

Annual report 2021 for internal use

CONFIDENTIAL ADVISORS PSYCHOSOCIAL RISKS & STRESS AND IRREGULARITIES / INTEGRITY AT EINDHOVEN UNIVERSITY OF TECHNOLOGY (TU/E)



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Change history

Date	Version	Changes
10/01/2022	0.1	Creation of document
17/1/2022	0.2	Discussion of draft report and filling in correct figures
21/1/2022	0.3	Processing feedback all confidential Advisors
26/1/2022	0.4	Processing 2nd round of feedback
27/1/2022	1.0	Approval of all confidential advisors

Introduction

Psychosocial risks & Stress

Eindhoven University of Technology (TU/e) considers a healthy working environment to be very important. Issues such as cooperation, respect and care for each other are key. TU/e takes this as a starting point for their policy to respond to inappropriate behaviour as quickly as possible and to make sure that it is addressed properly. The TU/e Code of Conduct 'Psychosocial workload TU/e' regarding psychosocial risks and stress has been drafted to this accord. The definition of psychosocial risks and stress is a broad one; in fact, all factors within the working environment that can cause stress fall under this definition. The main categories are: sexual harassment, intimidation, bullying, discrimination, aggression and violence, discrimination and work load. The objective of this code of conduct is to address inappropriate behaviour explicitly and to ensure that all parts of the TU/e community are aware of this topic.

Irregularities / Integrity

In the context of corporate governance, the Executive Board has developed a regulation regarding reporting irregularities. This regulation is based upon the principle that TU/e should provide an open environment for both employees and students to report irregularities. The regulation also provides a guideline of what is considered to be an irregularity and to whom one should report these irregularities.

Advisors

TU/e has appointed three internal confidential advisors to achieve the objective mentioned above and who are the point of contact for employees or students who are contemplating whether or not to file a report. Furthermore, the confidential advisors advise them as to which actions they can consider and offer support if needed. They are all available to all members of the community (both students and employees). They are Ir. H.A.M. (Henny) van Alphen, M.M. (Tineke) van den Bosch MA MHR and Dr.ir. H.C.J. (Hjalmar) Mulders. Drs. J.M. (Judith) Beenhakker has stopped working as confidential advisor in march 2021. One of the internal confidential advisors (van Alphen) has been officially certified by the LVV (Landelijke Vereniging Vertrouwenspersonen) in this year and one (Mulders) in 2020. In order to maintain certification, the internal confidential advisors follow additional training and take part in intervision meetings with, among others, confidential advisors from other Dutch universities and our own external advisors. Besides them, the TU/e can call upon two external confidential advisors: Drs. H. (Hakan) Honders and H. (Hannie) Kraan BSW. In 2021, 6 cases have been managed by these external confidential advisors.

This annual report offers an overview of the activities and findings of the confidential advisors in 2021 regarding social-psychological work-related issues and irregularities. This annual report will be submitted to the Executive Board as stated in article 2 of the *Complaints Procedure for Undesirable Behavior TU/e* and article 2.1 of the *Regulations for reporting irregularities*.

Reports inappropriate behaviour 2021

During the year of 2021 the following reports have been made regarding inappropriate behaviour, received by the confidential advisors of TU/e:

Reports inappropriate behavior	Employees						Students					
	2021	2020	2019	2018	2017	2016	2021	2020	2019	2018	2017	2016
Sexual harassment	3	4	6	3	1	2	3	3	3	2		
Intimidation	12	19	21	6	14	16	3	7				
Discrimination	3	1		3		2	2	2	1	3	1	
Bullying	9	2	1	1			1	1	1			
Aggression/Violence	1	2	1				2	1				
Work related conflicts	6	5	7				0					
Supervision related issues	12	1	4				4		4			
Advice to managers	9						1					
Other	3	4	16	10	13	14	2	3	1	1	1	1
Total	58	38	56	23	28	34	18	17	10	6	2	1

A total of 58 employees and 18 students have reported inappropriate behaviour in 2021. There is 1 case that have progressed from 2020 to 2021. It is notable that the number of reports has increased, especially among employees compared to 2020. The reports of bullying and supervision related issues have increased. A general tendency is just like last year that the reports become more complex (Complex, meaning multilayered, personally impactful and involving or impacting different stakeholders/actors. This results in an increased time spend) and often need more time of the confidential advisors, resulting in multiple contacts with the confidential advisor. The category 'other' is being used for those reports that do not fit the definitions of the categories described for inappropriate behaviour. Issues like workload, study-stress, assertiveness, bad appraisals, and burn-out are a few examples of what was bunched in this category. 6 reports were handled by the two external confidential advisors in 2021. This makes a grand total of 76 reports of inappropriate behaviour. There has been one complaint submitted to the Complaints Committee of which we are aware, because it was assisted by a confidential advisor.

Reports Irregularities / Integrity 2021

As well as in the past 5 years, in 2021 no new reports of irregularities were made.

Handling of the reports regarding inappropriate behaviour and irregularities

Mostly, there were between one and three conversations for every report of inappropriate behaviour. In 5 case more than 5 conversations were needed.

The confidential advisors have done the following:

- Listen to employees and students who were reporting inappropriate behaviour;
- Clarify the situation to employee / student in order to improve insight in the dynamics at work;
- Acknowledge / confirm the existence of inappropriate behaviour;
- Advise who (employee / student) can address transgressing behaviour to the perpetrator;
- Refer to other professionals such as the TU/e company doctor, company social worker, (PhD)psychologist, etc.;
- Provide advice regarding letters / emails;
- Support employees and students during conversations either by helping to prepare for a conversation or by being present during the conversation.

The majority of the conversations with the confidential advisors concerned advice regarding the way someone could handle his or her situation or could increase his or her resilience. Other advices concerned the way people could improve the communication with the person whose behaviour felt inappropriate. In some cases, advice was given regarding their rights and responsibilities in their jobs. In 1 case advice was given regarding the procedure of filing an official complaint. Furthermore, the confidential advisors have given a presentation in an information meeting in 2021 for the boards of study associations two times.

The confidential advisors are currently working together with the diversity officer for students to advise student associations to help their members to address inappropriate behaviour within their own community. A project plan for the training and installation of *Confidentiality Contact Points* has been completed and candidates will be selected in January 2022, after which they will undergo training before being appointed.

In 2021 the SpeakUp tool has been put into use; this makes it easier for reporters of inappropriate behaviour and irregularities to report anonymously to the confidential advisors. This will help to lower the threshold for people to address inappropriate behaviour and irregularities; it makes it possible for the confidential advisors to communicate and assist the reporters without the necessity for them of revealing their identity. If during this process the reporters feel enough confidence to reveal their identity, they can of course do that at any stage that is comfortable for them.

In 2021, 1 report was made via Speak Up, after which we were able to speak to this student face to face. The student indicated that he was very happy with the facility because otherwise he would not have reported to us confidential advisors. Speak Up therefore has added value. We are currently looking into using the case management module of Speak Up to facilitate mutual referrals (e.g. from confidential advisor to ombudsman or PHD counsellor) and to register metadata so that we can more easily gain insight into trends.

Substantive advice as a result of changes in the law, training, case histories and interventions

Based on changes in the law, training, cases and complaints we advise the Board to:

- Include a section on personal relationships in the workplace in the *TU/e Code of Conduct for Undesirable Behaviour*. Examples can be found in the codes of conduct of the universities of Maastricht, Twente and Leiden.
- Taking measures to better ensure the safety of accused persons, or people who have witnessed something. If an investigation is not carried out carefully and professional, there is a risk that various parties involved in the investigation will feel unsafe and that relevant facts and circumstances will not be properly investigated. This makes taking appropriate measures more difficult.
- In communication about confidential advisors, emphasise also that confidential advisors can be consulted for advice to managers on how to handle cases under their care in a professional way that puts the welfare of both the reporter and accused first.
- This year, we were faced with the situation that the safety of confidential advisors felt compromised when leadership and management violated procedures and rules as stated in the *TU/e Code of*

Conduct for Undesirable Behaviour and *TU/e complaints procedure for undesirable behaviour* this undermines our credibility. We would like to discuss with the Executive Board about the work of the counsellors, dilemmas in practice, importance of exemplary conduct, what independence means, etc.

- Providing a dedicated, suitable (not overlooked) meeting space for confidential advisors on campus to be able to have confidential conversations;
- The number of hours spent on the role of confidential counsellor structurally exceeds the number of hours available. We recommend looking for a timely and substantial successor for Tineke van den Bosch, who will retire at the end of 2022. She should be succeeded in such a way that more hours become available for the work of the internal confidential counsellors. If, in addition to conducting counselling interviews with reporting persons, we wish to fulfil our advisory and information role, 4 hours per week per confidential adviser is too little.
- As of 17 December 2021, the law: *wet Bescherming klokkenluiders* has been amended. Adjustment of *Regulations for reporting irregularities* because of the new law should be implemented as soon as possible. We have used the appropriate channels to put this amendment on the agenda so that changes will be implemented.
- We have previously advised to train the members of the complaints committees so that they are adequately able to fulfil their role. As far as we can establish, this has not yet been done. Training of members of the complaints commissions is necessary on an ongoing basis to ensure that they are able to give their opinions and advice on the right grounds.

Conclusion

The most important conclusion of this report is that the frequency of inappropriate behaviour from employees has substantially increased since 2020 and the severity of the cases has also increased. The number of reports from students has remained the same. This may be linked to the changed working and studying environment in the corona era. In particular, the number of reports of bullying and supervision-related issues shows a significant increase compared to the year 2020. The number of students who report inappropriate behaviour is small in comparison to the number of employees, like it has been in previous years.

Perhaps this will change when more information meetings will be attended by the advisors in 2022 now the SpeakUp tool is in operation and the project on *confidential contact points* is implemented so that a low-threshold referral to confidential advisors is initiated. The majority of the reports regarding intimidation concerned conflict situations in which people felt that they were being pressured by their manager/supervisor.

Januari 21, 2022

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 Confidential advisors' psychosocial risks & stress and irregularities