



**University
of the Arts
The Hague**

Complaints Procedure for Inappropriate Behaviour

version 2026

This policy applies to any behaviour or form of communication that harms the well-being, dignity, and social safety of others. Such behaviour creates an environment in which people do not feel free to speak up, participate, make mistakes, or be themselves.

Article 1 Definitions

The following definitions apply in this complaints procedure:

Inappropriate behaviour: sexual harassment, aggression, violence, bullying, and discrimination in the workplace.

b. Sexual harassment: any form of verbal, non-verbal or physical connotation with a sexual connotation that has the purpose or effect of violating the dignity of a person, in particular when a threatening, hostile, insulting, humiliating or offensive situation is created;

c. Aggression and violence: incidents in which a person is psychologically or physically harassed, threatened or attacked under circumstances directly related to the performance of work;

d. Bullying: all forms of intimidating behaviour of a structural nature, by one or more persons against one person or group of persons who are unable or unable to defend themselves against this Convention. An important element regarding bullying is the repetition of the behaviour over time;

e. Discrimination:

1. Making a direct or indirect distinction, subject to the exceptions mentioned in the equal treatment legislation;

2. Direct discrimination is understood to mean: discrimination between persons on the basis of religion, belief, political opinion, race, sex, nationality, heterosexual or homosexual orientation, marital status, age, disability or chronic illness;

3. Indirect discrimination is understood to mean: discrimination on the basis of qualities or conduct other than those referred to above, which results in direct discrimination;

4. Intentionally insulting a group of people, orally or in writing or images, because of religion, belief, political opinion, race, gender, nationality, heterosexual or homosexual orientation, marital status, age, disability or chronic illness;

5. Violent action against persons or groups of persons on account of their religion, belief, political opinion, race, sex, nationality, heterosexual or homosexual orientation, marital status, age, disability or chronic illness;

f. *Complaint*: a complaint of inappropriate behaviour submitted to the complaints committee.

g. *Complainant*: a current or former student or employees of the University of the Arts The Hague (hereinafter: the University) who reports a case of inappropriate behaviour to a confidential counsellor or who submits a complaint of inappropriate behaviour to the complaints committee;

h. *Accused*: the employee or student whose behaviour is the subject of a complaint to the complaints committee.

i. *Complaints Committee*: the committee as referred to in Article 3 of this complaints procedure.

j. *Employee*: an individual who has or has had an employment contract with the University of the Arts, as well as any person who is or has been hired to perform work for the University of the Arts other than under a contract of employment;

k. *Student*: an individual who is enrolled to follow a course in the University of the Arts and/or to sit interim and final exams, as well as a person who has studied at the University. An external student and a course participant is equated with a student as referred to in the University's Student Charter. Students who are minors may be represented by their legal representatives.

l. Persons directly involved: complainant and accused

Article 2 Allocation of roles

The Executive Board is responsible, in collaboration with the faculty directorates, for preventing and combatting inappropriate behaviour.

The Executive Board, in cooperation with the faculty directorates, ensures the follow-up of rulings and recommendations of the complaints committee. The chair of the complaints committee is regularly informed of progress.

The Executive Board is responsible for arranging training opportunities and facilities to enable employees to prevent and combat inappropriate behaviour.

The Executive Board will arrange for the presence and accessibility of persons and bodies to whom inappropriate behaviour can be reported in support of measures to prevent and combat inappropriate behaviour.

Article 3 The Complaints Committee

- a. The University has a complaints committee consisting of at least four members from the organisation and one chairperson.
- b. The chairperson may not be an employee of the University.
- c. The members of the complaints committee are appointed by the Executive Board. The members will be appointed for three years and may be reappointed by agreement at the end of that period.
- d. The aim is to have equal representation of men and women on the complaints committee, as well as sufficient psychosocial and legal expertise in relation to inappropriate behaviour.
- e. Members of the Executive Board, the faculty management and confidential counsellors may not be appointed to the complaints committee.
- f. The complaints committee will be actively facilitated in performing its work objectively and independently and will not be subject to any influence or attempted influence in deciding whether to deal with a complaint and/or how to handle a complaint. The complaints committee will report any such influence or attempted influence to the University's Supervisory Board.
- g. A maximum of two members of the committee will be involved per case in addition to the chairperson.
- h. Where necessary, additional expert advice will be sought after consultation with and permission from the HdK Board.

Article 4 Support for the Complaints Committee

In order to support the Complaints Committee in its work, a secretary is added for hearings and interviews where necessary.

Article 5 Submission of a complaint

a. Scope

An employee or a student of the University of the Arts The Hague, who is or has been confronted with undesirable behaviour in the work-study situation, can submit a written complaint to the complaints committee as soon as possible, but no later than 3 years after this confrontation with undesirable behaviour. The Complaints Committee may decide to handle a complaint submitted after this period, if the (seriousness of the) reported circumstances justify this and if the Complaints Committee does not consider this objectionable in connection with establishing the truth. She does so with reasons. It is taken into account that there may be continuous power relations that can sometimes cause delays in filing a complaint.

b. Form

A written, digital, complaint submitted to the complaints committee must include:

- a description of the inappropriate behaviour, specifying the time, the place and the details of the incidents as precisely as possible;
- the name of the accused;
- the steps already taken by the complainant and any relevant digital/written documents; these documents must be submitted to the complaints committee.
- Details of the complainant

c. Inadmissibility

The chairperson of the complaints committee will declare a complaint inadmissible if:

- the complaint does not relate to inappropriate behaviour as referred to in this complaints procedure;
- none of the parties concerned are affiliated with the University in any way;
- the complaint should actually be dealt with by another body/organisational unit/person. In that case, the complaints committee will refer the complaint to the correct body/ organisational unit/person.
- The defendant has not been working for the HdK for more than one year

d. Termination of procedure other than by a decision or inadmissibility

The complainant may request the chairperson of the complaints committee in writing to cease handling the complaint or withdraw the complaint at any time. In that case, it is decided in consultation with the defendant how the procedure will be concluded.

Article 6 Challenge and recusal of committee member

A member of the complaints committee may be challenged or may recuse him/herself if:

- he or she is involved in the case by virtue of his/her job or is part of the organisational unit to which the complainant or accused belongs;
- there is a family-law relationship between the complainant or the accused and a committee member;
- he or she has a personal relationship with the complainant or the accused;
- he or she has had any previous involvement with the case.

The other members of the complaints committee will decide as soon as possible whether the challenge or recusal will be upheld. In the event of a tied vote, the challenge or recusal will be upheld.

Article 7 Handling of the complaint

The complainant and the accused may be assisted in the proceedings before the complaints committee by a counsel of their own choosing.

a. Preliminary investigation

Not every complaint of inappropriate behaviour lends itself to the procedure involving the entire committee. The chairperson of the complaints committee will, after consultation with the complainant, conduct a (brief) preliminary investigation of every complaint that is submitted in order to assess the admissibility of the complaint and to determine whether the complaint qualifies for the procedure.

To this end, the chairperson may request relevant background information from the organisational unit concerned, and relevant officials within the HdK. whereby relevant laws and (internal) regulations are observed. All information is treated carefully. The chair periodically reports to the members of the complaints committee and the Executive Board on the results of any preliminary investigation.

b. The procedure

- The complaints committee hears the complainant and the accused separately in a formal setting.
- A report will be made of each hearing. The individual examined during the hearing will be given the opportunity to add written comments to the report.
- The report shall be submitted for approval to the person who has been heard. Approval may be refused. In that case, the reason for this is included.
- After approval, the report is submitted to the other person(s) directly involved. The accused person receives the report of the hearing with the complainant prior to the hearing.
- Every hearing of the complaints committee will be conducted in private.
- If the Complaints Committee deems it necessary, it hears witnesses and/or other persons, whether or not at the request of the complainant/accused.
- The complainant and/or the accused may ask to call witnesses, with the exception of minors, and consult experts. Such a request must be addressed in writing to the chairperson of the complaints committee in good time and includes names and contact details of the desired witnesses.
- • The complainant and the accused may be assisted during the hearing by a counsel and/or confidential advisor. The complaints committee will keep the parties informed about the course of the proceedings.

Article 8 Decision and recommendation

- a. Before the procedure is concluded, the chairperson will also announce when the complaints committee will announce its decision. The decision will be announced within four weeks of the conclusion of the procedure. The complaints committee may extend that period once. The parties shall be notified thereof as soon as possible, but at least on the day of expiry of the original period.
- b. In its decision, the complaints committee may, stating reasons, declare the complaint:
 - unfounded;
 - wholly or partially well-founded.
- c. If the complaints committee declares the complaint inadmissible, it will inform the complainant of its decision.
- d. If the complaints committee declares the complaint unfounded, it will inform the complainant and the accused of its decision.
- e. If the complaints committee finds the complaint wholly or partially justified, it will issue a reasoned recommendation to the Executive Board regarding the measures to be taken.
- f. The Executive Board may also take measures of a general and specific nature itself, regardless of the advice of the Complaints Committee.

Article 9 Rules of Procedure

The complaints committee may adopt further rules of procedure which will require the approval of the Executive Board. These rules of procedure may contain further rules on the complaints committee's procedure. The rules will be published.

Article 10 Decision of the Executive Board

- a. Within three weeks of receiving the decision and/or recommendations of the complaints committee, the Executive Board will make a decision.
- b. The Executive Board must give reasons if it departs from the decision and recommendations of the complaints committee.
- c. The Executive Board will notify the complainant, the accused and the complaints committee of its decision.
- d. Only if the decision of the Executive Board results in a disciplinary action, it will be included in the personnel file and/or the student file of those involved.

Article 11 Review of decision and/or recommendations

- a. Both parties may ask the complaints committee to review a decision and/or recommendation on the grounds of facts or circumstances that have emerged later and which, had they been known earlier, might have led to a different decision and/or recommendation.
- b. In principle, the review will be carried out by the same complaints committee.
- c. The possibility of requesting a review will lapse one year after the complaints committee has rendered its decision.

Article 12 Appeal

1. No objection or appeal may be lodged against the advice of the Complaints Committee.
2. An objection to the decision of the Executive Board may only be lodged by submitting a letter of objection within six weeks of the decision being announced. An objection can be submitted in either Dutch or English by sending it to one of the following email addresses of the Complaints Desk:

- klachtenloket@kabk.nl
- klachtenloket@koncon.nl
- klachtenloket@hdkdenhaag.nl

The Complaints Desk will confirm receipt of the objection. The date of receipt determines whether an objection has been submitted in time.

The objection will be handled by the national Education Disputes Foundation. The Executive Board will forward the objection to the Education Disputes Foundation, together with a copy of the file of the complaint handled by the Complaints Committee and a statement of defence.

Article 13 Confidentiality

1. Subject to the provisions of this complaints procedure, everyone involved in a procedure relating to a complaint of inappropriate behaviour has a duty to observe confidentiality.
2. Subject to the provisions of this complaints procedure, anyone who possesses or receives documents relating to a complaint has a duty to treat them as strictly confidential.
3. Any person who, intentionally or unintentionally, receives documents as referred to in paragraph 2 and is not authorised to see those documents must surrender them immediately to the chairperson of the complaints committee.

Article 14 Archiving

- a. The reports of the hearings and of the handling of the complaint will be archived by the secretary of the Executive Board after the complaint has been closed.
- b. Those directly involved have the right to inspect and to receive copies of documents from the archive relating to them.
- c. The chairperson of the complaints committee will manage the current files of the complaints committee. No one will be allowed to inspect current files.
- d. Apart from the secretary of the Executive Board, only the complaints committee is entitled to inspect the archives, unless mandatory legal rules provide otherwise.
- e. Archived files pertaining to complaints will be retained for the legally prescribed period and then destroyed.

Article 15 Accountability and reporting

- a. The complaints committee shall draw up an anonymised annual report of its findings and activities, even if there have been no complaints. This annual report will be presented to the Executive Board and will be made public. The complaints committee will ensure that the confidential nature of its activities is not impaired by the annual report. The annual report may form part of the annual report of the board secretary of the HdK.

- b. The chairperson of the complaints committee will keep the Executive Board informed of complaints that are settled other than by means of the extensive procedure by means of confidential progress reports and confidential final reports.

Article 16 Entry into force and official title

This complaints procedure replaces the Complaints Procedure for Inappropriate Behaviour, University of the Arts The Hague of 2 July 2024. The complaints procedure can be cited as the Complaints Procedure for Inappropriate Behaviour, University of the Arts The Hague, 2026.

*Adopted by the Executive Board dated 09-04-2026
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This English version is based on the Dutch original version. If provisions in this English text are contradictory to the Dutch text or are ambiguous, the original Dutch document shall prevail.