Law School
R. Vegard van Beek Z. van Dorp	Vice chair and acting chair of the Student Council of the Faculty of Humanities Assistant of the Student Council of the Faculty of Humanities
J. van Dijk	Law Student
I. Savage	C&R Alumna
R. Huygens E. Brouwer G. Grassiani N. Edwards M. Sluijs	Delegation of the Central Works Council
C. Euving	Secretary General of the University of Amsterdam

S. Voortman	Legal Affairs department
B. Rous	Former study advisor and C&R post-master's programme coordinator
J. Bekkenkamp P. Koopman D. Knecht E. Brouwer C. Bertram C. van Baalen	Delegation of the FH Works Council
P. Boelsma	HR Policy Consultant and Confidential Advisors Coordinator
A. de Graaf A. Cherbit Langer	Chief Diversity Officer Member Chief Diversity Officer
G. ten Dam K. Maex J. Lintsen	Executive Board members
P. Boersma	Professor in Phonetics, Former Research and Programme Director
L. Meulenbeld	FH Student
M. Montcalm	FH Student
F. Engelke	FH Student
Anonymous	FH Student
Anonymous	FH Student
Anonymous	Confidential
C. Reijnen L. Lips	FH Diversity Officer and chair of the faculty's Diversity Taskforce Coordinator of the faculty's Diversity Officer
Anonymous	FH Alumna
Anonymous	FH Alumna
F. van der Woude	C&R Alumna

Annex 3 Documents

Received documents

- Overzichtsnotitie sociale veiligheid UvA, February 2019
- Nota diversiteit UvA, May 2019
- Bureau Integriteit Nederlandse Gemeenten, *Rapportage Quick Scan UvA vertrouwenspersonen*, January 2019
- Bestuurlijke reactie op Rapportage Quick Scan UvA vertrouwenspersonen, February 2019
- Rapportages Medewerkersmonitor 2019
- Rapportage Medewerkersmonitor 2017
- Regeling ter behandeling van klachten van personeel en studenten van de UvA, December 2019
- Kaders werkwijze interim ombudsfunctionaris, December 2019
- Besluit vaststelling Reglement Klachtencommissie, November 2012
- Reglement vertrouwenspersonen aan de UvA, March 2012
- Klachtenregeling Wetenschappelijke Integriteit, September 2013
- Regeling vertrouwenspersoon Wetenschappelijke Integriteit, January 2014
- Klokkenluidersregeling UvA en HvA, February 2007
- Huis- en gedragsregels, September 2015
- Wegwijzer sociale veiligheid voor medewerkers, April 2020
- Wegwijzer sociale veiligheid voor studenten, July 2020
- Jaarverslagen Klachtencommissie 2017 / 2018 / 2019
- Jaarverslag vertrouwenspersonen 2014 / 2015 / 2016 / 2017 / 2018 / 2019
- Sociale veiligheid in *Programma academisch leiderschap*, undated
- Formulier jaargesprekken Wetenschappelijk personeel, undated
- Formulier jaargesprekken Ondersteunend personeel, undated
- Formulier 360 graden feedback voor leidinggevendenden, undated
- Formulier 360 graden feedback specifieke praktijksituatie, undated
- Ongevraagd advies COR sociale onveiligheid, June 2020
- Ongevraagd advies CSR social safety, June 2020
- Advies Senaat sociale veiligheid, September 2019
- Opdracht taskforce sociale veiligheid, July 2019
- Enquête sociale veiligheid studenten 2019 / 2020
- UvA besturingsmodel, 2018
- Standaardmandaatregeling bedrijfsvoering UvA, 2013
- HR Agenda 2015 – 2020
- HR Agenda – Academisch Leiderschap, undated
- HR Agenda – Jaargesprekken, undated
- Benchmark sociale veiligheid UvA – landelijk 2008 -2020, September 2020
- Percentage geregistreerde jaargesprekken 2014 – 2019
- Part *Jaargesprek* uit Medewerkersmonitor 2017

Various confidential documents related to the FH case

Other consulted documents

- Gedragscodes van de Universiteit van Amsterdam, 27 August 2020, available via <https://www.uva.nl/over-de-uva/beleid-en-regelingen/regelingen-en-reglementen/gedragscode-en-sociale-veiligheid/gedragscodes-en-sociale-veiligheid.html>
- Nationale Ombudsman, *Ombudsvisie op professionele klachtbehandeling*, 18 March 2018, Rapport 2018/005, available via <https://www.nationaleombudsman.nl/system/files/onderzoek/Visie%20professionele%20klachtbehandeling.pdf>
- Erasmus Universiteit Rotterdam, *EUR-klachtenregeling Ongewenst Gedrag 2020*, 9 June 2020, available via <https://www.eur.nl/en/media/2020-06-klachtenregeling-ongewenst-gedrag>
- Erasmus Universiteit Rotterdam, *Reglement Ombudsfunctionaris*, 2018, available via <https://www.eur.nl/en/media/2020-06-nl-reglement-ombudsfunctionaris>
- Universiteit Leiden, *Regeling ombudsfunctionaris*, 17 December 2019, available via <https://www.organisatiegids.universiteitleiden.nl/binaries/content/assets/ul2student/regeling-ombudsfunctionaris-2020.pdf>
- Universiteit Leiden, *Klachtenregeling ongewenst gedrag*, 17 December 2019, available via <https://www.organisatiegids.universiteitleiden.nl/binaries/content/assets/ul2staff/reglementen/bestuur-en-organisatie/klachtenregeling-ongewenst-gedrag.pdf>
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- The World Bank, *Preventing, Reporting and Responding to Sexual Assault and Sexual Harassment in Tertiary Education Institutions*, available via <http://pub-docs.worldbank.org/en/397161582585064307/guidancenote-final.pdf>
- Universities UK, *Tackling gender-based violence, harassment and hate crime: two years on*, available via <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/uuk-changing-the-culture-two-years-on.pdf>
- University of Cambridge, *Anonymous reporting (form)*, available via <https://www.studentcomplaints.admin.cam.ac.uk/anonymous-reporting>
- Universiteit van Amsterdam, Chief Diversity Officer Team, *Research memo: Online Anonymous Reporting (OAR) – Gathering anonymous data on harassment*, available via https://uvadiversity.blog/wp-content/uploads/2020/10/Online_Anonymous_Reporting.pdf
- Landelijk kader voor invulling universitaire ombudsfunctie, not publicly available
- Landelijke Studentenvakbond, 10 punten plan – Sociale veiligheid, ongedateerd, not publicly available

Recommended documents

- Initiatiefvoorstel *Verplichtstelling vertrouwenspersoon ongewenst gedrag op de werkvloer*, 7 October 2020, available via https://www.eerstekamer.nl/wetsvoorstel/35592_initiatiefvoorstel_renkema
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- Dutch Network of Women Professors (LNVH), *Harassment in Dutch academia – exploring manifestations, facilitating factors, effects and solutions*, available via https://www.lnvh.nl/uploads/moxiemanager/LNVH_rapport_Isquo_Harassment_in_Dutch_academia_Exploring_manifestations_facilitating_factors_effects_and_solutions_rsquo_.pdf
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- University College London (UCL), webpagina *UCL and specialist support for bullying, harassment and sexual misconduct*, available via <https://report-support.ucl.ac.uk/support/ucl-and-specialist-support-for-bullying-harassment-and-sexual-misconduct>
- UCLA Equity, Diversity and Inclusion, webpagina *Report an incident*, available via <https://equity.ucla.edu/report-an-incident/>
- UCLA Campus Human Resources, webpagina *Discrimination & Harassment*, available via <https://www.chr.ucla.edu/staff-diversity/discrimination-harassment>

Annex 4 Officers within the social safety system

CONFIDENTIAL ADVISOR

(students / staff members)

Task

Confidential Advisors primarily have the task of acting as the contact for students and staff members who have been confronted with or have learned of undesirable behaviour and as the person to report incidents and complaints to. They give support and, where necessary, refer them to other internal or external officers. They offer guidance, support in possible resolutions. Confidential Advisors are partial.

Mandate

Confidential Advisors have neither a mandate nor overriding authority to actively contribute towards finding a solution.

Documentation

Confidential Advisors have a duty to create and manage a dossier, documenting the matters brought to their attention. They report collectively to the person who has appointed them (dean or secretary general of the University of Amsterdam) by producing an annual report.

Confidentiality

Confidential Advisors are obliged to keep secret everything they learn in their official capacity in respect of all those directly involved. Confidential Advisors draw up notes of the conversations for their purpose.

Language

Dutch and English.

Aftercare

Where necessary, Confidential Advisors offer aftercare. Three months after the complaint handling procedure, they contact the complainant to inform them about the status of the complaint.

STUDY ADVISOR

(students)

Task

Study Advisors do not have a specific task in respect of social safety, but are contacted in their official capacity by students in that respect. They have to decide whether they will deal with the incident reported themselves or refer the students to a third party.

Mandate

Study Advisors do not have a mandate to actively contribute towards finding a solution other than discussing the matter, subject to the student's consent, with a lecturer or supervisor.

Documentation

Insofar as can be verified, study advisors compile files (in the student file).

Confidentiality

Insofar as can be verified, study advisors work on the basis of confidentiality.

Language

Dutch and English.

Aftercare

There is no aftercare policy in place once issues have been dealt with.

EXTERNAL COMPLAINTS COMMITTEE

(student / staff member)

Task

Handling and advising on official complaints about staff members or bodies within the University of Amsterdam and where possible settling complaints via mediation. An official complaint must meet several criteria, in default of which the complainant is given the opportunity to supplement the complaint. If the criteria then are still not fulfilled, the complaint shall not be handled.

Mandate

The Complaints Committee sends the Board a report of findings, accompanied by an opinion and recommendations, if any. The report contains the reports of the persons heard. The Board handles the complaint. Complaint handling does not necessarily result in a solution for the problem.

Documentation

Complaints must be registered. The complaint handling is reflected in a report of findings and recommendations. The Board handles the complaint in writing vis-à-vis the complainant and the person against whom the complaint was made. The Committee reports to the Board by submitting an annual report.

Confidentiality / anonymity

The members of the Complaints Committee have a duty of professional secrecy. Complaints cannot be filed anonymously.

Language

Dutch.

Aftercare

Within three months after a complaint has been declared well-founded, the Secretary of Complaints Committee will contact the complainant.

THE ACTING OMBUDS OFFICER

(student/staff)

Task

Advising staff members and students (or groups of them) about a question, dilemma or conflict; acting as facilitating moderator, mediating and convincing parties to talk with each other, conducting or ordering investigations (into culture and behaviour) and referring people to the appropriate bodies, primarily within the University of Amsterdam, and where necessary elsewhere.

Mandate

This task description, and the obligation for staff members of the University of Amsterdam to cooperate in investigations constitutes the mandate of the acting Ombuds Officer. An investigation leads to a report of findings and an opinion, usually to the person reporting the incident and the Board. Where results of the investigation are presented for the purpose of decision-making, the results are first shared with the Board. A complaint filed with the Ombuds Officer does not necessarily lead to a solution of the problem.

Documentation

There does not seem to be a general obligation to document/draw up reports, other than producing a public annual report.

Confidentiality / anonymity

The acting Ombuds Officer has a duty of professional secrecy. Complaints can be filed anonymously.

Language

Dutch.

Aftercare

There is no aftercare policy in place once issues have been dealt with.

