

Protocol Confidential Counsellor undesirable behaviour

Introduction

The principles of Wageningen University & Research (WUR) regarding ethical conduct are embedded in the [Integrity Code of WUR](#). The Executive Board believes it is self-evident that everyone who directly or indirectly works or studies at WUR, including employees, PhD candidates and students, can be assured of an inspiring and safe working environment. In general terms, the Integrity Code describes the desired behaviour (or conduct) of employees, guest employees, PhD candidates, students and other parties. The fundamental norms and values that apply to this desired behaviour are respect, integrity, honesty and safety (including social safety). All those who are directly involved are jointly responsible for the behaviours that are required for a safe and pleasant working environment. This responsibility includes explicitly discussing or reporting undesirable behaviour.

The individual responsible for this undesirable behaviour can be called to account directly or via a supervisor, HR adviser or one of the certified confidential counsellors for undesirable behaviour who are appointed by the Executive Board.

This protocol specifies the role, duties and prerogatives of the confidential counsellor and the corresponding qualities and requirements.

If, despite the efforts of a confidential counsellor, an issue cannot be resolved satisfactorily, then the complainant can file a formal complaint with the Executive Board in accordance with the [Complaints Procedure undesirable behaviour](#).

Role, duties and prerogatives of the confidential counsellor for undesirable behaviour

o Role

All employees, with or without a permanent employment contract, PhD candidates, students and supervisors who are confronted with work-related undesirable behaviour can discuss this with a confidential counsellor for undesirable behaviour. For a more detailed explanation of the concept of undesirable behaviour, refer to the [Regulations Complaints Procedure undesirable behaviour](#).

In principle, the confidential counsellor is on the side of the complainant and cannot personally mediate or investigate a complaint. The confidential counsellor primarily listens to and supports the complainant, but also takes an advisory role in the process. The confidential counsellor does not deal with the formal complaint. At the request of the complainant, the confidential counsellor can join a meeting as support.

o The three main duties of the confidential advisor for undesirable behaviour

1. at the request of the complainant, confidentially discussing and providing support regarding the undesirable behaviour that was experienced, which also means providing support and guidance on the route towards desired behaviours
2. independently providing advice, whether solicited or unsolicited, to supervisors/Management Council/Executive Board
3. enhancing awareness of undesirable behaviour amongst employees, guest employees, PhD candidates, students, supervisors and other parties, and providing information on this topic.

Additional to 1. Confidentially discussing matters with and providing support to the complainant

A complete specification of confidential discussion and support cannot be given. Therefore, a number of examples are given.

- The confidential counsellor is a good listener and gives complainants space to tell their stories and experience the corresponding emotions.
- Everything remains confidential, except where criminal offences are involved (which creates a moral conflict for the confidential counsellor).
- The confidential counsellor does not assume responsibility for dealing with the problem; complainants are expected to manage the problem themselves.
- The confidential counsellor determines what is important for the complainant regarding how to proceed in this situation and discusses possible solutions.

- The confidential counsellor can inform the managers of an organisational unit about the case and report the names, departments, etc. of the persons involved, but only if the complainant gives permission to do so. The confidential counsellor will also advise the managers. The above provision does not prevent the confidential counsellor from informing the managers and/or Management Council and/or the Executive Board about the case, as long as – according to objective standards – the information cannot be traced to the complainant, and/or if this does not put the complainant at risk.

In case of incompatibility of interests (for example, involvement of the confidential counsellor in the case from another perspective), the confidential counsellor will refer the complainant to another confidential counsellor. If the person to whom the complaint relates also has contacted the confidential counsellor, then this person will be referred to the occupational social worker for support due to incompatibility of interests. The confidential counsellor is always entitled to non-disclosure based on his/her confidentiality obligation.

Addition to 2. Autonomously identifying trends and risks and advising managers/Management Council /Executive Board

On his or her own initiative, a confidential counsellor can advise managers/Management Council/the Executive Board regarding updating, refining and implementing the policy regarding undesirable behaviour in the following ways:

- Identifying trends and risk factors in relation to undesirable behaviour. In this respect, the confidential counsellor has an autonomous signalling and advisory function. This signalling can involve trends that have been observed by the confidential counsellor during interviews with complainants. This signalling takes place in such a way that the abovementioned confidentiality is safeguarded. The information that is provided should not be traceable according to objective standards to specific complainants, unless they have given permission for this.
- Based on his/her expertise, thinking creatively with others about aspects such as the implementation of the policy, a specific case of undesirable behaviour, or a trend observed by the manager.

As a result of the signalling by the confidential counsellor, the Executive Board can decide to initiate a formal investigation or to amend the policy.

Additional to 3. Enhancing awareness and providing information

The confidential counsellor also has the duty to prevent undesirable behaviour and promote desired behaviour. He/she fulfils this duty by, among other things, enhancing the awareness of and providing information to employees and managers. This duty can also be done in collaboration/coordination with other confidential counsellors.

o **Prerogatives**

In principle, the sphere of activity of the confidential counsellor for undesirable behaviour does not include domestic problems, labour disputes, problems due to workload or a reorganisation and/or the reporting of malpractices or irregularities. However, experience has shown that undesirable behaviour can also be involved in labour disputes, reorganisations or problems with excessive workload. In these situations, the confidential counsellor is available for aspects that involve undesirable behaviour and are thus limited to the interpersonal conflict. If a complainant needs specific help with regard to problems with a labour dispute, reorganisation or excessive workload, the confidential counsellor refers him or her to the appropriate professional, such as a physician, social worker, HR advisor, coach, psychologist, mediator, trade union representative or lawyer.

Requirements and qualities for a confidential counsellor on undesirable behaviour

To qualify for appointment as a confidential counsellor for undesirable behaviour, a relevant accredited qualification is required; to remain active in this position, his/her professional skills must be maintained through periodic training and intervision.

A confidential counsellor must be able to function at the HBO (higher professional education) level or above. In addition, he or she must:

- have integrity;
- have sufficient life experience;
- be even-tempered;
- be able to reflect on his or her behaviour and that of others;
- be able to deal appropriately with confidential information;
- be able to deal with resistance;
- be able to act independently;
- understand the context in which undesirable behaviours arise in the organisation;
- be approachable and accessible;
- have a good balance between personal involvement and professional distance;
- have communication skills (oral and written).

Due to possible conflicts of interest, the role of confidential counsellor is difficult to combine with positions such as an executive in the organisation, a manager in the same organisational unit, another advisory or confidential function (for example, Human Resource Management adviser or occupational social worker), a trade union representative or a member of the works council.

Registering complaints

The confidential counsellors register the number and nature of complaints in combination with observed trends. This information is used for the annual reporting to the Executive Board and for the WU/WR annual report.

Obligations and entitlements

• Confidentiality

Confidential counsellors are obligated to maintain confidentiality, unless specific circumstances arise that require breaking this confidentiality:

a crime/serious criminal offence, a dangerous situation (or the threat of such a situation) for others, or a situation about which the confidential counsellor has moral concerns. When the confidential counsellor breaks confidentiality, he/she will do this with the greatest possible care.

• Non-disclosure privilege

The confidential counsellor for undesirable behaviour shall enjoy the privilege of non-disclosure regarding information which, in the exercise of his or her duties, is entrusted in confidence by a complainant or by other means. The confidential counsellor can also invoke the privilege of non-disclosure if asked to divulge information that could endanger confidentiality.

The privilege of non-disclosure cannot be invoked in the event of knowledge of a crime/serious criminal offence or a dangerous situation (or the threat of such a situation) for others.

• Legal protection

Regarding the execution of their tasks, the confidential counsellor is accountable only to the Executive Board, with observance of the confidentiality obligation. Confidential counsellors may not be disadvantaged within the organisation on account of their handling of a complaint in their role as confidential counsellor. For this reason, confidential counsellors enjoy similar protection against dismissal as enjoyed by members of participational bodies.

Appointment of confidential counsellors for undesirable behaviour

The Executive Board appoints the confidential counsellors for undesirable behaviour for a period of four years, after which reappointment can take place. The appointment will take place following nomination by Management Councils and/or the coordinator of the confidential counsellors for undesirable behaviour. At least one confidential counsellor for undesirable behaviour is appointed for students of Wageningen

University. For employees, PhD candidates and others, one confidential counsellor for undesirable behaviour is preferably appointed for each organisational component (Sciences Group, CS+, FB, RIKILT or similar component). In doing so, the location of the organisational component is taken into account if possible.

The executive board provides the confidential counselor the necessary facilities, within reason, required for the performance of his or her duties, including an average availability of 60 hours per year.