



**University  
of the Arts  
The Hague**

## **Protocol for Confidential Counsellors**

## Introduction

The Protocol for Confidential Counsellors on Inappropriate Behaviour and Confidential Counsellors on Integrity describes the duties, powers and responsibilities of the confidential counsellors. The protocol also sets out the rights of students and employees of the University of the Arts (hereinafter: the University) who consult a confidential counsellor.

Within the University's care structure, the confidential counsellor is the first point of contact for students, pupils and their parents, or staff members who have complaints regarding inappropriate behaviour, integrity or (social) safety. The confidential counsellor listens and asks questions with a view to clarifying the problem, can provide counselling, advice and/or a referral to an expert and discusses how best to submit a complaint.

### 1. Job description

1. The Executive Board will appoint internal confidential counsellors and at least one external confidential counsellor.
2. In principle, the appointment is for a period of four years, with the first year of the initial period being a trial period. There are no restrictions on the reappointment of individuals.
3. At least one internal confidential counsellor will be an employee of the Royal Academy of Art and at least one internal confidential counsellor will be an employee of the Royal Conservatoire.
4. The external confidential counsellor will be a person who is not an employee of the University.
5. Students and employees may choose to contact an internal or an external confidential counsellor.
6. The Executive Board will facilitate the (further) training of confidential counsellors.
7. The duties and powers of confidential counsellors are set out in the Protocol for Confidential Counsellors adopted by the Executive Board.

### 2. Duties and powers of confidential counsellors

1. To provide care and guidance for students, employees and parents/guardians of pupils who are experiencing, have experienced and/or witnessed inappropriate behaviour as described in the Complaints Procedure for Inappropriate Behaviour. This is understood to mean:
  - a. Providing care, guidance and advice for the notifier/complainant with a view to raising the matter for discussion and managing the problem;
  - b. Attending meetings as an observer with a view to finding a solution or creating a climate in which the parties can study/work;
  - c. Helping the notifier/complainant to submit a complaint to the complaints committee;
  - d. Providing after-care and if necessary referring the matter to internal or external bodies.
2. To inform staff, students and parents/guardians of pupils about the Code of Conduct, the confidential counsellor and the Complaints Procedure for Inappropriate Behaviour.
3. To identify and provide information about possible problem areas within the organisation and make proposals for addressing them to the Executive Board and/or the faculty management.
4. To provide solicited and unsolicited advice to the Executive Board or the faculty management in relation to social safety.
5. To maintain, and if necessary increase, the expertise they need to perform their job.

6. The confidential counsellor will report annually to the Executive Board on the number of cases handled and their nature. The confidential counsellor can supplement this report with recommendations for measures designed to prevent inappropriate behaviour or to promote desirable behaviour.

### 3. Confidentiality

1. The information acquired by the confidential counsellor is confidential, unless there are legal obligations requiring a breach of the duty of confidentiality. The confidential counsellor must inform the notifier/complainant of this reservation.
2. The confidential counsellor will not contact third parties about an individual case without the consent of the notifier/complainant.
3. The confidential counsellor may regard him/herself as released from the duty of confidentiality in the following situations:
  - a. maintaining confidentiality creates a moral dilemma for the confidential counsellor;
  - b. by law, confidentiality cannot cover criminal offences. In that case, the confidential counsellor will inform the notifier that as a rule he or she does not enjoy legal privilege;
  - c. in the opinion of the confidential counsellor, failure to breach the duty of confidentiality will almost certainly result in demonstrable and serious harm to the individuals concerned or to others;
  - d. in the case of 3a or 3b, the confidential counsellor will consult one or more fellow confidential counsellors or a member of the Executive Board.

### 4. Position and protection of confidential counsellor

1. The confidential counsellor will report to the Executive Board on the performance of his or her duties.
2. The fact that an employee occupies the position of confidential counsellor may not directly or indirectly impair his or her career prospects.
3. In the performance of their duties, confidential counsellors will maintain contact with officers and members of University bodies who are in a position to identify undesirable behaviour.
4. The confidential counsellor may consult one or more of the University's other confidential counsellors regarding how a notification or a complaint should be handled.

### 5. Notification

1. A student, a pupil or the parent/guardian of a pupil or an employee who is confronted with, witnesses or becomes aware of inappropriate behaviour can notify a confidential counsellor of that behaviour;
2. A notification must be made as soon as possible, but no later than one year after the individual's registration as a student or employment has been terminated.
3. A notification can be made orally or in writing.
4. The confidential counsellor will write a personal report of the notification, which must include at least the substance of the complaint, the time and place of the event, the name of the notifier and the name of the accused.
5. Students, pupils and parents/guardians of pupils can make a notification anonymously in accordance with the 'Complaints procedure for handling anonymous complaints from students'.
6. Anonymous notifications from employees will not be considered.
7. The notifier may at any time make a written request to the confidential counsellor to stop handling the notification.

## 6. Accountability and report

1. The confidential counsellor will prepare a report of the activities and interviews relating to a notification or a complaint.
2. The reports will be accessible only to the confidential counsellor handling the notification and the complaints committee, unless otherwise mandated by law.
3. The confidential counsellor will report annually to the Executive Board on the number of cases handled and their nature.
4. The Executive Board will keep staff and students informed about measures taken to prevent inappropriate behaviour in the University.
5. The confidential counsellors will handle personal data and special categories of personal data in accordance with the provisions of the General Data Protection Regulation (GDPR).

## 7. Archiving and retention periods

1. After the report or notification has been handled, the ensuing report will be stored in the confidential counsellor's personal administration and retained for five years after the annual report has been submitted.
2. All other documents relating to the notification or complaint will be destroyed.
3. The archives of a confidential counsellor who no longer works in that position will be transferred to another confidential counsellor who is still in office or to a confidential counsellor designated by the Executive Board.

## 8. Complaints procedure

1. Students who believe that a confidential counsellor has acted in breach of this protocol and/or that their interests are directly affected as a result may contact complaints committee from the national association of confidential counsellors (LVV):  
<https://www.lvv.nl/klachten-en-beroep>.
2. Students who believe that undesirable behaviour has occurred can make an anonymous report with the student counsellor or file an official complaint with the University's Complaints Committee.

## 9. Entry into force and evaluation

1. The code of conduct was adopted by the Executive Board.
2. The confidential counsellors are responsible for keeping this document up to date. If essential additions or changes are made to provisions ensuing from legal provisions and official regulations, they will be submitted to the Executive Board.

*Adopted by the Executive Board dated 28<sup>th</sup> June 2022  
after the University Council's positive advice on 27<sup>th</sup> June 2022*