



# Ruling Integrity Committee

**Date:** Feb 1st, 2022

**Author:** General Board of 2022-2023

## 1. INTRODUCTION

Article 1.1 Asset Tilburg wants to rule out unwanted behavior such as but not limited to (sexual) intimidation, aggression, harassment, and discrimination. Asset Tilburg sets in place a code of conduct and will appoint trustee(contact) people along with an Integrity Committee. The goal is to create a first contact point and actionable committee for people who have been confronted with undesirable behavior. The ruling is in line with the code and guidelines of TiU.

## 2. TERMS AND CONCEPTS

Article 2.1 In these regulations, undesirable behavior is generally accepted to mean: Direct or indirect undesirable statements or actions, which are expressed in verbal, non-verbal or physical behavior towards a person, which is experienced by them as undesirable and unwanted and which constitutes an infringement of the person's integrity, in such a way that this leads to psychosocial and/or physical burden, including (sexual) intimidation, discrimination, aggression and violence, and bullying. Any of the above-mentioned acts and categories of conduct can be classified as behavior that violates our statutes and Internal regulations.

With sexual intimidation, we understand the use of verbal, non-verbal, or physical conduct with a sexual connotation that has the purpose of threatening or emotionally distressing a person.

Discrimination is understood to mean treating an employee, student, or visitor in a different way than another person in a comparable situation, is, or would be treated based on religion, belief, political opinion, race, gender, nationality, sexual orientation, marital status, age, disability or chronic illness or on any ground whatsoever as referred to in Article 1 of the 'Grondwet'. Aggression and violence are understood to mean incidents in which a member or visitor is psychologically or physically harassed, threatened, or attacked under circumstances that are directly related to the activities or premises of the association.

Bullying is understood to mean all forms of intimidating behavior of a structural nature, of one or more (board)members, students or visitors directed against one or more (board)members, students or visitors.

Article 2.2 In these regulations, the following definitions apply:

Board Member: anyone who is under the authority of Asset Tilburg within their current tenure with the organization.



Student/member: a person that is a student and/or follows a course in any shape at the University of Tilburg (TiU) and/or is a member of Asset Tilburg. Students that are a part of an activity or are on the premises of Asset Tilburg are entitled to help from the Trustee (Contact) Person and/or Integrity Committee may anything happen to them within these bounds.

Visitor: a visitor of Asset, other than a (board)member. Complaints can also be issued by partner or related organizations/persons who are to be considered a visitor.

General Board: The General Board of Asset Tilburg, consisting of the Independent Chairman, The chairmen of each department of study association Asset and the Chairman of MAK.

Complainant: The (board)member, student, or visitor who, in accordance with these regulations, submits a complaint to the Integrity Committee.

Defendant: The (board)member, student, or visitor against whom a complaint regarding undesirable behavior has been submitted in accordance with these regulations.

Complaint: A complaint in accordance with these regulations by a (board) member, student, or visitor in the context of the individual work or educational situation, which is experienced as undesired behavior.

Integrity Committee (IGC): The complaints committee for undesirable behavior, which has been established by the General Board in accordance with these regulations.

Trustee (Contact) Person: person(s) who has been appointed as such by the General Board, and who has been trained to support the complainant in the event of complaints regarding undesirable behavior.

Decision: The decision of the General Board regarding a submitted complaint on the advice issued by the committee.

The complaints procedure applies to (board)members, students, and visitors of Asset, insofar as the undesirable behavior has taken place on the premises of Asset and/or is related to Asset events.

### 3. TRUSTEE (CONTACT) PERSON (TCP)

Article 3.1 The General Board appoints at least two external Trustee (Contact) People, including at least one man and one woman and at least one member from the old board of Asset or it's sub-organs (three years discharged at least), and one member from an outside (sister) organization (three years discharged at least). The Trustee (Contact) Person is solely accountable to the General Board for the performance of their duties. Additionally, at least one board member per department/sub-organ of Asset, which houses members, will appoint a trustee contact person. Lastly, the General Board will appoint two Trustee (Contact) People from amongst themselves. All Trustee (Contact) People will receive training and act as a first point of contact. The departmental/sub-organ Trustee Contact



Person will only be responsible for cases that don't require any subsequent action by the Integrity Committee. The jurisdiction of the departmental/sub-organ Trustee (Contact) Person ends when cases lead to the filing of a complaint. Subsequent action and filing will be done between the complainant and external Trustee (Contact) Person.

Article 3.2 All Trustee (Contact) People will have to undergo Trustee (Contact) Person training as soon as possible after getting brought into their position, but no later than 3 months after being installed. External Trustee (Contact) People need to have already completed this training in the last 3 years.

Article 3.3 The duties and powers of the Trustee (Contact) Person include:

- a) acting as a point of contact for the (board)member, student or visitor who has been confronted with undesirable behavior;
- b) receiving, informing, guiding and advising the board member or student about possibilities to put an end to the undesirable behavior;
- c) giving solicited and unsolicited advice on the policy regarding undesirable behavior on the basis of received signals and bottlenecks;
- d) annually one week before the Annual GMM to submit a written report to the General Board about the activities in the previous academic year. The reporting is done without stating personal data.
- e) advising or assisting the (board)member, student or visitor in any further steps to be taken;
- f) supporting and supervising (board)members, students or visitors who are confronted with undesirable behavior when submitting a complaint to the Integrity Committee, as well as when being heard by the Integrity Committee; providing aftercare to the (board)member, student or visitor who has been confronted with undesirable behavior;
- g) conducting consultations with the General Board

Article 3.4 The duties and powers of the departmental/General Board Trustee (Contact) Person include:

- a) acting as a point of contact for the (board)member, student, or visitor who has been confronted with undesirable behavior;
- b) receiving, informing, guiding and advising the (board)member, student or visitor about possibilities to put an end to the undesirable behavior;
- c) giving solicited and unsolicited advice on the policy regarding undesirable behavior on the basis of received signals and bottlenecks;
- d) annually one week before the Annual GMM to submit a written report to the General Board about the activities in the previous calendar year. The reporting is done without stating personal data.

Article 3.5 In principle, the Trustee (Contact) Person will not perform any actions on behalf of the (board)member, student, or visitor without consultation with the (Board)member, student, or visitor concerned. In all conversations, explicit consent has to be given on sharing information with the General Board or Integrity Committee, and to which degree.



- Article 3.6 In some cases action may be taken against the advice of the complainant recorded in the advice of the Integrity Committee if the person(s) regarding the complaint is deemed to be a threat to other (board)members, students or visitors by the General Board.
- Article 3.7 The Trustee (Contact) Person is bound by confidentiality regarding the facts that have come to their knowledge in the performance of their position. It is only possible to deviate from this with the expressed permission of the (board) member, student or visitor concerned. This duty of confidentiality does not lapse after the confidential counselor is no longer operating as such.
- Article 3.8 The Trustee (Contact) Person has the right of non-disclosure. The provisions of 3.5 and 3.6 apply, insofar as governmental provisions do not provide otherwise.
- Article 3.9 The Trustee (Contact) Person is authorized to consult external experts outside of the appointed advisors. He will do this in consultation with the General Board, without disclosing the identity of the complainant. This entails that, where appropriate, budgetary space is made available for this within reasonable bounds.
- Article 3.10 All Trustee Contact People are voted in along with the Policy at the (Semi) Annual GMM. Any complaints about specific Trustee (Contact) People can be brought up in the DMM prior, there is no power to install at the aforementioned DMM.

#### 4. INTEGRITY COMMITTEE (IGC)

- Article 4.1 The purpose of the Integrity Committee is to create an objective case when cases need further specifications or cautionary steps. They are there for when the association receives an official complaint, is tipped or is handed a case of misconduct by another (board)member, student or visitor.
- Article 4.2 The Integrity Committee for Undesirable Behavior is set up and governed by the General Board as an advisory committee in the decision making process of the General Board.
- Article 4.3 The committee consists of three members and at least one deputy member, one of whom acts as chairman (the most senior of the rotary members), including at least one person with a legal background(in case this is feasible) and one external member not from within our association. Both members of the male and female sex are represented on the committee. The members will rotate in function as indicated below. The new senior member becomes the Chairman. The second in line will function as a vice-chairman, with the third and newest member being the secretary. Functions hold the following responsibilities:
- a) Secretary (year 1): Documents all meetings, investigations and other meetings that require documentation.
  - b) Vice-Chairman (year 2): General member, stand in chairman in cases provided in Article 4.7 to 4.9.
  - c) Chairman (year 3): Responsible for leading meetings, interviews, contacting the Independent Chairman and making sure the right procedures are followed.



- d) Deputy Member (year 4, not part of the committee anymore): Stand in case of challenges as mentioned in Article 4.7 to 4.9.
- Article 4.4 The members are appointed by the General Board through application or appointment. The appointment is for a period of three years (excluding a deputy year) during which the members will receive the necessary training. The members are immediately eligible for reappointment after this term. The General Board in consultation with the remaining members of the Integrity Committee decides on re-training or further specification into a necessary role for re-instated members. The training of re-appointed members is the jurisdiction of the General Board.
- Article 4.5 The Integrity Committee is supported by the Independent Chairman who functions as the contact person for the committee with regards to, and only, outside communication to stakeholders, i.e. their job as association representatives, procedural checks, and receiving updates. The procedural checks, which are to see if all steps of all complaints have been taken properly, take place before every (semi)annual GMM. The Independent chairman is not permitted to take any part in the process of examination or interviews. They only function as the link between the committee and the University/General Board. In case the complaint is about the Independent Chairman, the tasks in this article befall the Vice-Chairman.
- Article 4.6 The members of the Integrity Committee, the deputy member and everyone involved in the handling of the complaint are obliged to maintain the confidentiality of everything that has come to their knowledge with regard to a complaint.
- Article 4.7 For the handling of a complaint, a member of the Integrity Committee can be challenged by the complainant or the accused on the basis of facts or circumstances that could make it more difficult for the member concerned to form an impartial opinion. A request for a challenge must be properly motivated with valid and sound arguments. The request is sent to the Chairman of the Committee. In cases where the request is about the Chairman, it will be sent to the 2nd in line (Vice-Chairman) of the rotary system and so forth.
- Article 4.8 The other members of the Integrity Committee decide on a request for a challenge.
- Article 4.9 Members of the Integrity Committee can excuse themselves from their duties in cases of inadequacy or challenges on integrity. In this case the deputy member will take his or her place. The General Board is also able to excuse one of the members based on a request from the committee and/or external reasons.
- Article 4.10 A member of the Integrity Committee has the following characteristics:
- a) Has not been an active/involved member of Asset, or has not been a member for 3+ years.
  - b) Preferably has a legal background or in depth knowledge of the association.
  - c) Has had a Trustee Contact Person training (within the first three months of their appointment).
- Article 4.11 All members of the Integrity Committee are voted in along with the Policy at the (Semi) Annual GMM.



## 5. SUBMITTING COMPLAINTS

- Article 5.1 A complaint is submitted in writing by email to the committee's confidential address. A mail is to be sent with the heading 'Confidential and Personal'. The trustee (contact) person helps the complainant in the process of filing the complaint depending on its nature.
- Article 5.2 The Independent Chairman immediately receives confirmation of the complaint and subsequent processing to the Integrity Committee from the committee's Chairman. The Independent Chairman does not in any case get access to the contents of the complaint in this step.

## 6. ADMISSIBILITY

- Article 6.1 The complaint must meet the following requirements:
- a) The complaint is dated and signed;
  - b) The complaint contains a substantiated description of the perceived undesirable behavior, as well as the period within which this took place along with other necessary contextual information;
  - c) The complaint states the name and address of the complainant and the name of the accused;
  - d) The complainant has not previously submitted an identical complaint about this conduct that has been handled with due observance of these regulations;
  - e) The conduct took place no more than five years before the complaint was filed;
  - f) The complaint does not relate to conduct that is or has been subject to the judgment of a judge by the initiation of proceedings;
  - g) The complaint does not relate to conduct in respect of which a criminal investigation or prosecution is ongoing. In this case the Integrity Committee will advise the General Board to get in contact with the authorities.
- Article 6.2 If the requirements of Article 6.1 are not met, the Integrity Committee advises the General Board to declare the complaint inadmissible, provided that the complainant has had the opportunity to rectify the omission with regard to Article 6.1. The complainant will be notified of the inadmissibility of the complaint as soon as possible, but no later than two weeks after receipt of the complaint.

## 7. THE HANDLING OF THE COMPLAINT

- Article 7.1 The Integrity Committee will investigate the facts about which the complaint is made.
- Article 7.2 The Integrity Committee notifies the accused of the complaint and hears the complainant and the accused. The parties can either be heard in each other's presence or apart, this will be done in discussion with both parties.



- Article 7.3 The file and the sessions of the Integrity Committee are not public.
- Article 7.4 The complainant and the accused may be assisted by counsel at all hearings of the Integrity Committee.
- Article 7.5 After both sides have been heard, the Integrity Committee may decide to hear witnesses or experts, whether or not at the request of the complainant or accused.
- Article 7.6 In response to the progress of the investigation, the Integrity Committee may advise the General Board to take interim measures, if and insofar this is in the interest of the investigation or the position of the persons involved in the investigation.
- Article 7.7 A report is drawn up from a hearing. This is signed for approval by the person heard, with or without comments and from that moment on it belongs to the file of the Integrity Committee.
- Article 7.8 The Integrity Committee will handle a complaint as soon as possible, insofar as a careful procedure allows.

## 8. REPORTING AND ADVICE

- Article 8.1 The Integrity Committee will submit a written report to the General Board as soon as possible about its findings in the investigation that has been initiated. The Integrity Committee provides the report with advice on how to handle the complaint. The case gets shared with the complainant and the accused at the discretion of the General Board. The file should include at least the following:
- a) Date, Place, Signature.
  - b) Steps that were taken to come to the conclusion of the Integrity Committee.
  - c) Necessary contextual information for the General Board to make a balanced decision.
  - d) Final conclusion and advice.
  - e) (If applicable) Advice on the aftercare process.
- Article 8.2 Initially, the case gets shared without personal details, once a verdict has been reached the General Board will request the version including names.
- Article 8.3 The report and advice of the Integrity Committee to the General Board are not public.
- Article 8.4 The Complainant has no say in the contents of the Integrity Committee aside from their expressed wishes in the complaint itself.
- Article 8.5 If the complaint gives rise to this, the advice may also contain:
- a) Advice to the General Board regarding a measure to be taken;
  - b) Advice on the aftercare process.

## 9. CONCLUSION & TERMS

- Article 9.1 After receiving the report and the advice of the Integrity Committee, the General Board takes a decision about the handling of the complaint. If the General Board does not make a decision in accordance with the advice of the Integrity Committee,





this will be done by reasoned decision and will be reported and documented as such.

Article 9.2 The General Board is the final decision maker in all matters concerning the Integrity of the association.

Article 9.3 In case of a Challenge to the verdict by the accused party as per Article 5.5 of the statutes of Asset Tilburg, the Integrity Committee will advise the General Board on further specific action and procedural steps. The General Board will be responsible for the representation of the verdict given in collaboration with the Integrity Committee.

Article 9.4 Complaints will be handled within 2 weeks of receipt of the complaint.

- a) The General Board or the Integrity Committee can postpone the settlement for a maximum of four weeks. The complainant and the person to whose conduct the complaint relates will be notified in writing of the adjournment.
- b) Further postponement is possible if the complainant agrees to this in writing.

## 10. TEMPORARY MEASURES

Article 10.1 The General Board can at all times, whether or not at the request of the Integrity Committee or Trustee (Contact) Person, take temporary measures if an untenable situation arises as a result of (alleged) undesirable behavior for one or more directly involved parties or if this is considered necessary for the progress of the investigation.

Article 10.2 The temporary provisions and measures that can be taken by the General Board with regard to the accused, also depend on the position of the accused.

Article 10.3 The conclusions that the General Board can draw from a well-founded complaint include the imposition of sanctions with regard to the person who is guilty of undesirable behavior:

- a) For students and (board)members: disciplinary measures as referred to in the Statutes and Internal Regulations of Faculty Association Asset.
- b) Other persons: access to the grounds/buildings and activities of the Association and its activities may be denied for an undetermined period to be determined and, as far as possible, contractual relationships may be dissolved or not extended.

## 11. DOCUMENTATION

Article 11.1 The file relating to a complaints procedure is destroyed after being stored for five years. All documentation regarding the Integrity Committee is stored in the confidential Integrity Committee drive. Additionally, advice given to the General Board will be stored in the confidential Independent Chairman drive without personal details.





## 12. OTHER PROVISIONS

- Article 12.1 No board member or student will be harmed in their position within Tilburg University, because they have been involved in any way whatsoever in a complaints procedure as laid down in these regulations. This principle does not apply to the accused if a measure is taken after a declaration of validity.
- Article 12.2 The Integrity Committee reports annually two weeks before the Annual GMM, without stating personal details, to the General Board on the number and nature of the complaints and the advice given about them.
- Article 12.3 In cases not provided for in these regulations, the General Board will decide.

## 13. COMMITMENT & EVALUATION

- Article 13.1 Every year, the General Board notifies the Advisory Committee of the report of the Integrity Committee on the number of complaints.
- Article 13.2 Changes to this ruling will be done similarly to regular changes to the CoC and IR. Additionally, the Integrity Committee and Trustee Contact Person pool need to be in favor in a majority of  $\frac{2}{3}$ .