



Code of Conduct on Undesirable Behaviour of Fontys University of Applied Sciences

(pertaining to 'Undesirable Behaviour Complaints Procedure of Fontys University of Applied Sciences')

Introduction

A safe work and study environment at Fontys is crucial. Undesirable behaviour is inconsistent with this and must be prevented. This 'Code of Conduct on Undesirable Behaviour of Fontys University of Applied Sciences' contains Fontys' policy for preventing or avoiding undesirable behaviour and describes the various options and routes for staff members and students.

In the overarching [Fontys Internal Rules of Conduct \(Integrity Code\)](#), it is stipulated that staff members must avoid undesirable behaviour. This Code of Conduct is part of the Integrity Code, together with the [Undesirable Behaviour Complaints Procedure of Fontys University of Applied Sciences](#) and is based on the applicable legislation and regulations. Any procedures of institutes or service units regarding undesirable behaviour that supplement or deviate from this code of conduct or the complaints procedure are subject to the prior approval of the Executive Board.

Undesirable behaviour can entail sexual harassment, aggression, violence and intimidation (including abuse of power), bullying/gossiping or discrimination and can manifest itself in different forms. The Integrity Code contains various examples.

The abovementioned terms are explained below:

Sexual harassment / sexually transgressive behaviour

Any form of (unwanted) sexual advance, requests for sexual favours or other behaviour with a sexual overtone, either verbal, non-verbal, in writing or physical, which is experienced as undesirable and regarded as a violation of personal privacy by the person against whom it is directed. What matters, therefore, is how the complainant perceives this behaviour and not how the complainee intended it.

Other examples include showing sexually explicit or pornographic images (including, for example, via email or social media), staring or obscene gestures. In addition, sexual harassment may be physical. This involves any form of unwanted physical contact or intimidating near-contact: standing very close to someone, putting an arm around the shoulder, taking hold of someone, squeezing, kissing, sexual assault and rape.

Aggression, violence and intimidation (including abuse of power)

Frightening a person, making them feel unsafe or putting them under pressure by means of psychological or physical violence or harassment or by threatening or assaulting them.

Examples of physical violence include kicking, hitting, spitting, destroying possessions, verbal aggression (shouting, cursing and swearing and uttering threats).

Psychological violence is sometimes less visible. Examples include blackmail, humiliation and exclusion. This borders on bullying and can have a long-term impact on a person's functioning and self-confidence.

Abuse of power: making use of power, authority or trust for illegitimate purposes, meaning: purposes that are incompatible with the conditions under which a person was granted that power or authority. Abuse of power can take many forms, including manipulation and intimidation, but also psychological or physical abuse.

Abuse of power usually concerns the relationship between a person in authority (such as a lecturer or manager) and one or more subordinates or people (such as students or staff members) who trust in the legitimacy of the person in authority. It occurs in all contexts and has happened throughout history.

Bullying, cyberbullying and gossiping

Bullying: *repeated undesirable negative behaviour against which people cannot defend themselves. Bullying can be aimed directly at a person and can take various forms, such as making disparaging and humiliating comments, giving a person nonsensical tasks, deliberately making incorrect assessments of a person's performance, ridiculing, joking about a person's habits or private life, or constantly criticising. Bullying may also be less direct: isolating, excluding, not saying hello, ignoring, gossiping, or spreading malicious rumours, lies or false accusations.*

This often involves a combination of verbal and non-verbal (gestures, facial expressions) behaviour.

Cyberbullying: *digital undesirable behaviour has become increasingly prevalent since the arrival of social media. One example of this is online harassment.*

This may happen via email, chat, WhatsApp, webcam, etc. This form of harassment also falls under the definition of undesirable behaviour.

What is more, if it involves the use of channels made available by Fontys or environments whose use is required within Fontys (Fontys account, WhatsApp groups, MS Teams – including the use of images or audio from an MS Teams meeting), the Fontys ICT Code of Conduct also applies to it.

For example, it is not allowed to use Fontys resources to disseminate insulting material (e.g. racist or discriminatory, offensive and/or (sexually) intimidating material) or material which contravenes the law and public morals in any form whatsoever.

Gossiping: *talking about another person (verbally or in an email, text or chat), especially in an unpleasant or negative manner, without that person being present. If gossiping becomes structural and is directed by one or more students, staff members (colleagues or managers) against a particular student or staff member, this can have negative effects.*

Discrimination

Directly or indirectly making unlawful distinction in the treatment of people on the grounds of religion, personal belief, political affinity, race (including skin colour and descent), gender, civil status, sexual preference, age, physical or mental disability or any other ground whatsoever.

Awareness

It is essential that everyone at Fontys is aware of the necessity of desirable conduct and desirable behaviour and brings their attitude in line with this. Holding each other accountable with regard to desirable conduct and desirable behaviour and discussing it with each other contributes to this.

As it is not always clear what constitutes undesirable behaviour, awareness is important. What one person considers a joke, another person can experience as undesirable.

The term desirable behaviour means that we all deal with each other in a professional and respectful manner.

Developments in society, such as the #MeToo movement, and attention given to inclusion and diversity as well as to bullying, discrimination and abuse of power, contribute to raising awareness.

Undesirable behaviour can have far-reaching consequences for those involved. Staff members and students can experience psychosocial problems as a result of it. In addition to stress, this can lead to sickness absence among staff members, as well as reduced motivation, impaired performance, concentration problems, discomfort in the workplace, burn-out, a negative image of the organisation or themselves, or apathy.

Among students, it can also lead to study delays or sometimes even lead to students cutting off their studies or switching to a different institution. After a lengthy absence, those affected will find it even more difficult to resume their studies or work.

Managers in particular play a key part in promoting the policy against undesirable behaviour. They must lead by example. They are also expected to obtain and maintain the required knowledge and skills through professional development in order to (better) identify undesirable behaviour and take the appropriate action. The HR department will also make this part of a mandatory learning pathway for managers.

Where this appears useful (following the submission of a report or complaint or otherwise), a mediator can be engaged. This is an option if the complainee acknowledges the behaviour concerned and/or the consequences caused by it and is willing to have discussions with the complainant, manager and mediator.

Confidential advisors

Fontys has a number of trained and certified [confidential advisors](#), who have been appointed by the Executive Board.

The confidential advisors are available at the various Fontys locations. Everyone is free to choose a particular confidential advisor. Institutes and service units are not allowed to appoint their “own” confidential advisors or assign such a role to their staff members.

The confidential advisors’ duties and responsibilities will be detailed in a code of conduct or protocol for confidential advisors, to be adopted by the Executive Board.

The Fontys confidential advisors are there for students and staff members and provide support with issues relating to undesirable behaviour. The confidential advisors can also be contacted in case of integrity concerns. Complaints about integrity are handled by the Internal Rules of Conduct and Integrity Reporting Hotline: meldpunt-integriteit@fontys.nl

Complaints about undesirable behaviour can be reported to a designated help desk. Any complaints received are first handled internally and, where required, subsequently referred to an external complaints committee.

The '[Undesirable Behaviour Complaints Procedure of Fontys University of Applied Sciences](#)' describes the procedure for handling complaints relating to undesirable behaviour.

Scope of Code of Conduct and Undesirable Behaviour Complaints Procedure

The Code of Conduct and the Undesirable Behaviour Complaints procedure apply to:

- Fontys staff and students (including examination students and course participants);
- other persons working for Fontys, such as guest lecturers, interns or temporary staff;
- persons employed by third parties, such as employment agencies, suppliers, maintenance companies or catering firms, so anyone who carries out work on the premises or in the buildings of Fontys.

Staff Ombudsman

A staff member whose interests are directly affected by or as a result of an (imminent) difference of opinion or workplace conflict with their line manager can contact the [Staff Ombudsman](#) to obtain advice or submit a complaint and request the Ombudsman to investigate the line manager's behaviour towards the staff member. The Ombudsman will establish whether a complaint can be resolved through advice, a referral or a recommendation.

Complaints procedure and external complaints committee

This Code of Conduct pertains to the 'Undesirable Behaviour Complaints Procedure'.

The two documents together replace the 'Undesirable Behaviour Procedure' (Regeling ongewenst gedrag) from 2010.

From 1 January 2024, Fontys will have an undesirable behaviour help desk and Fontys will be affiliated with an external complaints committee.

Evaluation

The Code of Conduct and the Undesirable Behaviour Complaints Procedure will be evaluated after three years. If necessary, the complaints procedure then in force will be amended by the Executive Board with the consent of the Central Participation Council.

Adoption

This Code was adopted by the Executive Board on 11 July 2023, whereafter the Central Participation Council consented to it on 14 September 2023.

The Code takes effect from 1 January 2024.

Appendix: Undesirable Behaviour Complaints Procedure of Fontys University of Applied Sciences