

PROTOCOL ON TRANSGRESSIVE BEHAVIOUR IN STUDENT ORGANISATIONS



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Introduction

The *Protocol on Transgressive Behaviour in Student Organisations* has been drafted as a practical guide for confidential mentors and board members having to deal with reports or signs of transgressive behaviour in their individual organisations. It provides clear tools for monitoring and dealing with reports, while also clarifying the role and responsibilities of the confidential mentor.

This protocol is not a legal document but, rather, a tool to support and help organisations in dealing with reports in a matter-of-fact and consistent manner.

Safety and transgressive behaviour

Ensuring a safe environment within the organisation is the goal of every association. If you do not feel that you are in a safe environment, you can contact the student organisation's confidential mentor.

A safe environment within the organisation comprises two types of safety, i.e. in physical terms and in relation to the social environment. Social safety refers to the sense of safety and security conveyed by the culture within the organisation and which is created entirely by the organisations themselves. Transgressive behaviour (e.g. violence, sexually transgressive behaviour, racism and discrimination, etc.) is characterised by a lack of social safety within the organisation.

Confidential mentor

What is this?

A confidential mentor is the first point of contact in the organisation for all members and supporters having to deal with undesirable behaviour within the organisation and who do not want, are not able or are not allowed to approach the board and who want to talk to someone about this.

A confidential mentor is also available to anyone from the organisation who has comments or questions concerning transgressive behaviour. The confidential mentor can also advise the board on social safety matters within the organisation and act as a point of contact for those reporting and those committing such transgressive behaviour.

What are the duties of a confidential mentor?

A confidential mentor performs the following duties:

- First point of contact and listening
The confidential mentor is there to help members and supporters having to deal with undesirable behaviour **within** the organisation and who want to talk to someone about this. The confidential mentor shall treat this information discreetly.

- Referral

The confidential mentor shall inform the person reporting the incident regarding procedures and possible subsequent steps or, if desired, refer them to internal and/or external assistance services such as student psychologists, VUB Report It Helpline, Sexual Assault Care Centre, police, etc.

The confidential mentor will **not** deal with the complaints themselves in terms of content, preferring to find an acceptable solution together with the person reporting the incident. The confidential mentor is **not** a professional counsellor.

- Prevention within the organisation

Together with the board, the confidential mentor ensures that everyone within the organisation is aware of the existence of the confidential mentor. Furthermore, the confidential mentor can give the board advice and information on preventing transgressive behaviour within the organisation.

The confidential mentor also assumes the duties set out in the internal VUB regulations, such as the VUB initiation framework and the Student Life Codex.

What are the confidential mentor's responsibilities?

- Duty of discretion

The confidentiality and anonymity of the person reporting the incident must be guaranteed. This means that the information may not be shared with third parties, unless the person reporting the incident gives explicit permission to do so. The confidential mentor consequently signs a confidentiality agreement with the Student Life Coordinator to this effect at the start of the academic year.

There is one exception to this, however. In the case of actions prohibited by law, such as physical violence, rape, stalking, etc., such incidents must be reported. In such a situation, the confidential mentor shall contact the VUB Report It Helpline for advice and guidance.

The confidential mentor may (if necessary) consult with other confidential mentors in the same organisation and/or with the VUB Report It Helpline in accordance with the duty of discretion or with the consent of the person reporting the incident.

If the person reporting the incident does not want anything to do with it being reported, the confidential mentor must respect that choice and the information may not be shared with others.

- Training and peer-to-peer coaching

The confidential mentor undertakes to take part in the general training for confidential mentors provided free of charge by VUB at the start of the academic year.

Various peer-to-peer coaching sessions are organised throughout the academic year under the guidance of the VUB Report It Helpline and student psychologists. The confidential mentor undertakes to attend at least one peer-to-peer coaching session per semester.

- Independence and neutrality
In performing their role, the confidential mentor acts independently of management and in a neutral manner vis-à-vis all stakeholders. The confidential mentor may inform the board of an incident that has been reported if all the parties involved give their consent accordingly.

If dealing with a report in a neutral manner cannot be guaranteed for certain reasons (e.g. family or relationship ties with the person reporting the incident or with the perpetrator), the person reporting the incident must be referred to the other confidential mentor in the organisation, the central confidential counsellor and/or the VUB Report It Helpline.

- Assistance
The confidential mentor can contact the VUB Report It Helpline and/or the Student Life Coordinator for consultation or support at any time.

What is not part of the confidential mentor's duties?

- 24/7 availability
The confidential mentor has their own private life and guards their personal boundaries. Consequently, they are not available on a 24 hours a day, 7 days a week basis. The terms of reference do not contain any obligation to be permanently available. In the event of an incident being reported, the confidential mentor shall do their best to contact the person reporting the incident within an acceptable period of time (max. 3 working days).
In the event of an emergency, the VUB security service can be contacted on the VUB campuses at any time.
- Accompanying members and supporters home after activities
It is not the task of the confidential mentor to accompany members or supporters home or to their accommodation after an activity. There is a shared, collective duty to take care of each other.
- Ultimate responsibility for the course of activities
The confidential mentor does not bear ultimate responsibility for the course of activities. This ultimate responsibility lies with the (central) administrative board at all times, even if a confidential mentor is present.

Reporting

Whom to report to?

A report about a member of the organisation can be made to:

- The confidential mentor of the relevant student organisation or the VUB Report It Helpline;
- The (central) administrative board of the organisation
- The central confidential counsellor

Although the order set out above should preferably be adhered to, the person reporting an incident can freely choose the channel via which the report is made.

What steps are possible after a report?

When a report is made, the following steps are possible:

- Talking to the person reporting the incident
In this conversation, the confidential mentor listens to the account of the person reporting the incident and any further expectations they may have. Information is given about possible help within and outside VUB (student psychologist, VUB Report It Helpline, police, Sexual Assault Care Centre, etc.). The person reporting the incident shall decide on the further steps to be taken.
- Separate conversation with the student who is the subject of the report
A conversation can take place with the student who is the subject of the report. This also gives them the opportunity to talk about the incident. This can only happen if the person reporting the incident agrees.
If decisions are made at a later stage concerning the role or membership of that person within the student organisation, **at least** one interview must have taken place to hear their account.
- Joint conversation between the person reporting the incident and the person who is the subject of the report
If all the parties involved agree, a mediation meeting can be organised. Ideally, this will take place under the guidance of the VUB Report It Helpline, which will guide the conversation in the right direction.
- Informing the (central) administrative board
With a view to further steps being taken within the student organisation, the chairperson and/or the (central) administrative board of the student organisation can be informed of the report, though only with the agreement of the person reporting the incident. The confidential mentor shall retain the duty of discretion and the (central) board shall also handle this information discreetly.
- Referral
If the conversation with the person reporting the incident reveals that the report concerns (possible) criminal offences or other serious matters, the confidential mentor or the (central) board shall provide information concerning the possible steps that can be taken by competent internal and external channels, such as the VUB Report It Helpline, disciplinary proceedings, the police, the Sexual Assault Care Centre (ZSG), etc.

During the discussions with the person concerned, the directors and the confidential mentor(s) shall be non-judgemental and ensure that all parties feel they are being treated fairly. During these conversations, there shall be no mention of alibis or burden of proof and nobody is to be put under pressure.

What steps can be taken within the student organisation?

When the (central) administrative board becomes aware of a report and all the students involved have been heard, the following decisions are possible. The confidential mentor is to be involved in this procedure and have an **advisory** role. Attempts are to be made to reach a decision within an acceptable period of time (max. 1 month, with the exception of the examination period).

- Preventive non-activity:
In the phase of discussions with the students involved and possibly in consultation with the administrative boards of other student organisations. The decision concerning non-activity can be set for or a maximum of one semester, which can be extended to one academic year or until a final decision has been taken as part of disciplinary proceedings.
- Without any consequences
No further action to be taken on the report.
- Suspension:
The suspension can be set for or a maximum of one semester, which can be extended to one academic year or until a final decision has been taken as part of disciplinary proceedings.
- Removal from office within the board and/or removal from the student organisation

The decision-making process and associated deadlines regarding preventive non-activity and suspension shall be determined **in accordance with the student organisation's articles of association and/or internal regulations**. If the person who is the subject of the report is a member of more than one student organisation, each organisation can reach its own decision. Ideally, consultation will take place between such organisations to ensure that a coordinated decision is arrived at.

The student organisation shall arrive at a decision that is proportionate and takes any repetition of the situation into account. The (central) administrative board of the student organisation, or organisations if more than one is involved, can consult with the VUB Report IT Helpline and/or the Student Life Coordinator at any time for advice on the correct application of the procedure.

How to communicate with regard to the report?

- With the members involved
Both the person reporting the incident and the student who is the subject of the report shall be kept informed by the competent authorities regarding the steps and decisions taken.
The reasons for each decision must be given by the central administrative board, at least verbally.

- With the organisation
If the decision has consequences for the student organisation as a whole, communication will need to be broadened within the organisation. The situation is to be dealt with discreetly in this regard.
- With the community involved in the organisation
If the (central) administrative board ascertains that various rumours are circulating with regard to the report, external communication may then also be considered. In such a case, the facts are to be dealt with in a discreet manner and the persons concerned informed of this. The organisation can contact the VUB Report It Helpline and Student Information Helpline at any time for advice concerning communication.

Central confidential counsellor

What is the role of the central confidential counsellor?

The central confidential counsellor is the senior confidential mentor for all recognised organisations. Ideally, the person concerned will first contact the confidential mentor or central administration board associated with the relevant organisation. If that confidential mentor does not prove suitable, or if external help is needed, the central confidential counsellor can be contacted. The central confidential counsellor has more of a mediating role between the various stakeholders.