

# Regulations on Complaints Procedure for Undesirable Behaviour Wageningen University & Research

## Preamble

The Executive Board's guiding principle for Wageningen University & Research is that all individuals who, either directly or indirectly, work or study at WUR, such as employees, PhD candidates and students, treat each other with respect and integrity and that they can work or study in a socially safe environment. The basic norms and values that apply to desirable behaviour are: respect, integrity, honesty and safety.

The Executive Board pursues a preventive policy focused at preventing and combating undesirable behaviour, in particular harassment (including sexual harassment), aggression, violence, discrimination and bullying, in the work situation and the study environment. This preventive policy is embedded in the WUR Social Safety Code of Conduct. The WUR Social Safety Code of Conduct intends to promote a safe and inclusive working- and study-environment by:

- providing a unambiguous definition of undesirable behaviour;
- providing guidance to staff and students on how to address violations of the rules of conduct;
- paying attention to the enforcement of the rules of conduct and the sanctions associated with violations of these rules;
- supporting the professional attitude of staff and students by describing the organisation's expectations.

The WUR Social Safety Code of Conduct includes information on how to report a situation involving undesirable behaviour and which staff members from the auxiliary structure can be approached for this purpose. In addition to the possibility of reporting an incident to the auxiliary structure and receiving support in resolving the issue, anyone confronted with undesirable behaviour can submit a formal complaint based on the WUR Regulations on Complaints Procedure for Undesirable Behaviour.

The Social Safety Code of Conduct as well as the Regulations on Complaints Procedure for Undesirable Behaviour are further elaborations of the general stipulations in the collective bargaining agreement (CAO) WR and the CAO NU and, as required, complemented with further rules considering the special nature of the complaints regulations. The legislative basis for these regulations is the Working Conditions Act (ARBO) and the General Equal Treatment Act (AWGB).

Any complaint concerning undesirable behaviour will be handled diligent and under strict confidentiality.

The Executive Board considers it preferable that situations concerning undesirable behaviour be resolved - with the help and support of the auxiliary structure described in Article 5.1 of the WUR Social Safety Code of Conduct - without the need for intervention by a complaints committee. However, there may be situations in which the auxiliary structure or other interventions have not been able to provide a solution, or in which the complainant, for personal reasons, decides to renounce the help and support of the auxiliary structure to resolve the situation. In such cases, the formal complaints procedure at an external complaints committee is open, as stipulated in these complaints regulations.

This does not affect the right of the Board of Directors to investigate whether it is appropriate to refer the complaint to the auxiliary structure (first), before submitting the complaint to the external complaints committee for advice. The purpose of this is to determine whether the complainant is familiar with the auxiliary structure and has utilised it, and whether the complainant is well prepared for the formal complaints procedure and understands what it entails. In doing so, the Board of Directors will not comment on the substance of the complaint.

## **Article 1      Definition**

In these (complaints) regulations arising from the CAO NU and the CAO WR, the following definitions apply:

- 1.1      Organisation:  
Wageningen University & Research ("WUR"), namely. Wageningen University and Stichting Wageningen Research (including the operating companies) together.
- 1.2      Executive Board:  
Executive Board of Wageningen University and the Executive Board of Stichting Wageningen Research.
- 1.3      Supervisory Board  
The Supervisory Board of Wageningen University and Stichting Wageningen Research.
- 1.4      Complaint:  
A complaint is an expression by an Employee, PhD candidate or student about undesirable behaviour that they have personally experienced from another Employee, PhD candidate or student.
- 1.5      Employee(s), PhD candidates and student(s):
  - Employees are defined as all people who are employed by Wageningen University (WU) or Stichting Wageningen Research (WR) in accordance with the cao NU or the cao WR, or who are otherwise employed under the responsibility of WU or WR.
  - PhD candidates at Wageningen University/Research are defined as all PhD students with or without an employment contract with WU or WR.
  - Students are defined as all people who are enrolled at an educational institution and are doing an internship or following a course of study within the organisation.

Furthermore, former employees, former PhD candidates and former students who were employed by the organization, conducted PhD research at the organisation or studied at the organization no more than three years prior to the date of submission of the complaint may also invoke these complaints regulations.

  - Where reference is made to Employee/working environment, this also refers to student/study environment.
  - Where reference is made to a person, this also refers to an employee/PhD candidate/student.
- 1.6      Complainant:  
The Employee, PhD candidate or student who submits a complaint involving undesirable behaviour to the confidential counsellor or submits a complaint of undesirable behaviour via the complaints officer.
- 1.7      Defendant:  
The Employee, student or PhD candidate against whom the complaint is directed.
- 1.8      Undesirable behaviour:  
In these complaints regulations, undesirable behaviour is defined as: sexual harassment, intimidation, discrimination, aggression, violence and bullying in the (digital) work or study environment.
- 1.9      Sexual harassment:  
Undesirable behaviour in the form of any unwanted sexual advances (verbal, non-verbal or physical) or behaviour with sexual connotations. The guiding principle with sexual harassment is that consent is absent. Sexual activity requires consent, which is defined as positive, unambiguous and voluntary agreement to specific sexual activity during a sexual encounter.

- 1.10 Harassment:  
Unwanted behaviour that has the purpose or effect of violating a person's dignity and creating a threatening, hostile, offensive, humiliating or hurtful environment.  
A specific form of harassment is stalking. Stalking is deliberately and systematically harassing and/or following someone to the extent that they no longer feel safe. Stalking can take place at work, at home, online or in public.
- 1.11 Discrimination  
Unwanted behaviour in which unlawful distinctions are made between groups or individuals with regard to religion, beliefs, sexual orientation, race, gender, political affiliation, disability, skin colour, age, level of education and appearance or otherwise as referred to in Article 1 of the Constitution, which is undesirable or unwanted, or is reasonably perceived as such by the person confronted with it.
- 1.12 Aggression and violence:  
Undesirable behaviour in which a person is psychologically or physically harassed, intimidated, threatened or attacked (in person, online or by telephone) in circumstances directly related to performing work or studying at WUR. Aggression and violence include verbal abuse, throwing objects, pushing, pulling, obstructing, grabbing, seizing and/or blocking the way, spitting and hitting or destroying objects and/or property belonging to another person.
- Aggression and violence can take the form of threats: threatening negative consequences, such as death or physical or mental violence, or (unjustifiably) filing a complaint against a person, that person's loved ones or that person's property. Threats can also be accompanied by blackmail. Threats can be made with words or through the use of physical violence. The purpose of the threat is to influence someone's behaviour by instilling fear.
- 1.13 Bullying:  
Unwanted behaviour involving systematic severe obstruction, harassment or causing physical or mental discomfort, directed at the same person, often over a long period of time. Bullying within the organisation is the systematic infliction of psychological, physical or sexual discomfort – verbally, in writing or virtually (cyberbullying) – by one person or a group of people, as a result of which the complainant is no longer able to function optimally within the organisation.
- 1.14 Confidential counsellor:  
The independent officer appointed by the Executive Board to whom the complainant can turn with the intention of filing a complaint regarding undesirable behaviour.
- 1.15 Defendant's counsellor:  
The officer who provides support to the defendant.
- 1.16 Company social worker:  
The contact person for the defendant if they require psychosocial support. If the defendant requires support during the complaints procedure, they will be referred to an external 'defendant's counsellor' (1.15).
- 1.17 External complaints committee:  
The independent external complaints committee appointed by the Executive Board, which advises the Executive Board on the complaint(s) submitted.
- 1.18 Mediator:  
The mediator is the person approved by the complainant and the defendant to find a solution.
- 1.19 Complaints officer:  
The employee appointed by the Executive Board to whom the complaint can be submitted and who provides administrative support in handling the complaint. This complaints officer is the contact person for both the Executive Board and the external complaints committee, as well as for the complainant(s) and the defendant(s). Monitoring the complaints procedure is also one of

the tasks of the complaints officer. The position of complaints officer is incompatible with the role of confidential counsellor.

1.20 Ombudsperson:

The independent officer appointed by the Executive Board as described in the Ombudsperson Regulations. The ombudsperson handles reports from (groups of) employees and students and advises on major trends in the field of social safety. The ombudsperson keeps an eye on individual cases, but doesn't deal with legal issues, (individual) reports that are already being handled, or matters that are explicitly assigned to a specific committee. The ombudsperson does take action if there's a pattern. The position complements the existing auxiliary structure and may not duplicate the roles of other actors in the auxiliary structure, such as confidential counsellors or committees.

**Article 2 Complaint against or by a member of the Executive Board**

2.1 If the complaint is directed against or submitted by a member of the Executive Board, then in these regulations, 'Executive Board' should be read as 'Supervisory Board'.

2.2 If the complaint is directed against a member of the Executive Board, it must be submitted to the secretary of the Supervisory Board. For the purposes of these complaints regulations, the secretary will act in place of the complaints officer.

**Article 3 The confidential counsellor**

3.1 The Executive Board shall appoint, on the recommendation of local management, confidential counsellors, at least one for students of Wageningen University and a number for employees (including PhD candidates), preferably one per organisational unit, taking into account the locations of the organisation.

3.2 The complainant may seek assistance from the confidential counsellor with regard to the complaints procedure.

3.3 Within the framework of these Regulations on Complaints Procedure for Undesirable Behaviour, the confidential counsellor shall at least have the following tasks:

- Acting as a point of contact for employees/PhD candidates and students who are confronted with undesirable behaviour and are considering filing a complaint;
- Accommodate, supporting and, if necessary, referring Employees/PhD candidates/students to experts;
- Informing the complainant about the complaints procedure as described in these regulations and the resulting consequences, before any steps are taken;
- Advising the complainant on any steps to be taken;
- Guiding and supporting employees/PhD candidates/students who are considering filing a complaint with the Executive Board;
- Guiding and supporting the complainant during the official complaints procedure.

3.4 Within the framework of these Regulations on Complaints Procedure for Undesirable Behaviour, the confidential counsellor has, at least, the following authorities:

- The confidential counsellor is entitled to request access to all relevant (personnel) information. In the case of privacy-sensitive information relating to an employee, this will be done in close consultation with the head of HRM of the relevant organisational unit. In the case of privacy-sensitive information relating to a student, this will be done in close consultation with the head of the Student Services Centre. In the case of privacy-sensitive information relating to a PhD candidate, this will be done in close consultation with the relevant Graduate School.
- The confidential counsellor has the authority, as far as this is relevant to the performance of their function, to consult internal and external experts on their own initiative.
- The confidential counsellor has access to all parts of the organisation and may hold discussions with all staff members, PhD candidates or students.

- The confidential counsellor is authorised to bring a matter to the attention of the Ombudsperson or - when this is more appropriate for compelling reasons – the Executive Board, if the confidential counsellor receives one or more reports that, for reasons compelling to the complainant(s), have not been or will not be submitted to the complaints committee and which the confidential counsellor believes require escalation due to the seriousness and scope of the report(s). In such a situation, the confidential counsellor will ensure that the identity of the complainant(s) remains anonymous. The confidential counsellor will consult in advance with the Director of Corporate HR or the Director of the relevant Wageningen Graduate School or the Director of Education & Student Affairs (bvd.ESA), depending on whether the matter concerns the interests of employees, PhD candidates and/or students.

3.5 The confidential counsellor will not take any action to perform the task in relation to an individual case without the consent of the complainant.

3.6 The confidential counsellor may refuse to guide a complaint on the basis of the following points:

- Conflict of interest;
- Personal and/or factual circumstances;
- If the complaint does not directly relate to undesirable behaviour as referred to in these regulations.

If this situation arises, the confidential counsellor will refer the complainant to another confidential counsellor or body that is able to take the complaint into consideration.

3.7 The confidential counsellor is solely accountable to the Executive Board for the performance of his or her duties, whereby the duty of confidentiality is respected with regard to the information available to the confidential counsellor. The Executive Board evaluates the role and performance of the confidential counsellors duties under these regulations from time to time with the confidential counsellor coordinator.

3.8 Confidential counsellors may not be disadvantaged within the organisation on account of handling a complaint or on account of their position as confidential counsellor. Confidential counsellors therefore have similar protection against dismissal as members of employee participation bodies.

#### **Article 4 Support for the defendant**

- 4.1 In the context of these Regulations on Complaints Procedure for Undesirable Behaviour, the defendant may use the support of an 'defendant' s counsellor'.
- 4.2 If the defendant wishes to be assisted by a defendant's counsellor, they can indicate this to the confidential counsellor or company social worker. In that case, the company social worker will put the defendant in contact with an external counsellor. The costs of the external counsellor will be borne by the management of the knowledge unit or organisational unit where the defendant works.
- 4.3 In the context of these Regulations on Complaints Procedure for Undesirable Behaviour, the counsellor for the defendant has at least the following tasks:
- Informing the defendant about the complaints procedure;
  - Preparing and supporting the defendant during the complaints procedure;
  - At the request of the defendant, searching for a mediator;
  - Taking steps to find a solution at the request of the defendant;
  - Guiding the defendant in the rehabilitation process in the event of unjustified accusations
  - The defendant's counsellors may not be disadvantaged because of their involvement in guiding a complaint or because of their position within the organisation. The defendant's counsellors therefore have similar protection against dismissal as members of employee participation bodies.

#### **Article 5 The complaints committee**

- 5.1 The complaints committee is responsible for three tasks, namely:

- Ruling on the admissibility of the complaint;
  - Investigating the complaint(s) concerning undesirable behaviour;
  - Issuing advice on the complaint(s) to the Executive Board.
- 5.2 If an employee, PhD candidate or student submits a complaint regarding undesirable behaviour, the complaints committee will first assess the admissibility of the complaint as laid down in Article 6.4 of these regulations.
- 5.3 If the complaint is admissible, it will be submitted directly to the Executive Board (or the Executive Board member responsible for personnel) by the complaints officer. The Executive Board will submit the complaint to the external complaints committee (hereinafter referred to as the complaints committee) for advice, unless the Executive Board sees possibilities to refer the complainant (first) to the auxiliary structure.
- 5.4 Once the admissibility of the complaint has been established, the complaints officer will inform the defendant and the management of the organisational unit(s) concerned that a formal complaints procedure has been initiated. The names of the complainant and the defendant will only be disclosed if the committee deems this necessary for the investigation. The management will treat this information confidentially.
- 5.5 The external complaints committee shall consist of at least two members and a (vice-)chairperson, and shall have sufficient expertise in the legal field and in the field of undesirable behaviour. The complaints committee is supported by a secretary, to be appointed in consultation with the Executive Board, who shall not be a member of the complaints committee. The chairperson and members of the committee shall have no direct or structural relationship with the organisation and shall not have had such a relationship in the past five years, in order to prevent their objectivity and independence from being called into question.

## **Article 6 Complaints Procedure**

- 6.1 A complaint about undesirable behaviour shall be submitted in writing by the complainant to the Executive Board via the complaints officer. If there are several complainants against the same defendant, each complainant must submit their own letter of complaint separately. The complaint shall include at least:
- a. A description of the complaint;
  - b. The name of the defendant or names of the defendants;
  - c. A description of the steps already taken by the complainant;
  - d. If the complaint concerns multiple defendants, the allegations against each defendant must be specified.
- The external committee has the option of combining individual complaints concerning the same matter and dealing with and assessing them collectively.
- 6.2 The complaints officer ensures that, in consultation with the Executive Board, and with due observance of the provisions of 4.2 and 4.3, the external complaints committee is established and shall send the complainant confirmation of receipt and a copy of the complaints regulations.
- 6.3 Complaints may be submitted within a period of three years from the date on which the undesirable behaviour took place. The reference date is the date on which the complaints officer receives the complete complaint.
- 6.4 A complaint will at least be inadmissible if:
- a. The complaint does not relate to undesirable behaviour as referred to in these regulations;
  - b. the time limit for submitting a complaint has expired;
  - c. the complaint has been submitted anonymously;
  - d. the complaint has already been dealt with by the committee, unless there are new facts and/or circumstances;
  - e. legal proceedings are pending or have been concluded with regard to the complaint.

- 6.5 The complaints committee will decide within 10 working days of receiving the (complete) complaint whether the complaint is admissible. If the complaint is admissible, the complaints officer will notify both the complainant and the defendant in writing within the aforementioned period.
- 6.6 If the complaint is admissible, the complaints committee will hear the complainant and the accused within 20 working days of the written notification of admissibility to the complainant and the accused. The period shall commence on the date of dispatch of the notification. When summoned to the hearing, the defendant shall also receive a copy of the complaint and all other documents submitted by the complainant in connection with the complaint. The defendant shall be given the opportunity to prepare for the hearing within a period of at least 10 working days after receipt.
- 6.7 The complaints committee is entitled to all information (verbal and written) from the Executive Board that the committee deems necessary for the performance of its duties. Furthermore, the committee is authorised, whether or not at the request of the complainant and the defendant, to hear other persons/witnesses (internal or external) or to consult experts (internal or external).
- 6.8 If the complainant and/or the defendant are assisted in the complaints procedure by a legal representative chosen on their own initiative, the Executive Board may, in exceptional cases, decide to reimburse the additional costs of legal assistance incurred by the accused.
- 6.9 Following on from Article 6.7, other individuals may also be heard. If, in the opinion of the committee, it is necessary for a witness to be heard anonymously, the committee may decide to do so, stating its reasons.
- 6.10 The complaints committee has the authority to outsource (part of) the investigation to a third party if there is reason to do so, for example because highly specialised knowledge is required. In that case, the committee commissions the investigation. The complaints committee must ensure that the third party complies with the procedure to be followed.
- 6.11 The investigation must be completed within 40 working days of hearing the complainant. If the investigation cannot be completed within 40 working days of hearing the complainant, the complaints committee shall report its findings to date to the Executive Board, requesting the Executive Board to extend the period by a maximum of 30 working days, stating its reasons for doing so.
- 6.12 At each hearing, at least the secretary and two members of the complaints committee, including the chair, shall be present. The hearings of the complaints committee are closed to the public. The secretary shall draw up a written report of each meeting. In addition, with the consent of those involved, the proceedings of the meeting shall be recorded using recording equipment. The recordings made are for the sole purpose of preparing the report and will not be made available to anyone other than the members of the complaints committee and the secretary. Once the report of the hearing has been drawn up, the recordings will be deleted. The reports will be sent to both the complainant and the defendant for their information as soon as they have been approved by the chair of the committee. Witnesses will only receive the report of their own hearing, also for their information.
- 6.13 The following applies to the hearing:
- a. The complainant and the defendant shall be heard in each other's presence.
  - b. If, in the opinion of the committee or one of the parties, a joint hearing is not deemed desirable, the parties will be heard separately by the committee.
  - c. If the external committee has decided to deal with several complaints concerning the same case as a group (see Article 5.1), a hearing may also take collectively.
  - d. Involved parties who work or study at Wageningen University & Research are required to attend.
  - e. The complainant and the defendant have the right of access to all documents relating to the complaint and the reports of the individuals heard by the complaints committee in the context of the complaints procedure, such via the secretary.

- 6.14 Once the investigation has been completed, the complaints committee will issue a reasoned advice to the Executive Board. This advice from the committee to the Executive Board will at least include the following points:
- a. The nature of the complaint;
  - b. who has been affected by the undesirable behaviour;
  - c. whether the complaint is well-founded or unfounded;
  - d. if the complaint is well-founded, a recommendation to the Executive Board regarding measures to be taken;
  - e. if the complaint gives cause to do so, the advice may also include a recommendation on aftercare/follow-up, in which case the committee will indicate who has which role and/or responsibility.
- 6.15 Within 15 working days of receiving the advice of the complaints committee, the Executive Board will make a written decision on the complaint based on the committee's advice and on any measures to be taken. Before a decision is made to deviate from the advice, the chair of the complaints committee will be consulted about this intention. In that case, the period may be extended by 10 working days.

If the Executive Board does not follow the advice of the complaints committee, this decision shall be stated in the decision of the Executive Board, stating the reasons.

The decision of the Executive Board, including the advice of the complaints committee, shall be notified to the complaints officer, the confidential counsellor (if involved in the procedure), the members of the complaints committee and the management of the knowledge unit(s) or organisational unit(s) involved in the complaints procedure. The complainant and the defendant will also receive the reports of the hearings.

If the Executive Board believes that, for example due to the personal nature of the measures included in the decision, it is not reasonable to request that this decision be shared in full with the other party, both parties will be informed of the decision regarding the admissibility and/or validity of the complaint, whereby the Executive Board - taking into account the privacy of those involved - assesses how detailed the feedback on measures taken against one party to the other party should be. The party against whom measures are decided will be informed thereof.

- 6.16 Both before and during the handling of the complaint, the Executive Board may, at the request of the complainant and/or the complaints committee, take temporary measures:
- If this is necessary for the well-being of the complainant and/or;
  - There is an untenable situation for one or more parties directly involved.
- 6.17 After receiving the decision of the Executive Board, the complainant and the defendant are entitled to aftercare for a maximum period of six months and may contact the complaints officer for this purpose. If desired, the aftercare may be extended after this period at the request of the complainant or the defendant. After consultation, the complaints officer will refer to the appropriate auxiliary structure. Aftercare may consist of a referral to, for example, a company social worker, a student psychologist or a confidential counsellor.
- 6.18 The complaint may be withdrawn by the complainant until the complaints committee has issued its advice.

## **Article 7           Duty of confidentiality**

- 7.1 All those directly or indirectly involved in a complaints procedure are obliged to treat the complaint as confidential in order to guarantee the privacy of the complainant and the defendant.
- 7.2 Confidentiality applies to the preliminary phase, during the complaints procedure and after the decision has been taken by the Executive Board.

- 7.3 If the situation so requires, the Executive Board has the authority to breach confidentiality and to communicate internally and/or externally in the context of the complaint. Should the Executive Board decide to do so, the privacy of those involved must be respected at all times and communication will take place as much as possible in consultation with all those involved in the complaint. Communication will only concern whether the complaint is well-founded or unfounded, how the complaint handling procedure has proceeded and what the practical outcome is following the handling of the complaint. All parties must make every effort to prevent (further) damage to individuals or interests, or to limit this as much as possible.

**Article 8            Discrimination**

It is not permitted to disadvantage individuals on the grounds that they have made use of these complaints regulations, provided assistance in this regard or been heard as witnesses.

**Article 9            Citation and entry into force**

These regulations is referred to as the 'WUR Regulations on Complaints Procedure for Undesirable Behaviour' and was amended by decision of the Executive Board on 1 December 2025. The complaints regulations replaces the Regulations on Complaints Procedure Undesirable Behaviour Wageningen University & Research dated 31 December 2019 and will take effect on 1 December 2025.