

Protocol for Confidential Adviser

The Board of Governors resolves,
having regard to article U-1 of the CAO-HBO and article 4 of the Complaints Procedure for Inappropriate Behaviour, to adopt the Protocol for Confidential Adviser, which reads as follows:

Preamble

The confidential adviser is the first person for students or staff to go to with personal, work or study-related problems, or if they feel unsafe or have complaints about transgressive behaviour. The confidential adviser offers a listening ear, asks questions to clarify the problem, can offer guidance or advice, may refer you on to others and in the event of a complaint can discuss with you the best way of dealing with this.

The strength of the confidential adviser is that he/she approaches the matter with care, makes and keeps records in accordance with the privacy act and in principle does not share with anyone the information that he/she has been given in a confidential interview as part of his/her job. Confidentiality is in principle mandatory. In exceptional cases however the confidential adviser is statutorily obliged to notify a complaint to the management of the institution in the case of a sexual offence committed by a member of staff of the university. The mandatory confidentiality may also be waived in the case of any other serious criminal act (e.g. assault) and if the confidential adviser is convinced that this will largely prevent or contain any resulting damage.

In the case of complaints about the content and arrangements for the teaching, the organisation and the general running of affairs it is the role of the confidential adviser to be objective and informative. The role involves providing information and if necessary referral. The confidential adviser in such instances points out the procedures and explains them. No systematic personal guidance is provided.

In the case of complaints about undesirable behaviour and matters of integrity the confidential adviser plays an important role in providing help, support and guidance.

It is not the role of confidential adviser to act as mediator between the complainant and the accused but he/she may arrange mediation.

The protocol for confidential adviser lays down the duties and powers of the confidential adviser, as well as rules concerning the handling of confidential information by the confidential adviser.

This protocol is part of the Complaints Procedure for Inappropriate Behaviour, University of the Arts The Hague. The definitions in that regulation apply *mutatis mutandis* to this protocol.

Duties of the confidential adviser

1. Dealing with problems of employees and students that fall within the scope of the Complaints Procedure for Inappropriate Behaviour, including:
 - a. providing assistance, counselling and advice to a complainant in order to facilitate discussion and management of the problem;
 - b. trying to find a solution to the problem or terminate the inappropriate behaviour;
 - c. assisting the complainant in submitting a complaint to the complaints committee;
 - d. providing follow-up care and, if necessary, referring the complainant to external experts.The confidential adviser will carry out these duties only with the express consent of the complainant.
2. Providing information to employees, students and their parents/guardians about the code of conduct for standards of behaviour, the confidential adviser and the Complaints Procedure for Inappropriate Behaviour.
3. Identifying actual or potential problems in the University and making proposals for resolving them to the Board of Governors and/or the faculty directors.
4. The confidential adviser is accountable to the Board of Governors for the performance of his or her duties.
5. The confidential adviser will report annually to the Board of Governors on the number and the nature of the cases handled. The confidential adviser may include recommendations for preventing inappropriate behaviour in this report.

Powers of the confidential adviser

1. To conduct interviews and collect information from employees, students, management and the Board of Governors.
2. To request mediation by individuals or agencies.
3. To refer complainants to other counsellors and social services.
4. To consult internal and external experts.

Handling of complaints by the confidential adviser

1. The relationship between the confidential adviser and the complainant and any other persons who rely on him or her or whom he or she approaches is confidential. The confidential adviser promises to maintain confidentiality concerning anything he or she learns relating to the individuals concerned in the performance of his or her duties as confidential adviser.
2. The confidential adviser will keep a record of the requests for assistance that he or she receives and deals with. No information from those records will be provided to third parties other than with the express consent of the individuals concerned or if there are serious reasons as defined in section 3. The records will be destroyed after five years.
3. In the absence of the express consent of the individual concerned to provide information to third parties, the confidential adviser may only consider himself or herself relieved of the duty of confidentiality if at least all of the following conditions are met:
 - a. If the confidential adviser faces a moral dilemma by maintaining confidentiality;
 - b. Everything possible has been done to secure the consent of the individual concerned;
 - c. There is no alternative way of resolving the problem than by breaching confidentiality;
 - d. Not breaching confidentiality will almost certainly cause demonstrable and serious harm to the persons concerned or others;
 - e. The confidential adviser is convinced that breaching confidentiality will substantially avert or limit that harm.
4. If a situation as described in section 3 occurs, before actually breaching confidentiality, the confidential adviser *will inform the individuals concerned of his or her intention to do so.*

This protocol is part of the Procedure for dealing with complaints of inappropriate behaviour, version May 2019.