How to handle reports of undesirable behaviour

Guide for supervisors

Has someone reported undesirable behaviour to you? This guide outlines the steps you can take, which interventions are available to you and how you can make careful decisions.

Click on the step in the image on the next page to read the corresponding explanation.

What constitutes undesirable behaviour?
Undesirable behaviour takes various forms: sexual harassment, aggression, (verbal) violence, bullying and discrimination.

Learn more about recognising undesirable behaviour.
Step-by-step guide for supervisors
What to do when receiving a report of undesirable behaviour?

1. Provide clarity on confidentiality
2. Engage in a discussion with the reporting party
3. Assess the situation, context and interests
4. Discuss potential next steps with the reporting party
5. Determine how you will work towards an appropriate response to the report
6. Consider the need for further investigation
7. Hear the other party
8. Provide thorough follow-up support
What constitutes undesirable behaviour?

Undesirable behaviour takes various forms: sexual harassment, aggression, (verbal) violence, bullying and discrimination.

**Sexual harassment or sexual violence**
Sexual harassment occurs when someone engages in unwanted sexual behaviour, ranging from annoying (online) comments to forced sexual acts.

**Aggression, violence and intimidation**
Harassment, threats or attacks during work or study constitute aggression, which can be verbal or physical.

**Bullying**
Bullying involves deliberately hurting others repeatedly, such as through exclusion, insults or property damage, in both physical and virtual settings.

**Discrimination**
Discrimination involves treating people differently based on their origin, gender, sexual orientation, age, political stance or other ground for discrimination, without valid reasons.
Provide clarity on confidentiality

- Welcome the reporting party warmly, make it clear that you are open to hearing what they have to say.
- At the start of the conversation, inform the reporting party that, as a supervisor, you can’t always guarantee confidentiality. Sometimes you may need to take action if you suspect the safety of other colleagues, students or the organisation is at risk.
- If the employee requests a guaranteed confidential conversation, refer them to a confidential adviser or the ombudsperson. They can confidentially discuss their concerns with them. No action will be taken on the report unless the employee wishes to proceed.

**Need someone to talk to?**
You can consult one of the confidential advisers, the ombudsperson, the Legal Affairs department (jz-secretariaat-bestuursstaf@uva.nl) or the Safety and Security department (integraleveiligheid@uva.nl) or HR.
Engage in a discussion with the reporting party

Gather information about what exactly happened and the current situation.

**Tips for the conversation**
- Ensure you have a private space where you won’t be interrupted and allocate plenty of time.
- Understand that the conversation is often difficult for the reporting party. Allow space for them to share their story and emotions.
- Start the conversation by asking about the details of what happened. Use open-ended questions.
- Listen, summarise and ask follow-up questions.
- Inquire about the reporting party’s desired outcome.
- Avoid inserting your own answers and dominating the conversation.
- Acknowledge the person’s emotional experience. Use phrases like ‘That sounds painful’ or ‘I can imagine you feel sad/angry about that’. This demonstrates empathy without necessarily endorsing the story.
- Make a record of the conversation.

**What to watch out for?**
- Avoid jumping to conclusions too quickly
- Don’t propose solutions immediately
- Prevent minimising the incident or blaming the reporting party

Listen to the story while also gathering information. Emotions can run high for the reporting party.

It’s wise to focus on documenting the reporting party’s account during this conversation. To discuss possible solutions, schedule a follow-up meeting. This gives both parties time to think. Depending on how the conversation progresses, you may be able to discuss potential solutions immediately.
Assess the situation, context and interests

Several factors play a role in determining the next steps:

**Situation**
1. Who else is involved in the report? This could include, for example, the accused, the supervisor and other colleagues.
2. What type of undesired behaviour are you dealing with and how severe is it?
3. Have there been previous signals or reports about this accused individual?
4. Who else is aware of the undesirable behaviour or the report?

**Context**
1. What is the relationship between the reporting party and the accused? Is there a power imbalance?
2. Are there additional signs of undesirable behaviour within the team from others?
3. Are there any other ongoing issues related to undesirable behaviour?

**Interests**
1. What does the reporting party hope to achieve?
2. What are the potential consequences for the reporting party and the accused in handling the matter?
3. What are the risks for the relationships between individuals and the reporting party’s position?
Discuss potential next steps with the reporting party

- In the follow-up meeting, first inquire about the reporting party’s well-being, whether they have anything further to add and if any relevant events have occurred since.
- Ask if the reporting party has considered any further actions. Sometimes, discussing the incident with the supervisor may suffice for the reporting party.
- Discuss potential solutions you can offer with the reporting party. View possible next steps here.
- Explain that as a manager, you are responsible for handling the reporting party’s case carefully, as well as considering the accused individual. If you decide to take further steps, you will need to inform the accused of the report. It’s important for the reporting party to be aware of this. At the request of the reporting party, you cannot (yet) share with the accused who made the report. Discuss with the reporting party that there is always the risk that the report may still be traceable.
Hear the other party

If you decide to take further steps, you will need to inform the accused of the report.

**Why inform the accused?**
You cannot proceed with any further steps without conducting counter-interrogation with both parties.

**How do you inform the accused?**
Inform the accused that a report of undesirable behaviour has been made. During the conversation, provide the accused with the opportunity to share their side of the story and respond to the report. Explain that you will document the conversation factually.

**What next?**
- If the accused acknowledges the accusation and it becomes sufficiently clear that the incident occurred, efforts can be made to find a resolution.
- If the accused denies the accusation, claims that undesirable behaviour did not occur and there is insufficient evidence supporting the report, there are two options. The first option is to conclude the matter. As a supervisor, you can indicate that you expect the accused to understand that such behaviour is not tolerated. The second option is to conduct further investigation, such as speaking with other team members. This should be done carefully in a manner that cannot be traced back to the accused.

For severe forms of undesirable behaviour or suspicions of structural issues within a team or department, it’s important to escalate and use the guide for complex cases (in Dutch).
Consider the need for further investigation

When should you consider further investigation?
- if not enough information is available;
- if there is insufficient support;
- if there are signs that something is wrong with the culture within a team or department.

If an investigation is to take place, you must inform the parties involved beforehand.

What investigations can you conduct to uncover the facts?

1. Internal investigation by the supervisor themselves
   As supervisor, you can conduct your own investigation into the report. For example, if other team members were present during an incident, you can inquire about what happened. However, there are several risks associated with this approach: you may lack experience in conducting investigations or have biases. Moreover, rumours and falsehoods may spread quickly.

2. Internal investigation by someone other than the immediate supervisor
   Sometimes, as the immediate supervisor, you are too closely involved with the reporting party and/or the accused, making it difficult to conduct an impartial investigation. In such cases, you may consider involving others to take on this role.

3. Engage an external investigation firm
   This option arises when it is important to ensure the independence of the investigation. Find a firm that can carry out the work promptly and with the necessary expertise. This is crucial because there are many external investigation firms, and not all of them provide the same quality of service. In these situations, always consult Legal Affairs for advice (jz-secretariaat-bestuursstaf@uva.nl).
Determine how you will work towards an appropriate response to the report

There are several options for following up a report. Which option is appropriate depends on the nature and seriousness of the report, the response of the alleged perpetrator, the reporting party’s wishes and the potential risks and consequences for the team and/or the organisation.

Determine whether it is desirable to inform supervisors higher up the line.

**Follow-up in case of insufficient evidence**
When the accused denies the allegations and there is insufficient evidence, your options regarding the accused are limited. However, this does not mean that this is the end of the matter, as the reporting party is likely to be disappointed. What the reporting party needs to feel safe again depends on the situation. Discuss this with the reporting party and try to reach a pragmatic solution.

**Follow-up with sufficient evidence**
We distinguish between informal and formal solutions.

**Informal solutions**
- Facilitate an informal dialogue between the reporting party and the accused
- Informal mediation session facilitated by the supervisor
- Mediation
- Separating involved employees from each other’s spheres of influence

**Formal solutions**
- Remedial discussion
- Escalating up the line
- Transfer of the reporting party or accused person
- Enforcing far-reaching consequences under employment law
- Complaints Committee
- Ombudsperson
Informal solutions
For milder instances of undesirable behaviour falling within a grey area (such as a one-time inappropriate joke), it’s crucial to initially de-escalate and seek informal resolutions. The chances of restoring the relationship between both employees and fostering a collaborative work environment are highest when a report doesn’t escalate.

- Facilitate an informal dialogue between the reporting party and the accused
  
  *Goal*: the undesirable behaviour no longer takes place or any misunderstandings are resolved and both employees can work together again without problems.

During this informal conversation, both parties can share their perspectives and look for a solution. They may be accompanied by someone for support. For the reporting party, this could be a confidential adviser. The accused may also bring someone for support. These individuals aid in preparation, offer emotional support and assist in evaluating the discussion. They generally refrain from active participation, leaving the control with the reporting party and the accused.

- Arrange an informal mediation session between the reporting party and the accused, facilitated by the supervisor
  
  *Goal*: to ensure the undesirable behaviour no longer takes place or that any misunderstandings are resolved, allowing both employees to collaborate smoothly again.

This may be necessary if the reporting party and the accused are unable to resolve the issue independently. Ensure neutrality as the supervisor and take on the role of a facilitator. First, allow both parties to present their perspectives. Then give them the opportunity to respond and engage in discussion. Next, seek a compromise that both parties can live with. Consider splitting this into two sessions to allow reflection and emotional processing between discussions. This gives an opportunity to reflect on each other’s position and let the emotions subside a little. Afterwards, the second conversation can focus on possible solutions. You may also have another intermediary, who both parties trust, guide the discussion, such as a colleague, another supervisor or someone from human resources. Please note that the confidential adviser cannot act as the intermediary.
Mediation

*Goal:* to restore the working relationship for both employees by allowing them to express their perspectives and emotions and collaboratively find an acceptable solution.

Mediation is a more serious form of conciliation where both employees voluntarily engage in a process with a mediator to restore the working relationship and reach a solution together. For this follow-up, you need someone who is trained as a mediator.

If one of the parties indicates that they have an issue with using internal mediation, consider seeking an external mediator. This can increase trust by preventing any appearance of bias. An accredited mediator is listed in the Dutch Federation of Mediators Foundation (MfN) register and works according to the rules and ethical code of this foundation. By choosing a registered MfN mediator, you can safeguard the quality and integrity of the mediation process.

Separating involved employees from each other’s spheres of influence

*Goal:* to prevent further escalation and restore focus on work, while also promoting peace within the team or department.

If discussions do not lead to a solution and conflict persists between the parties, one option may be to separate them. This will have them continue to work in the same department. This can be done, for example, by taking one of them off a project or by moving one of them to another team. Note that this may evoke feelings of injustice among the involved parties. Moreover, it does not eliminate the underlying issue. This solution may also have legal implications. Seek appropriate advice from HR.

Formal solutions

Opt for a formal approach in cases of more severe complaints, multiple reports concerning the same individual, indications of recurrence or when the accused minimises or fails to address the undesirable behaviour seriously.
• **Remedial discussion**

  *Goal:* to halt the undesirable behaviour and prevent its recurrence.

  A remedial discussion is a discussion between the supervisor and the accused. During this discussion, it is stated that the proven and substantiated undesirable behaviour will not be tolerated, and an official warning may be issued and included in the employee’s personnel file.

• **Escalating up the line (see also the guide to complex cases, in Dutch)**

  *Goal:* to ensure the organisation is prepared and senior management can assist in finding a resolution.

  In some cases, it may be necessary to involve senior management. This could include department chairs, institute managers, service directors, business operations directors, college/graduate school directors, research directors, deans or the Executive Board. This is especially crucial for reports that might lead to criminal prosecution. By keeping senior management informed, they can respond promptly. If necessary, they can partially or fully take over the follow-up and identify additional individuals to involve. Discuss when escalation is warranted and consult your faculty or service’s internal guide on social safety. These are available on medewerker.uva.nl and can be requested from P&O.

• **Transfer of the reporting party or accused person**

  *Goal:* to restore the safety and well-being of employees by preventing further interaction and escalation. Additionally, to improve the work atmosphere by eliminating the negative impact of the conflict.

  If disagreement persists between two or more employees, and the working relationship is so impaired that working together is no longer possible, it may be necessary to formally transfer the reporting party or the accused to another position, department or location. This solution may have legal implications, so seeking legal advice from P&O and Legal Affairs is advisable. Transfer may evoke feelings of injustice among the involved parties.
• **Enforcing far-reaching consequences under employment law**

  *Goal:* to address behaviour of such severity that the individual cannot continue working for the organisation and must be removed.

  Where serious forms of undesirable behaviour are identified, far-reaching consequences under employment law can be applied, such as suspension or dismissal. This action should only be taken following a thorough investigation in which both parties have been heard, senior management has been involved and proper documentation was established. Rehabilitation opportunities should have been offered and the decision must have a sound legal basis. Seek guidance from HR and Legal Affairs.

• **Complaints Committee**

  *Goal:* to provide employees with a formal avenue to address and resolve issues of undesirable behaviour, with an independent committee determining the validity of complaints and advising the Executive Board in its decision.

  If internal or external informal resolution processes fail, the reporting party may opt to initiate a procedure with the Complaints Committee. This independent body conducts a thorough investigation, hearing from both parties during a formal hearing, and provides recommendations to the Executive Board. While alternative options should be explored first, filing a complaint with the committee remains available.

• **Ombudsperson**

  *Goal:* to empower employees to report undesirable behaviour, identify patterns and advocate for change through an impartial and confidential process.

  Employees can approach the ombudsperson in cases of systemic misconduct, integrity concerns or malpractice. Acting independently, the ombudsperson treats all reports with confidentiality and diligence. They analyse patterns and make recommendations for improvement. The reporting party may choose to have the report registered, and in the case of multiple reports, the ombudsperson may conduct an investigation. Typically, the ombudsperson will refer individual complaints to a confidential adviser.
Provide thorough follow-up support

The handling of a report does not mark the end of the process. Continue checking how the chosen intervention is perceived and whether the issue has been resolved to the reporting party’s satisfaction. Aftercare also includes monitoring the agreements made. Consider discussing your approach to follow-up support with others, such as an HR adviser, mentor or tutor. In the first six months after completing the intervention, continue to pay attention to the reporting party, the accused and those around them. It may take some time before peace is restored and everyone can get on with each other again.

In doing so, you can take the following steps:

- Speak to the reporting party again: do they feel that their negative experience was sufficiently acknowledged? Is the situation sufficiently resolved, and is the reporting party able to move on? Is there still a need for support for them to resume their work or studies?
- Also talk to the accused. Keep in mind that the person may be struggling with complicated emotions surrounding the situation. Is there a need for support to rebuild trust with the reporting party and the team? Or for rehabilitation in the event that someone has been falsely accused?
- Discuss the incident and intervention within the team, with due care and with due regard for the privacy of those involved. When doing so, bear in mind that you set an example by making desirable and undesirable behaviour open to discussion and by setting standards.
- If a cultural or structural investigation has taken place, share the findings with the team as soon as possible and indicate how the investigation will be followed up. Pay attention to the emotions this may evoke.
Keep the involved parties informed of the steps you take and the progress of the process.

- Keep the reporting party informed and regularly check if the follow-up actions still meet their needs.
- If you have informed the accused about the report, keep them informed as well.
- Protect the privacy of those involved. They should be able to go through the process safely.

Documentation
Ensure proper documentation. This allows agreements to be retrieved. The information stored in the personnel file must always be objective and truthful. Informal solutions typically do not end up in an employee’s personnel file. However, document the agreements made on paper and share them with the parties involved. If you are unsure whether something should be stored in an employee’s personnel file, seek advice from HR or a colleague with legal expertise.

Help desks within the UvA
- Legal Affairs
- Ombudsperson
- Confidential advisers for undesirable behaviour
- Safety and Security
- Complaints Committee
- Confidential adviser for individual legal status
- Confidential advisers for academic integrity