



## Code of Conduct for Social 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 employees, 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 Social Safety complements these rules and specifically pertains to interpersonal contacts of and between staff 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 Dutch Higher Education and Research Act (WHW), the Collective Agreement for Universities of Applied Sciences (cao-hbo) and the Student Charter of the AHK (see appendix).

The Code of Conduct for Social 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 employees 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 an employee/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 employees and students of the AHK. 'Employees' in this context is understood to mean both employees with a permanent or temporary contract and guest teachers/lecturers or freelance employees. 'Students' is understood to mean all students (Bachelor's and Master's) at a university of applied sciences (*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*



Frightening someone by means of verbal, physical or psychological threats with the intention of putting pressure on the person threatened and forcing them to do something, not do something or put up with something. The victim actually feels forced into behaviour that the perpetrator would not normally be able to demand of that person. Intimidation means a lack of freedom and a feeling of powerlessness for the victim, as a result of which they adapt 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 employees 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-3 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, or is no longer enrolled at, the University (Complaints Procedure, Article 1.5.1, 1.5.4 and 1.5.8).



## 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. The teacher knows how to stimulate and motivate students by means of inspiring and challenging assignments. The teacher respects the students' personality and guarantees equal treatment of the students, irrespective of their different backgrounds. The teacher is aware that the relationship between teacher and student implies a power inequality and deals with this in an ethical manner, especially in terms of the trust and dependency which characterise this relationship. The teacher does not abuse the unequal balance of power and always acts within the boundaries of their professional role. The teacher is aware that the personal, and in many cases physical, nature of the (arts) education is very demanding in terms of the integrity of their role, and takes this into account when approaching and dealing with students. The teacher avoids actions and situations that could be at odds with this and avoids mixing the professional role with other, non-professional contacts with students. The teacher is aware that the existence of non-professional contact with students could create the appearance of partiality and could be damaging to their professional role as teacher and assessor/examiner. In general, the teacher is cautious with regard to contact with students outside of the teaching situation, including social media.

The teacher is aware that factors and circumstances exist that could lead to a teachers' behaviour being perceived as undesirable and/or crossing boundaries, and that this behaviour could create the appearance of (sexual) intimidation or abuse of power. The teacher is receptive to signals from colleagues and students with regard to their behaviour and complies with them.

The teacher abstains from intimate or sexual advances towards students and does not entertain such advances from students.

## Intimate relationships within the work or study environment

Even when observing due caution as described above, it can happen that an intimate relationship arises and blossoms between employees or between an employee/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 their 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.



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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.

The measures to be taken are established by the management 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-3 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.

Please note: 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 (Dutch 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: legislation and regulations



## Appendix: Legislation and regulations

### Collective Agreement for Universities of Applied Sciences 2022-2023

#### **Article P-3 Disciplinary measures**

1. The employer can impose a disciplinary measure on the employee who does not do or fails to do what a good employee should do or refrain from doing under similar circumstances.
2. The employer can take the following disciplinary measures with respect to the employee:
  - a. written reprimand;
  - b. transfer;
  - c. suspension;
3. If the employer imposes or is considering imposing a disciplinary measure, Article P-2 shall apply accordingly.

#### **Article U-1 Psychosocial work stress**

The employer will draw up regulations with respect to aggression and intimidation, sexual harassment, discrimination and bullying, about which agreement has to be reached with the 'Employee Participation Council'. 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 2. Disciplinary measures**

1. The Executive Board, or the academy director on behalf of the Executive Board, may take disciplinary measures in the event of infringement of the provision in article 12.1 and the regulations based thereon.
2. In the event of infringement, a student may be denied access to the buildings, grounds and other facilities of the University for a maximum duration of one year. In the event of serious infringement of the provision in article 12.1 and the regulations based thereon, the enrolment in the University of the student concerned may be definitively terminated.
3. Before the decision is taken, or within a few days after the decision has been taken, the student concerned must be interviewed by or on behalf of the academy director. The student will be invited for this in writing or by email.
4. 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.
5. The decision to impose a measure will be made known to the student in writing by the academy director as soon as possible, stating the procedure for lodging an objection.
6. 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 sexcrimes***

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 Dutch 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 Dutch Education Inspection Act.
2. 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.
3. 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**

### ***Article 1.3.e (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.