

CODE OF CONDUCT

to promote a safe study and working environment

INTRODUCTION

An inclusive and safe study and work environment is important to HKU. It is therefore important that we clarify what we expect of one another, which behaviour is acceptable and what you can do if you experience unacceptable behaviour or have to deal with an integrity violation.

This code of conduct is applicable to all HKU staff and people working for or developing activities for HKU, as well as all HKU students.¹

HKU endorses the statement dated 20 May 2021 by the sector arts education in the Netherlands (KUO), and acts in accordance with it:

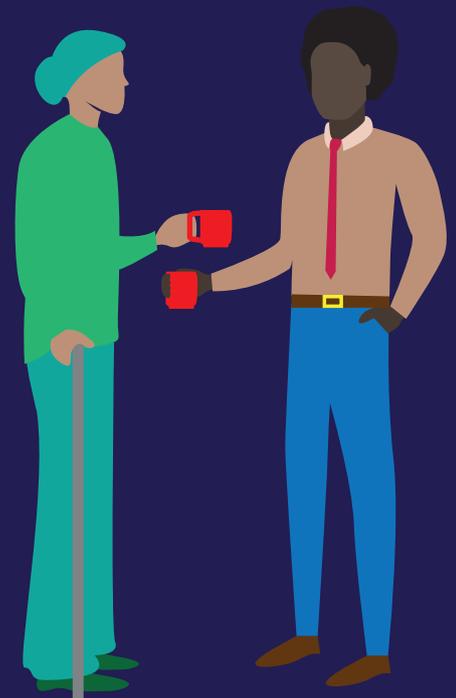
- In art education, everyone should be able to work and study in a good and professional atmosphere that is safe and transparent, both in teaching and in research. It is crystal clear that undesirable behaviour such as bullying, discrimination, intimidation, sexual harassment, aggression, violence and other forms of transgressive behaviour are unacceptable and must be prevented.
- Art education works not only on prevention but also on goals that contribute to strengthening a healthy and respectful culture at art schools. The most important pillars are that every signal is followed up, that we never look away and always take action. And it is of crucial importance that students and staff can and dare call each other to account for their behaviour. Another prerequisite is that it is clear where complaints and objections can be lodged.
- Art education is a form of education centring not only on professional development but also on personal development. Physical and mental proximity plays a major role in this. While a great quality of art education, it is a vulnerability that we as a sector are aware of. There are relatively many individual forms of education and there is intensive collaboration between student and lecturer and among students. This makes it all the more necessary to pay attention to social safety.

It is not possible, and neither is it the intention, to describe every type of acceptable and unacceptable behaviour in this code of conduct. The code of conduct provides a framework. It is important that we enter into dialogue together about this and continue the dialogue.

This code of conduct is not free of obligation. HKU expects everyone to comply with this code of conduct and to be familiar with it. HKU may take measures if this code of conduct is violated. If you are witness to unacceptable behaviour, do not look away. If in doubt, then act in the spirit of the code of conduct and discuss it: with the person(s) concerned (if possible), with colleagues, with your manager or with one of our confidential counsellors. See also Article 4.

This code of conduct also includes the existing integrity code. Whereas acceptable/unacceptable behaviour concerns behaviour that damages/can damage a person/persons, integrity concerns behaviour that damages/can damage HKU as an organisation.

If there are any differences in interpretation of this English version of the code of conduct, the Dutch version will prevail.



¹ Students refers to aspirant students, students, course participants and alumni when they are still using HKU facilities after graduating.

WHAT GUIDES OUR ACTIONS? PROFILE AND CORE VALUES

HKU is an educational institution for higher art education. As set out in the KUO statement, art education involves a vulnerability, of which we must all be aware. Our actions are guided by our profile and our core values.

Our profile:

HKU exists because it offers new perspectives on making art and inspires stimulating interactions, thus giving form and meaning to society and to the challenges it faces.

Our pledge:

HKU is a multivocal community that provides future-oriented art education, which focuses on learning, researching and making together. Students with diverse talents and ambitions develop into creative, artistic and engaged professionals. Equipped with personal entrepreneurship, they find their way in a professional field that is continually developing.

Our core values

HKU has three core values: inspiring, learning and open. The three are linked and are an extension of one another, and they are conditional upon each other: one cannot do without the other. In the context of this code of conduct, we define these core values below, explaining what they mean to HKU and what behaviour that presupposes.

Inspiring

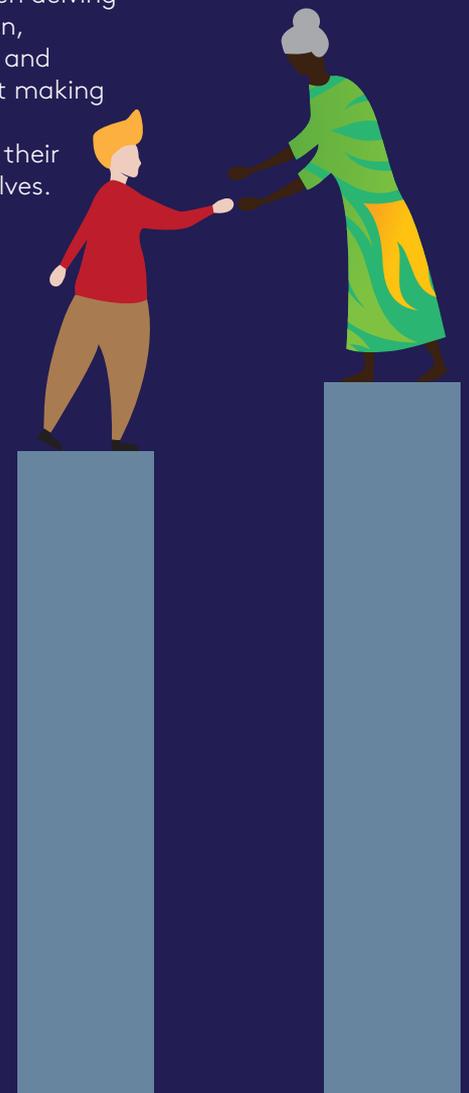
Inspiration literally means breathing in or blowing into. Inspiration is the means to gaining deeper insight. Inspiration is animation and intuition, and the alternation between delving inwards and grasping something and drawing something out towards fascination, enchantment, temptation and letting go. It fuels and prompts, and brings ideas and energy. Inspiration arises from a deep connection and engagement, and is about making sense, taking pleasure and giving meaning. A respectful and safe environment is needed for students and staff to be able to freely investigate, develop and apply their own sources of inspiration. We focus on inspiring others and being inspired ourselves.

Learning

In our multivocal community, many voices can be heard and we exchange many sounds. Learning is moving, developing and growing, and this happens consciously and subconsciously, and incidentally and intentionally. We learn by trying out, practising, experiencing, reflecting and synthesising. This requires scope for playing, experimenting, investigating and discovering. And inevitably it also involves frustration, despair, crisis, disappointment and trying again. Learning is a continual process of reciprocity between students, lecturers and organisation. Interacting carefully with others means really listening to and recognising others, and thus assigning value to others so that they feel appreciated.

Open

We have an open attitude, look outwards, and are curious and investigative. We are open to new impressions and other ideas and ways of working. This means there is a focus on different means of communication, presence and behaviour, which are recognised and acknowledged. This requires people to be receptive and to reserve judgement. Open also means that there are no obstacles to participation, and that everyone is welcome to take part. And that there is reciprocity and inclusion, so that people can dare to be themselves.



ACCEPTABLE BEHAVIOUR

A safe study and work environment

HKU aims to provide a safe study and work culture, in which professional conduct norms apply. What we understand by this is set out in the following paragraphs. It goes without saying that discrimination (see Equal Treatment Act), intimidation, sexual harassment, aggression, violence and bullying have no place in this culture. They are defined as follows:



Discrimination and racism

Discrimination is treating people differently, treating them subordinately or excluding them on the basis of (personal) traits such as: religion, gender, race, nationality, conviction, political persuasion or sexual inclination. Racism is excluding people or groups of people, or being prejudiced against them, on the basis of their skin colour, origin, or national or ethnic extraction.



Sexual harassment

Sexual harassment is behaviour with sexual overtones that gives rise to an intimidating, hostile, insulting, humiliating or hurtful situation. Examples are: verbal behaviour (such as jokes with sexual overtones, sexist remarks, apps or showing pictures with sexual overtones), non-verbal behaviour (such as staring at certain body parts or making faces) and physical behaviour (such as unnecessary and unwanted touching, standing too closely behind or beside someone, enforcing sexual services and/or favours, indecent assault or rape).



Intimidation

Intimidation (psychological aggression) is defined as the exertion of psychological pressure, usually on the basis of a hierarchical position, in which case it constitutes abuse of power. It may concern verbal, non-verbal and/or physical behaviour, the goal or result of which is to affect someone's dignity.



Bullying

Bullying is repeated unwanted negative behaviour, which someone cannot defend themselves against. This may be verbal, non-verbal or physical behaviour, or a combination. Examples are ignoring or wilfully ostracising someone or refusing to speak to them, gossiping, making unpleasant and disparaging remarks, and giving someone pointless tasks or assignments.



Aggression or violence

The definition of aggression and violence includes all verbal and physical acts whereby someone is harassed, threatened or attacked.

Professional attitude

This is how we treat one another:

- we ensure an environment in which others feel safe and respected;
- we address others in the way they wish to be addressed: e.g. he/she/they;
- we are aware of our position and power and do not abuse them;
- we are aware of the personal privacy of others and do not encroach on it further than is necessary for the job and acceptable to the other person. We also ask and check with others what is acceptable to them;
- we are aware of our position within HKU and take account of it. We demonstrate this in our communication (verbal, non-verbal and physical, and on social media, for example);
- we talk with one another rather than about each other, unless it is necessary for professional reasons;
- we speak to each other about acceptable and unacceptable behaviour and point out risks to one another. We are open to doing so and appreciate this mutual openness.



Lecturers recognise their special role, and therefore:

- students and their development are central, taking into account the principle that the study and work environment is safe;
- the four-eye principle is always applicable to the high-stake assessment of students is concerned, (e.g. viewings, end-of-year assessments, exams);
- lecturers are aware of the hierarchical relationship with students, which is also characterised by confidence and dependence. This relationship is not abused;
- lecturers always act within the boundaries of your professional role, taking account of the special nature of art education. Lecturers avoid mixing this professional role with other, non-professional or business contacts with students.
- lecturers discuss their way of working in the lessons, such as: the teaching method, getting changed (if applicable), how people wish to be addressed (e.g. he/she/they) and the physical approach. They also discuss how the students can indicate their boundaries.



Intimate relationships

If a voluntary and mutual relationship of a personal or intimate nature arises between a member of staff and a student (of age), the member of staff has a duty to report the relationship directly to their manager, who – if necessary in consultation with other parties concerned – takes the appropriate measures.

If a relationship of an intimate nature arises between members of staff, this must be reported as soon as possible to their manager(s), who will look with the member(s) of staff at how this situation should be dealt with.

Measures that may be taken in the aforementioned situations include: making work agreements or a different division of tasks, ending the hierarchical relationship or transferring to another department. The principle is to maintain a safe study and work environment and to restrict any damage or conflict of interests.

A relationship of a personal or intimate nature between a lecturer and an underage student is not permitted under any circumstances. It goes without saying that this also applies to a relationship that is not voluntary and mutual. In these cases, too, lecturers have a duty to report. In such cases, a report is filed with the confidential inspector of the Inspectorate for Higher Education and with the police, in accordance with the duty to do so ensuing from the Higher Education and Research Act (WHW). The appropriate measures under labour law will also be taken.

Use of alcohol and drugs

HKU's principle is that working and/or studying at HKU and the use of alcohol and drugs do not go together. You may not be under the influence of alcohol or drugs during work or study.

The use or sale of alcoholic drinks and snacks is not permitted in the buildings and on the premises of HKU. Exemption from this rule may be given by the Executive Board, a director or a location manager, on the occasion of receptions, exhibitions, performances and other events.

The use or sale of drugs and other intoxicating substances is not permitted in the buildings and on the premises of HKU.

Behaviour in private life (for staff)

The interests of HKU are taken into consideration outside working hours as well and this code of conduct still applies. You may share HKU knowledge and other valuable information, provided this information is not confidential and does not harm HKU. Unless requested to do so, you will not discuss or publish confidential HKU-related information. You are personally responsible for the content of what you publish on social media. Always remain honest and transparent, and in the case of work-related topics always state your name and position.

INTEGRITY

In the first instance, integrity is a personal characteristic. For HKU, it is about honesty, trustworthiness and upholding generally accepted social and ethical norms. Integrity stands for the moral quality of our actions and behaviour. But what constitutes integrity for one person may be inadmissible for someone else. So it is important to enter into dialogue together about this and continue the dialogue. In any case, the following rules are applicable at HKU.

Gifts, services and benefits (corruption)

You must avoid the influence of personal financial interest on your professional activities. In the first place, you hold personal responsibility for making the right decision. If there is any doubt, consultation must take place with the manager (employee) or course leader (student).

- it is important to keep a watch on your independence: the background of the offer is the determining factor;
- a gift, service or benefit (expressly including invitations) of a substantial value (more than 25 Euros), given by a person or organisation with whom the employee has a work relationship, must not be kept by the recipient for private purposes, but made available to HKU;
- a gift, service or benefit (expressly including invitations) for which the giver wishes reciprocation (immediately or in the future) must not be accepted;
- you must not accept any benefits in private transactions (e.g. purchasing discounts) from businesses or organisations with whom you have a business relationship ensuing from your position at HKU.



Fraud

You must deal with data/information in a correct and honest way, and with respect for the intellectual property rights. Fraud is not permitted. Examples of fraud are:

- manipulation of data (e.g. changes, falsifications, omissions, additions and deletions) in documents and digital media;
- improper use of financial resources;
- not observing the applicable rules for using sources;
- personal profit from knowledge or material developed by others, such as teaching materials, publications or artistic concepts and products.

Theft, wastage and the use of resources

You must deal carefully with HKU resources, including material resources (equipment and spaces) and immaterial resources (time). Examples are:

- private use of facilities such as e-mail, internet, fax, (mobile) telephone, printer and photocopier. This use must be restricted and must have no negative influence on your work or that of others;
- the removal of HKU consumer goods for private use is not permitted;
- it is not permitted to download illegal software, or to use HKU resources for the possession or dissemination of pornographic, racist, sexist, discriminating, insulting, inflammatory or otherwise offensive texts and images;
- declarations must concern only costs actually incurred (on production of a receipt). These costs must be incurred for job-related work that is carried out with the permission of the manager/course leader, and which are not compensated by other means;
- the rules and conditions applying to declarations also apply to the use of HKU credit cards;
- you must not appropriate money or goods entrusted to you or withhold money or goods (temporarily or permanently) entrusted to you;
- the HKU buildings and spaces must not be used for private purposes;
- you must not be guilty of wastage, in the form of negligent, inattentive or careless use of HKU's material, time and finances, or by working less effectively and efficiently than reasonably possible, whether or not deliberately;
- during working hours, employees must not spend time on activities other than those corresponding to their position, unless agreed differently with the manager.



Conflict of interest and incompatibility of positions (for employees)

There is a conflict of interest if you (or, for example, your partner, a friend or an acquaintance) have a direct or indirect interest in a decision that is influenced by you as an employee. You must avoid any conflict of interest or even apparent conflicts of interest. In your position, you serve only the interests of HKU. In that regard:

- you must inform your manager of any personal or business relationships with third parties (including students) that may lead to a conflict of interest, or apparent conflict of interest;
- you must not enter into any contracts on behalf of HKU with third parties (including students) from your private circle of relationships or with organisations in which you have a business interest. In the case of doubt or if there are compelling reasons for doing so anyway, always present this to your manager;
- extra activities that demonstrably damage HKU are not permitted. Article E-4 of the CAO is applicable to other extra activities;
- when hiring new staff or giving commissions (and tenders), the applicable procedures must be observed;
- you must not combine positions within HKU that are incompatible (no "wearing two hats");
- you must also ensure that others (staff and students) do not get into a situation where there is a conflict of interest.

Privacy

In your work and studies, you must deal carefully and correctly with privacy-sensitive data that is entrusted to HKU. You must respect the GDPR and the privacy do's and don'ts, which can be found on the portal.

WHAT CAN YOU DO?

Something has happened. Someone has transgressed your boundaries, you have witnessed unacceptable behaviour or been confronted with an integrity violation. You may also be experiencing a dilemma. What can you do?

- Phone or make an appointment with the HKU confidential counsellor. These talks are always confidential. The confidential counsellor is there to provide you with support and guidance, and you decide what the next step should be. You can discuss this with the confidential counsellor. The names and contact details of the confidential counsellors can be found on the portals. Students can always contact their tutor or the student counsellor;
- Contact the person responsible for procedures in your department or on your course, to see if something can be done about the situation. A director or course leader, for example. Or in some cases the Executive Board;
- Contact the ombudsman (for staff). These talks are also confidential. The ombudsman focuses mainly on matters concerning the legal position (e.g. assessments and conflicts between colleagues) and adopts a neutral position. If the ombudsman thinks it necessary, an investigation can be set up into the working conditions in a particular department, for example.
- Lodge an official complaint. To do so, you need to send an e-mail to the complaints office via cvb@hku.nl. The Executive Board Office then calls in the complaints committee, which carries out an independent and closed investigation. Both sides of the argument are heard. The parties concerned can then each tell their story to the committee. The complaints committee weighs up both stories, then gives a recommendation to the Executive Board about the measures that should be taken.



The procedures of the confidential counsellors and of the complaints committee are set out in the Regulations to prevent and combat unacceptable behaviour. If you would rather (first) consult an external party, you can also contact [Mores.online](https://www.mores.nl).

At HKU, we want everyone to work together pleasantly and to deal with each other in a professional way. If you report unacceptable behaviour, it is a way of building a better organisation and a safer study and work environment together. So reporting a situation is always a good thing, and an example of a professional attitude.

Within HKU, it is not always possible to provide all the care and support necessary for a particular situation; for example, if it exceeds our expertise or if it concerns a criminal offence. In that case, you can turn to specialised organisations outside HKU. The student counsellor or the confidential counsellor can point you in the right direction. For example:

- **Disclosure office for undesirable behaviour in the Dutch cultural and creative sector**
- **Sexual Assault Center Utrecht**
- **Meldpunt Discriminatie Utrecht**
- **Stichting Stop Pesten Nu**

SANCTIONS

In accordance with the Collective Labour Agreement for Higher Professional Education or other applicable regulations, HKU may take appropriate measures if this code of conduct is violated.

In cases of behaviour that may be regarded as a criminal offence, a report is filed with the police and with the confidential inspector of the Inspectorate for Higher Education, in accordance with the duty to do so ensuing from the Higher Education and Research Act (WHW).

In the case of violation of Article 2.4 of this code of conduct by staff or students, the Collective Labour Agreement for Higher Professional Education and/or the Rules of Order will be applicable.



When this code comes into force, the following codes/regulations will lapse:

- HKU Integrity Code HKU dated 1 February 2019
- HKU Alcohol and Drugs Regulations dated 8 November 2005

Working Conditions Act

1.3.e (definitions)

employment-related psychosocial pressure: the factors direct or indirect distinction, including sexual intimidation, aggression and violence, aggravation, and work pressure, in the employment situation that cause stress;

Article 3.2

The employer shall operate a policy aimed at preventing employment-related psychosocial pressure, or limiting it if prevention is not possible, as part of the general working conditions policy.

WHW: Higher Education and Research Act

Article 1.20. Obligation to consult and report concerning sexual offences

1. If the executive board becomes cognisant in any way whatsoever that a person carrying out work for their institution may possibly have committed a sexual offence as set out in Part XIV of the Netherlands Criminal Code against an underage student of the institution, the competent authorities will immediately consult the confidential inspector, as referred to in Article 6 of the Education Inspection Act.
2. If the consultation referred to in paragraph 1 leads to the conclusion that there is reasonable cause to suspect that the person in question has committed an offence as referred to in paragraph 1 against an underage student of the institution, the executive board shall immediately file a report with an investigator as referred to in Article 127 in conjunction with Article 141 of the Netherlands Code of Criminal Procedure, and the executive board immediately informs the confidential inspector of this. Before the executive board proceeds to file the report, it will notify the parents of the student concerned and the concerned person carrying out work for the institution, respectively.
3. If a member of staff becomes cognisant that a person carrying out work for the institution may possibly have committed an offence as referred to in paragraph 1 against an underage student of the institution, the member of staff will immediately inform the executive board of this.

Collective Labour Agreement for Higher Professional Education 2021-2022

Article E-2 Confidentiality

1. The employee is obliged to observe confidentiality with respect to all that he takes note of by virtue of his position, insofar as this obligation arises from the nature of things or has been explicitly imposed in writing. This obligation will continue to have effect upon termination of the employment contract.
2. Without prejudice to any statutory provisions, the employer is obliged to observe confidentiality towards third parties with respect to the employee's personal details, unless the employee has granted written permission to provide these personal details to that third party.

Article E-4 Extra activities

1. Employees will report the scope and content of extra activities related to their work and professionalism. They will not carry out any activities that demonstrably damage the fulfilment of their job and the interests of the employer. Employees are obliged to hand over to the employer any remuneration paid by third parties for activities carried out by the employee during working hours and any remuneration for giving activities to those third parties or any other remuneration paid by third parties in connection with any relation to the contract of employment with the employer, insofar as the employer has not granted them exemption from this obligation in writing.

Article P-3 Disciplinary measures

1. The employer may impose disciplinary measures in respect of any employee who does not act, or does not refrain from acting, as a good employee should act or refrain from acting in similar circumstances and/or who neglects their duty.
2. The employer may impose the following disciplinary measures in respect of the employee:
 - a. written reprimand;
 - b. transfer;
 - c. suspension.
3. If the employer imposes or is considering a disciplinary measure, Article P-2 will apply accordingly.

Article U-1 Psychosocial work stress

The employer will draw up regulations concerning aggression, violence and intimidation, sexual harassment, discrimination and bullying, regarding which regulations agreement must be reached with the PMR. These regulations will in any case contain the following:

- the purpose of the regulations and the policy regarding sexual harassment and aggression;
- the manner in which counsellors will be appointed, as well as the tasks and powers of these counsellors;
- the manner in which undesired behaviour can be made known to a counsellor;
- regulations for the handling of a submitted complaint regarding sexual harassment and aggression, including the manner in which decisions will be given, by a committee to be established by the employer for that purpose;
- the stipulation that the employer will decide on the measures to be taken, including disciplinary measures, based on the decision of the aforementioned complaints committee. In the event that circumstances arise which, in the opinion of the employer, do not permit any delay, the employer may take measures before the complaints committee has given a decision;
- the manner in which the privacy of those involved will be protected.

HKU regulations

For everyone:

- Regulations to prevent and combat unacceptable behaviour
- Whistle-blowers' Regulations
- HKU Student Charter
- Rules of Order
- Code of conduct online for students
- Code of conduct online for lecturers
- HKU policy on Intellectual Property Rights

These regulations can be found on: <https://medewerkers.hku.nl/hkubreed/beleid/reglementen.htm>.