



## Code of Conduct for Public Safety

### Introduction

The AHK requires staff members and students to treat each other, and the University as an organisation, with due care and respect. This is elaborated on in an Integrity Code for staff members, which contains rules of conduct for shared values and norms. There is a Student Charter for students, which includes the rights and duties of students. In addition, there are faculty house rules in force.

The Code of Conduct for Public Safety complements these rules and specifically pertains to interpersonal contacts of and between staff members and students. The AHK policy is geared towards a safe study and work culture, in which professional standards of conduct apply and in which it is clear when the limits of what is acceptable have been exceeded. In such a university culture, (sexual) intimidation, aggression and violence, bullying and discrimination are unacceptable. The principles for the code of conduct, and the possible sanctions attached thereto, are laid down in the Higher Education and Research Act, the Collective Agreement for Universities of Applied Sciences and the Student Charter of the AHK (see appendix).

The Code of Conduct for Public Safety not only states what is forbidden, but also looks at what is meant by a good professional attitude in terms of interpersonal contacts, dealing specifically with the professional requirements for work as a teacher. As a professional, a teacher must be alert to risks as the situation arises. A keen awareness of the distinction between professional and (inappropriate) unprofessional contact with students is necessary. The education at the AHK is generally focused on personal - mental and also often physical - development. This concerns intensive and vulnerable processes, which require a safe and dedicated learning environment. The Code of Conduct includes rules for avoiding undesirable situations or situations where boundaries could potentially be crossed within the teacher-student relationship. These rules apply accordingly to all other staff members who have professional contact with students, such as heads of studies, artistic leaders, mentors, teaching support staff (for example workshop assistants and musical supervisors) and general support staff.

The Code of Conduct subsequently deals with the unique situation if a relationship of an explicitly personal nature (intimate relationship), which is not unwanted, arises between colleagues or between a staff member/teacher and a student, and the consequences thereof.

Finally, a complaints procedure is attached to the Code of Conduct, which provides victims of undesirable behaviour, as defined in the Code of Conduct, with options for seeking support from confidential advisers and/or seeking redress from the Complaints Committee of the AHK.

The Code of Conduct for Public Safety applies to all staff members and students of the AHK. 'Staff members' in this context is understood to mean both employees with a permanent or temporary contract and guest lecturers or freelance staff members. 'Students' is understood to mean all students from a Bachelor's and Master's degree programme with an applied emphasis (*hbo-studenten*), exchange students, participants in contract education and students of preparatory courses.

### **Undesirable behaviour: (sexual) intimidation, discrimination, aggression/violence and bullying.**

Definition of terms:

- intimidation



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Frightening someone by means of verbal, physical or psychological threats with the intention of putting pressure on the person threatened and forcing him or her to do something, not do something or endure something. The victim actually feels forced into behaviour that the perpetrator would not normally be able to demand of him or her. Intimidation means a lack of freedom and a feeling of powerlessness for the victim, as a result of which he or she adapts to the demands made. Examples include someone being forced to keep quiet or to adapt to certain group rules.

- sexual intimidation: any form of verbal, non-verbal or physical behaviour with a sexual connotation, the purpose or consequence of which is that the dignity of the person is undermined, especially if a threatening, hostile, insulting, humiliating or painful environment is created (Equal Treatment Act, article 1a paragraph 3). Sexual intimidation exists if the behaviour exceeds the boundaries of someone else and is experienced by that person as hostile, humiliating or intimidating. Sexual intimidation can take different forms, such as suggestive or sexist comments, intimate questions about someone's private life, unwanted deliberate touching or groping, leering, indecent assault or rape. It can also concern sexual blackmail, in which sexual services can be demanded or imposed in exchange for certain decisions or assessments.
- *discrimination*: discriminating - unjustly - based on, among other things, race, sex, sexual orientation, ethnic and cultural background, age, handicap and/or chronic illness;
- *aggression/violence*: incidents where someone is psychologically and/or physically harassed, threatened or attacked under circumstances that are directly related to the study or work situation. Aggression and violence can be verbal, non-verbal, physical and/or psychological (for example threatening or intimidating);
- *bullying*: recurring intimidating behaviour aimed at deliberately hurting or humiliating one or more persons. Bullying behaviour can manifest itself in different ways, for example verbally, by ridiculing someone, gestures, via (social) media, stalking, threats or damaging possessions.

## Sanctions in the event of unacceptable behaviour

All staff members are (partly) responsible for a good study and work culture based on their position. They must safeguard personal safety for each other and for the students. They should act carefully and correctly in relation to colleagues. If staff members are guilty of one or more of the above-mentioned unacceptable behaviours, this will be considered as dereliction of duty, and article P-4 of the Collective Agreement for Universities of Applied Sciences shall apply.

In the case of students who breach these rules, chapter 12 of the Student Charter applies, which deals with rules of behaviour, house rules, disciplinary measures and liability.

Complaints and signals that are reported to the Executive Board of the AHK and/or the management boards of the faculties or the service bureau, will be followed up with further investigation and discussions. The ultimate responsibility for this lies with the Executive Board and the Supervisory Board if the complaint concerns the Executive Board. If necessary, conclusions will be drawn and measures taken. The standard rules of procedure with regard to hearing both sides of the argument and proportionality shall apply.

An investigation conducted by or on the orders of the Executive Board of the AHK and/or management boards of the faculties or the service bureau can also take place after the period for submitting a formal complaint with the complaints committee has expired, or if the accused does not or no longer works for is not or no longer enrolled at the university (Complaints Procedure, article 1.5.1, 1.5.5 and 1.5.9).



## **Professional attitude working as a teacher**

In addition to vocational and pedagogical-didactic qualities, a teacher must also possess interpersonal skills. A good teacher treats students in a professional way and is always focused on the development of the student. He<sup>1</sup> knows how to stimulate and motivate students by means of inspiring and challenging assignments. He respects the personality of his students and guarantees equal treatment of his students, irrespective of their different backgrounds. He is aware that the relationship between teacher and student implies a power imbalance. He deals with this in an ethical manner, especially in terms of the trust and dependency which characterise this relationship. He does not abuse the unequal balance of power. He always acts within the boundaries of his professional role. He is aware that the personal, and in many cases physical, nature of the (arts) education is very demanding in terms of the integrity of his role, and takes this into account in his approach towards and dealings with students. He avoids actions and situations that could be at odds with this. He prevents mixing his professional role with other, non-professional contact with students. He is aware that the existence of non-professional contact with students could create the appearance of partiality and could be damaging to his professional role as teacher and assessor/examiner. In general, he is cautious with regard to contact with students outside of the teaching situation, including social media. He is aware that factors and circumstances exist that could lead to his behaviour being experienced as undesirable and/or crossing boundaries, and that this behaviour could create the appearance of (sexual) intimidation or abuse of power. He is receptive to signals from colleagues and students with regard to his behaviour and complies with them. He abstains from intimate or sexual advances to students and does not entertain such advances from students.

## **Intimate relationships between staff or staff and students**

Even when observing due caution as described above, it can happen that an intimate relationship arises and blossoms between staff or between a staff member/teacher and a student. This concerns voluntary relationships on an equal footing, where there is definitely no coercion, (sexual) intimidation or blackmail, or abuse of positions (of power). If it concerns employees who are on different hierarchical levels, or if it concerns a relationship between an employee/teacher and a student within the same educational environment, an undesirable situation immediately arises, in which all parties concerned must be aware of the possible consequences and vulnerabilities. The combination of a professional and a non-professional relationship can not only lead to (the appearance of) improper privileges, but may also have negative repercussions on future situations, which could not be envisaged at the start of the relationship.

The fact that this conflict of interests is unacceptable does not, however, mean that such relationships are out of the question. Another norm would then be at stake, namely the personal freedom and responsibility of adults. It does, however, mean that if such a situation arises that the relationship of authority or the educational relationship must, at the very least, be brought to an end. In any case, mutual assessment of work or study performance can no longer take place.

In order to accomplish this, a duty to report applies. The duty to report entails that the person who is higher up in the hierarchy must report the relationship to his or her manager, who will take the appropriate measures, where necessary in consultation with the manager or head of studies of the other person. In the case of a relationship between an employee/teacher and a student, the duty to report applies for the employee/teacher.

What are considered to be appropriate measures can differ on a case-by-case basis. The point of departure is to safeguard the work and/or study conditions for both parties, while expressly taking the interests of the person who does not have the duty to report into account, which is to say the employee with a subordinate position in the hierarchical relationship or the student in the case of a relationship between an employee/teacher and a student.

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<sup>1</sup> 'he' is also 'she'



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The measures to be taken are established by the board in consultation with the Executive Board (or by the Executive Board if it concerns the director; and by the Supervisory Board if it concerns the Executive Board). Both partners must conform to the measures.

If the duty to report is not satisfied, this will be considered as dereliction of duty and article P-4 of the Collective Agreement for Universities of Applied Sciences shall apply.

The separation of the professional relationship and the non-professional relationship is necessary to ensure that both partners can safely continue their work and/or study at the time that the measure is taken and in the future. However, this does not cover all risks. A partner or ex-partner can, over time, come to think differently about an intimate relationship and no longer consider this relationship to have been voluntary and equal, but as an abuse of power instead. The (following) complaints procedure will also apply in these cases, as long as one is connected with the University as an employee or student

NB: The above-mentioned procedure with regard to intimate relationships does not apply if a minor is involved. A sexual relationship with a minor is always forbidden and counts as a sex crime (Criminal Code). In such a case, the board of the University will report this to the confidential educational inspector and the police, in accordance with the duty arising from the Higher Education and Research Act.

Appendix: laws and regulations



## **Collective Agreement for Universities of Applied Sciences 2014-2016**

### ***Article P-4 Disciplinary measures***

1. The employee who does not do or fails to do what a good employee should do or refrain from doing under similar circumstances can have a disciplinary measure imposed upon him or her by the employer.
2. The employer can take the following disciplinary measures with respect to the employee:
  - a. written reprimand;
  - b. transfer;
  - c. suspension;
  - d. dismissal.
3. If the employer takes or is considering taking a disciplinary measure, articles P-2 and P-3 shall apply accordingly.

### ***Article S-9 Right of complaint***

The employer who is confronted with undesirable behaviour of a sexual nature can consult a confidential adviser and submit a complaint on account of intimidation and aggression to a committee established for that purpose. 'Intimidation' is understood to mean intimidation of a sexual nature.

### ***Article U-1 Regulations governing sexual harassment and aggression***

The employer shall draw up regulations with respect to sexual intimidation and aggression, upon which agreement must be reached with the participation council's staff delegation. These regulations shall contain at least:

- the aim and the policy with respect to sexual intimidation and aggression;
- the manner in which appointment of confidential advisers shall take place and the duties and powers of the confidential advisers in question;
- the manner in which undesirable behaviour can be expressed to a confidential adviser;
- regulations for handling a complaint submitted with respect to sexual intimidation and aggression, including the manner of judgment, by a committee established for that purpose by the employer;
- the provision that the employer shall take a decision on the basis of a judgment by a complaints committee as referred to above about the measures to be taken, including disciplinary measures. If circumstances arise which do not permit any delay in the opinion of the employer, the employer can take measures before the Complaints Committee has delivered a judgment;
- the manner in which the privacy of the parties involved are protected.

## **AHK Student Charter**

### ***Chapter 12, article 3. Disciplinary measures***

1. The Executive Board can draw up regulations and take measures in order to ensure that everything runs smoothly in its buildings and on its grounds.
2. The faculty boards are also authorised to draw up regulations and take measures. These faculty-related house rules are included in the study guide and announced via the intranet.



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3. The Executive Board, or the faculty director on behalf of the Executive Board, can suspend a student and deny him or her access to the University. In the event of serious disruption, the Executive Board can permanently deny a student access or terminate his or her enrolment. Before the decision is taken, or within a few days after the decision has been taken, the student concerned must be interviewed or at least invited for a discussion. In urgent cases, the obligation to interview the student does not have to be applied. In these cases, the student is given the opportunity to have an interview after the decision has been taken.
4. The imposition of a disciplinary measure does not affect the right of the Executive Board to hold the student liable for damage.

(on the basis of: Higher Education and Research Act, article 7.57h).

## **Higher Education and Research Act: (Wet op het hoger onderwijs en wetenschappelijk onderzoek. WHW)**

### ***Article 1.20. Obligation to consult and report with regard to sex crimes***

1. If the university board has become aware in any way that a person entrusted with duties in support of its institution is possibly guilty of or has committed a serious offence against public decency as referred to in Title XIV of the Criminal Code against an underage student of the institution, the competent authority shall without delay enter in consultation with the confidential educational inspector, referred to in article 6 of the Education Inspection Act.
  1. If it must be concluded from the consultation, referred to in the first subsection, that there is reasonable suspicion that the person concerned has committed a crime, as referred to in the first subsection, against an underage student of the institution, the university board will report without delay to an investigating officer as referred to in article 127 in conjunction with article 141 of the Code of Criminal Procedure, and the university board will inform the confidential educational inspector without delay. Before the university board proceeds to report, it will inform the parents of the student concerned, or the person in question entrusted with duties in support of the institution.
  2. If a staff member has become aware that a person entrusted with duties in support of its institution may be guilty of a crime as referred to in the first subsection against an underage student of the institution, the staff member shall inform the university board of this without delay.

## **Working Conditions Act**

### ***1.3e (definition of terms)***

psychosocial work stress: the factors direct or indirect discrimination including sexual intimidation, aggression and violence, bullying and work pressure, in the work situation which cause stress;

### ***article 3.2***

The employer shall pursue a policy, within the general working conditions policy, aimed at prevention and, if that is not possible, limitations of psychosocial work stress.