

**Protocol no. 264 – code with regard to forms of interaction at Erasmus Brussels
University of Applied Sciences and Arts**

Being a protocol of agreement, containing the conclusions of the negotiations that were entered into the meeting of 23/03/2018 of the university negotiating committee of the Erasmus Brussels University of Applied Sciences and Arts.

The government delegation and the representative trade unions have reached an agreement about the code with regard to forms of interaction at the Erasmus Brussels University of Applied Sciences and Arts.

Those who have signed:

For de Erasmus Brussels University of Applied Sciences and Arts: Luc Van de Velde –
chairman of the Higher Consultation Committee

For the General Federation of Public Sector Unions:

For the Christian Education Federation:

For the Free Syndicate for Public Office:

Explanation

The University of Applied Sciences and Arts has a general code of conduct for students (General Education Regulations, Article 104) and a deontological code for staff members (Higher Consultation Committee, protocol no. 256: deontological code) but needs to make more explicit the issues related to the area of general behaviour so that inappropriate behaviour can be clearly identified and, if necessary, sanctioned.

The protocol contains a code with the explication of general forms of interaction for both students and staff and will be added to the working regulations (chapter 2, Article 5b: obligations on the part of staff members).

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1. Objective

Education is generally focussed on a personal – mental and sometimes physical as well – development. It involves intense and vulnerable processes that demand a safe and devoted learning environment. This requires an alert consciousness of the distinction between professional and (inappropriate) non-professional contacts.

To be able to guarantee a socially safe school culture, the University of Applied Sciences and Arts wields the code before you, which gives what is understood to be a proper professional attitude in the area of interpersonal contact and to indicate when the boundaries of admissible behaviour are exceeded.

2. Scope

This code regarding forms of interaction applies to all employees and students of the University of Applied Sciences and Arts.

'Employees' is understood to mean:

- Contractual and statutory employees, guest lecturers and freelance employees.

'Students' is understood to mean: each person enrolled at the University of Applied Sciences and Arts and external students.

3. Respectful interaction in a socially safe school culture

Employees and students will interact respectfully with each other and third parties and contribute to a safe study and working culture by complying with professional behavioural norms and general norms of courtesy and will not exceed the boundary of admissible behaviour. Aggression, violence, bullying, discrimination and (sexual) intimidation exceed these boundaries and constitute inappropriate behaviour.

4. Professional attitude

In addition to professional qualities, an employee must possess interpersonal competences.

He/she will respect the personality of others and guarantees equal treatment, regardless of their different backgrounds. He/she is aware that the relationship between employee and student implies an inequality in power. He/she will deal with this with integrity, particularly the trust and dependence that characterises this relationship. He/she will not abuse the unequal balance of power.

An employee will always act within the boundaries of his/her professional role and is aware of the fact that the individual and in many cases physical nature of the (art) education makes great demands of his/her role integrity and takes this into account in his/her approach to and interaction with students. He/she avoids behaviour and situations that could conflict with this. He/she prevents mixing his/her professional role with other, informal contact with students. He/she is aware that the existence of non-professional contact with students, colleagues and third parties could evoke the appearance of partiality and could be damaging to his/her professional role. An employee is generally reserved in contact with students outside of the educational situation, including social media.

An employee is aware that there are factors and circumstances that could lead to his/her behaviour being experienced by students as undesired and/or inappropriate and could evoke the appearance of (sexual) intimidation or abuse of power.

5. Intimate relationships within work and/or study

Despite observing all reservations as described above, it could occur that an intimate relationship arises (e.g. between an employee and a student or between an employee and a hierarchical supervisor). This involves voluntary relationships on an equal basis, where there is no question of coercion, (sexual) intimidation or blackmail or abuse of (power) positions.

Those involved must be aware of the possible consequences and vulnerabilities. The coinciding of a professional and a non-professional relationship can not only lead to (the appearance of) improper privileges but also to negative repercussions in future situations that cannot yet be seen when entering the relationship.

This means that if an intimate relationship is entered, with mutual consent, certain measures must be taken to disconnect the hierarchical relationship from the intimate relationship. Separating both relationships is necessary in order for both partners to be able to continue their work and/or study at the time of taking the measure and in the future. At the very least, the assessment task and the lesson assignment with respect to the student in question is removed from the employee in question.

To be able to realise this, there is an obligation to report. With a relationship between an employee and a student or an employee and a hierarchical supervisor, the obligation to report applies for the employee and the hierarchical supervisor. What exactly suitable measures are can differ per case.

The starting point is securing the work and/or study circumstances for both, whereby the interests of the non-reporting party are expressly taken into account. The measures to be taken were set by the board.

6. Inappropriate behaviour (IB)

Behaviour is undesired if it crosses a personal boundary and, by definition, that boundary is subjective. Only the party in question can judge whether certain behaviours are undesired or inappropriate. Boundaries are personal and are also partially determined culturally and socially. It is possible that behaviour that is unacceptable for one person is acceptable for others. Inappropriate behaviour entails: bullying, undesired sexual behaviour, violence and stalking.

- **Bullying:** a wrongful whole of several similar or divergent behaviours, within or outside of the organisation, that take place during a certain period of time, the purpose or effect of which is to affect the personality, dignity or physical or psychological integrity of an employee or a student or that a threatening, hostile, insulting, humiliating or hurtful environment is created and which manifest themselves especially in words, threats, actions, gestures or one-sided writings.
This could involve systemic gossip, spreading of insulting content via social media or social isolation of an employee or student, but this should not be confused with a mutual conflict or friendly teasing.
- **Undesired sexual behaviour:** any form of verbal, non-verbal or physical behaviour with a sexual connotation with the aim or effect of violating the dignity of the employee or the student or creating an abusive, humiliating or threatening environment. Undesired sexual behaviour is very broad and may involve undesired touches, (un)ambiguous comments, undesired email messages, peeping, collecting or distributing visual material unlawfully, assault, rape, etc.
- **Violence and stalking:** any action by which an employee or a student is psychologically or physically harassed, threatened or assaulted. This could involve verbal aggression (swearing, cursing), threats or physical violence.
- **Discrimination:** the conscious or unconscious different treatment of people out of habit or because of prejudice. This is no longer about positive or negative feelings, but about an effective act in which you favour or disadvantage people.

7. Reporting and following up on inappropriate behaviour

Both students and lecturers can report infringements of this code of conduct to a central confidential advisor who will provide initial shelter and, if so desired, assume a mediating role. The names of the confidential advisors can be found in the attachment.

If sanctioning is required, the existing disciplinary proceedings apply.

Staff

- Higher Consultation Committee protocol no. 256: deontological code
- Procedure against psychosocial risks at work, including stress, violence and undesired sexual behaviour at work: Higher Consultation Committee 13.03.2015 – part of the working regulations (chapter 9, Article 23)
- Higher Consultation Committee protocol no. 198: amendment to disciplinary regulations
- Higher Consultation Committee protocol no. 018: disciplinary regulations and internal regulations

Students

- General Education Regulations: Article 97 ombudsman operation
- General Education Regulations: Article 104 code of conduct
- General Education Regulations: Articles 105-112 disciplinary proceedings

**Attachment to protocol no. 264 (code with regard to forms of interaction
at Erasmus Brussels University of Applied Sciences and Arts) – names of
confidentiality persons**

Confidential advisors for students:

Annemie De Rouck

Joeri Van den Brande (deputy)

Confidential advisor for employees:

Britt Fonderie