

## **PROTOCOL REGARDING THE CONFIDENTIAL ADVISER**

### **CONFIDENTIAL ADVISER PROTOCOL - GERRIT RIETVELD ACADEMIE**

#### **1. Appointment of confidential adviser**

- The Executive Board will appoint at least two internal confidential advisers.
- The internal confidential advisers will be Academie employees.
- The student counsellor can be appointed as confidential adviser for students.
- He/she will carry out the role of confidential adviser alongside his/her regular position in the Academie.
- For any hours spent on the role of confidential adviser, this person will receive an allowance, unless this role is part of their position within the organisation (student counsellor).
- The following cannot be appointed as confidential adviser: members of the Supervisory Board, the secretary and members of the Executive Board.
- In the appointment of confidential advisers, efforts will be made to achieve an equal balance between male and female confidential advisers.
- For new appointments, the Executive Board will consult current confidential advisers and the department in which the prospective confidential adviser works.
- The appointment is for a four-year term. Reappointment for a new term is possible.
- The Executive Board is responsible for arranging the facilities that the confidential advisers need for their work.
- The Executive Board will publicise the existence of the confidential adviser and how he/she can be contacted.

#### **2. Position of confidential adviser**

- The confidential adviser is independent and has a duty of confidentiality.
- The confidential adviser will observe the greatest possible care in his/her work.
- The confidential adviser will serve as the point of contact in the event of suspicion of or complaints relating to undesirable behaviour or an undesirable situation, sexual harassment and other transgressive behaviour. These complaints can be submitted to the confidential adviser directly.
- The confidential adviser will take no action without first obtaining the complainant's consent.
- The confidential adviser supporting the complainant will not be available to assist the defendant.
- The defendant can be supported by another confidential adviser within the organisation.

#### **3. Duties of the confidential adviser**

- Dealing with, assisting and supporting those persons reporting undesirable behaviour or undesirable situations, sexual harassment and other transgressive behaviour.

- Finding an appropriate way of ending the undesirable behaviour or undesirable situation, taking account of the objectives and wishes of the complainant.
- Consulting with the complainant on possibilities for an informal solution, for example by means of mediation between the complainant and the defendant, where this is appropriate.
- Providing advice and support if desired to a complainant submitting a formal complaint to the complaints committee.
- Making the complainant aware of the possibility of and assisting him/her in making a report to the police and legal authorities, in the case of a criminal offence (assault or rape).
- If necessary and desired, referring the person involved to specialist support agencies.

#### **4. Powers of the confidential adviser**

The confidential adviser has the authority to:

- consult other confidential advisers;
- support the complainant in submitting a complaint;
- gain access to all of the Academie's faculties and departments and conduct interviews with students and employees and elicit information;
- gain access to relevant documentation, such as sick leave records;
- provide or arrange after-care for the complainant;
- notify the Executive Board and directorates about (structural) issues that may facilitate undesirable behaviour in the Academie and provide advice on rules of conduct and preventive policy.

#### **5. Recusal**

A confidential adviser can recuse himself/herself if:

- he or she has a job related to or personal involvement with the complainant or the defendant. In this case, a referral will be made to another confidential adviser;
- he or she can no longer or cannot be reasonably expected to act as the complainant's confidential adviser.

#### **6. Relationship between confidential adviser and Executive Board**

- If the confidential adviser receives evidence only, but not specific complaints, he/she can bring this to the attention of the Executive Board.
- The confidential adviser will provide advice, on request or otherwise, to the competent authorities.
- If a report concerns a sexual offence against a minor, the confidential adviser will always notify the Executive Board of this because of the statutory obligation to report it to the police and the confidential educational inspector (vertrouwensinspecteur).

## **7. Accountability and report**

- Confidential advisers will make notes on their work and conversations with complainants for their own use only.
- On an annual basis, the confidential advisers will issue a joint report to the Executive Board (secretary to the board) on the number, nature and scope of the cases being processed and already dealt with as well as the results of mediation.
- The Executive Board will ensure that the annual report includes the number, nature and scope of the cases being processed and already dealt with as well as the results of mediation.

## **WORKING PROCEDURE FOR THE CONFIDENTIAL ADVISER**

1. A confidential adviser assists a complainant/reporter or defendant and provides support in putting the complaint to the Executive Board or Complaints Committee.
2. If a member of the Academie community (who is involved in a case) contacts the confidential adviser, he/she will be heard by the confidential adviser at the latest within 14 days after contact has been made. This meeting will at least involve discussion of the following:
  - In as concrete and factual terms as possible, what was the situation to which the report or complaint refers?
  - Does it involve a report or complaint about alleged undesirable behaviour?
  - Why does the person involved consider the case to be important?
  - What action does the person involved wish to take with regard to his/her dissatisfaction or complaint?
3. The confidential adviser will make notes or a report of the conversations for his/her own use. These notes/this report will be confidential and access must not be provided to the defendant or the competent authorities, unless the complainant has consented to this.
4. Having obtained the consent of the complainant/reporter, the confidential adviser explores whether a solution can be found through mediation.
5. With the complainant/reporter, the confidential adviser will explore whether the event provides grounds for submitting a complaint to the Complaints Committee, if this has not already happened.
6. If desired, the confidential adviser will assist the complainant in the ongoing procedure (e.g. In formulating the complaint or submitting it to the Complaints Committee) and will

also, if desired, provide support in reporting it to the police or legal authorities.

7. Insofar as this is necessary or desirable, the confidential adviser will refer the complainant/reporter to other bodies specialising in support and after-care.

8. If a complaint or report involves intimidation/sexual harassment, the confidential adviser will consult with at least one of the other confidential advisers on the course of action to be pursued. The confidential adviser will first ask the complainant for consent before discussing the case with the other confidential advisers.