

Undesirable conduct policy

for members of staff, students (and their parents) in primary and secondary education of Stichting Het Rijnlands Lyceum

1. Introduction

Organisations should pay considerable attention to the safety, health and welfare of their employees. In the field of education, this also concerns the welfare of students and their parents. One aspect is the prevention of undesirable conduct between members of staff themselves and towards students and their parents. This obviously requires a joint effort with everyone within the organisation having their own responsibilities. The Executive Board of the Stichting and the management of schools are primarily responsible for healthy learning and working relationships. Members of staff also have a shared responsibility. In addition, care should be taken to provide sufficient social emotional support in the case of undesirable conduct, especially by the managers. It is in the interest of everyone working within an organisation to establish a dialogue with respect to undesirable conduct within the organisation and to have the feeling that they do not stand in isolation (for a summary of all parties who may be involved in undesirable conduct see Appendix 1). This also applies to a possible perpetrator/the person accused.

Prevention of undesirable conduct is inextricably linked to the personnel policy of the organisation. Informing members of staff about (un)desirable conduct is an important means of prevention. The Executive Board/management pays attention to this by:

- drawing attention to the subject in the introductory material for new members of staff;
- bringing this theme up for discussion during consultations and performance reviews;
- asking about possible incidents exit during interviews;
- drawing up of a code of conduct;
- increasing expertise, particularly of line management;
- formulating a policy for (un)desirable conduct;
- appointing one or more confidential counsellors;
- drawing up a complaints procedure;
- establishing an (external) complaints committee and drawing attention to this subject in the (social) annual report.

2. Point of departure

At Stichting Het Rijnlands Lyceum (hereinafter referred to as 'Rijnlands') every member of staff and student must be able to work in a healthy and safe environment. The aim is for a healthy and safe arrangement of workplaces and classrooms. Behaviour and use of language that is experienced by colleagues and students and their parents as undesirable or intimidating is not permitted. After all, undesirable conduct has consequences for the member(s) of staff and students involved, the atmosphere, work performance, absenteeism, staff turnover, but also the feeling of safety for the students and their academic performance. The Working Conditions Act and the Equal Treatment Act require the prevention of such undesirable conduct. If necessary, the Executive Board/the management will take measures, which may range from a verbal warning to dismissal.

The policy of the Executive Board and the management of the Rijnlands schools is directed towards establishing and maintaining a working atmosphere, learning and working community that is free from all forms of undesirable conduct. Events related to this will be quickly and thoroughly investigated. Appropriate and corrective action will be taken by the management.

Disciplinary measures, in the worst case leading to dismissal, will be taken against any member of staff who is guilty of, or against whom there is demonstrable proof of undesirable conduct. Members of staff are deemed to be acquainted with the following code of conduct. The school's conduct regulations apply to students. The document is publicly available on the internet and the organisation's intranet. With the signing of the deed of appointment the nominee agrees with the code of conduct that has been established for the proper conduct of business within Rijnlands, as referred to in Article 11.2(2) of the collective labour agreement for primary education 2009) and Article 18.2(2) of the collective labour agreement for secondary education 2011.

3. Definitions

Undesirable conduct

Undesirable conduct within Rijnlands is understood to be all forms of intimidation: aggression and violence, discrimination, physical violence, bullying, sexual harassment and other forms of (verbal) aggression.

The determination of whether there is undesirable conduct is not based on the intentions of the perpetrator, but how it comes across to the person who is subjected to it. People are entitled to set their own limits in their dealings with one another.

Intimidation

Intimidation is influencing someone's behaviour, making them afraid by threatening negative consequences.

Aggression and violence

When we talk about aggression and violence, this concerns incidents in which a member of staff or student is psychologically and/or physically, verbally or non-verbally harassed, threatened or attacked, under circumstances directly related to the performance of the work. There are four forms of aggression and violence:

- verbal: use abusive language, yelling, taunting and insulting
- non-verbal: pushing against someone, holding on to, expressly pulling them towards you.
- psychological: harassment, pressuring, threatening with physical violence and provocation
- physical: kicking, hitting, biting, gripping and seizing.

Discrimination

Discrimination is defined as: every form of distinction, exclusion, restriction or preference based on sex, age, disability, race, religion, belief, sexual orientation or origin, position, with the object or effect of eroding or negating the equal treatment of members of staff.

Bullying/Mobbing

Bullying is hostile, humiliating or intimidating behaviour that is continually directed towards the same person. It takes place often and over a longer period. The person who is the target can no longer effectively defend themselves.

Seven main types of bullying can be distinguished.

- social isolation
- making work unpleasant or impossible
- ridiculing
- spreading gossip/rumours
- threats
- physical violence.

Sexual harassment

Sexual harassment is undesirable conduct of a sexual nature that detracts from the dignity of women and men at work. This includes physical, verbal or non-verbal, intentional or

unintentional conduct that is experienced by the person who is subjected to it as undesired or forced. In short, it can be said that sexual harassment covers all kinds of sexually explicit attention that is unwanted, one-sided and imposed. This may involve:

- unnecessary or unwanted touching
- continual comments about appearance or sexual orientation
- ambiguous remarks or gestures
- a certain way of looking/wolf-whistles
- (attempted) assault or rape

4. Processes

The processes to be distinguished are the informal and the formal process.

Informal process: arriving at a solution that is satisfactory for the reporter without the intervention of a complaints committee with the aim to stopping the undesirable conduct.

Formal process: filing a formal complaint to the complaints committee concerning undesirable conduct, with or without support from a confidential counsellor.

The informal process:

If a student has been the victim of undesirable conduct, he/she is advised to contact the confidential counsellor at the school. The latter is best able to judge which course of action should be taken. If a member of staff has been the victim of undesirable conduct, various courses of action can be taken:

- **try to find a solution between themselves.** Initially try to mutually solve problems together. It is often the case that someone does not realise that their behaviour is experienced as undesirable. Being tackled directly about their behaviour is often enough to put an end to it.
- **contact with manager or the HR department**
Contact a manager or a member of staff from the HRM department. In any case, talk about it, preferably as soon as possible, in order to prevent it from getting worse.
- **contact with a confidential counsellor** A member of staff may at any time contact an internal confidential counsellor or, if necessary, the external confidential counsellor. They do not solve a problem, but are in the first place there to help, advise, counsel and support the member of staff. The confidential counsellor is in principle bound to secrecy. The confidential counsellor only takes into account the interests of the member of staff involved. The confidential counsellor does nothing without the consent and knowledge of the member of staff. The confidential counsellor does not do anything without the permission of the member of staff and handles the information in confidence. Following the initial reception of the member of staff, the confidential counsellor can analyse, together with the member of staff, what exactly the problem is, what the member of staff has already done and what remains to be done; look for an informal solution, for example, through mediation; advise on the filing of a formal complaint; assist the member of staff in these phases; if necessary, refer to professional assistance; provide aftercare.

Even if a satisfactory solution is found by informal means, the member of staff/student and, if the student is a minor, the parents as legal representative still retain the right to file an official complaint.

If the experienced undesirable conduct cannot be resolved by informal means, the person who has made the report can opt for the formal process. This means that the member of staff files a complaint to the complaints committee, after which the complaints procedure comes into effect. The choice of whether or not to file a complaint is made by the reporter.

The formal process:

A complaint is submitted in writing to the complaints committee by the complainant and at least contains:

- the description of the conduct experienced as undesirable;
- the name of the complainant
- the name/names of the accused person(s)
- the time period in which the undesirable conduct occurred

The complaints committee handles the complaint in accordance with the established complaints procedure.

5. Complaints procedure for the complaints committee

See the established Complaints procedure on the website of the Stichting.

6. Legal protection of confidential counsellor

The confidential counsellor enjoys legal protection as referred to in Section 13(5) of the Working Conditions Act. In this Section, the confidential counsellor is protected from the harm that he may encounter in the performance of official duties as a confidential counsellor.

7. Enactment

The (un)desirable conduct policy was enacted by the Executive Director on 8 November 2012 in Wassenaar, following approval by the Joint Participation Council for Primary Education on 7 November 2012 and the Joint Participation Council for Secondary Education on 25 September 2012.

Appendix 1. Parties involved in the case of undesirable conduct

Employer: the Executive Board, the executive director(s)/management of an organisation

Member of staff: the person who is employed in the organisation, including those working there as a trainee, temporary employees, employees of hired organisations or otherwise working there (third parties).

Reporter: the person forming part of the organisation or a third party who makes a report to the confidential counsellor, the management or the HRM department

Perpetrator: the person who exhibits conduct that is perceived by a member of staff as undesirable

Complainant: the person making a formal complaint to the complaints committee

Person accused: the person forming part of the organisation against whom a complaint regarding undesirable conduct is filed with the complaints committee

Confidential counsellor: official to whom the member of staff who is confronted with undesirable conduct can turn for advice and support.

Intermediary: someone who mediates between the parties. That person or the official is accepted by the reporter and the person against whom the report is directed to act as an intermediary with respect to the conduct experienced as undesirable by the reporter. The intermediary is not the same person as the confidential counsellor. The intermediary can be someone from inside or outside the organisation.

Mediator: Mediation is the joint resolution of a dispute with the aid of a neutral conflict mediator, who has followed the mediator training course. Both parties remain in control of the resolution of their dispute. Mediation only makes sense if the parties involved agree that there is an undesirable situation and both are amenable to finding a solution that is mutually acceptable for both parties. The objective to be achieved is determined in advance.

Confidential counsellor of perpetrator/person accused: official to whom the member of staff who is confronted with a report/complaint about undesirable conduct can turn for advice and support

Complaints committee: committee charged with the investigation of complaints submitted in respect of undesirable conduct. Reports and makes recommendations on this to the Executive Board of the Stichting.

Source: Model Undesirable Conduct Policy - Landelijke Vereniging van Vertrouwenspersonen (LVV; National Society of Confidential counsellors)