



College of Europe  
Collège d'Europe

Brugge



Natolin

## **CODE OF CONDUCT for the College of Europe community, Bruges campus**

### **Policy and Procedures against Bullying, Discrimination, Sexual Harassment, and Violence**

The College of Europe expects every member of the College community – students, staff, faculty members, visiting scholars and alumni – to contribute actively to the creation of a culture of mutual respect (confirmed by Art. 58 of the College of Europe [Staff Work Regulations](#)) and an environment in which everyone is treated with dignity. In particular, the College of Europe prohibits all forms of bullying, discrimination, sexual harassment and violence. It is assumed that all participants in College life are aware of the rules and guidelines outlined in this code of conduct, which is provided to all members of the College community and is available on the intranet.

This code of conduct applies to the College community and covers their behaviour whilst engaged in College-related work, study or other activities. It is also applicable to the manner in which members behave towards each other outside College premises on College-related social occasions.

While the College community expects also visitors, including alumni, to abide by this code of conduct, their behaviour cannot be bound by it. Nevertheless, the College will take seriously any allegations against guests of the College, and complaints can result in the prohibition of participation in any future College activities.

The internal procedures outlined below are applicable to all complaints brought by members of the College community except for those that only involve staff members; the procedure for the latter is outlined in the Annex of the [Staff Work Regulations](#). Complaints must be brought within one year of the alleged incident in order to be considered by the internal procedures outlined below. Other complaints can be considered on an ad hoc basis. These internal procedures do not prejudice any recourse to legal procedures under the applicable Belgian legislation.

This document includes:

- the College's principles regarding bullying, discrimination, sexual harassment and violence and how they are defined;
- the expectations regarding the members of the College community; and
- the complaint process, including the initial points of contact as well as formal and informal procedures in relation to bullying, discrimination, sexual harassment and violence against and by members of the College community.

## 1. Principles and Definitions

### *Principles*

The College of Europe is committed to fostering an environment that protects and respects individual and academic freedom, in which everyone is treated with dignity, and is free from any type of discrimination, intolerance, harassment and bullying. Each staff and faculty member or visiting scholar has the right to work, and each student has the right to study and be taught, in an environment free from behaviour that violates these principles.

The College will deal with any unacceptable behaviour and endeavour to find an appropriate solution as soon as possible.

Persons who are victims of bullying, discrimination, sexual harassment and/or violence, as well as witnesses of such acts, can voice their concerns under this policy. The College will strive to reach an informal solution to the problem in a timely manner whenever possible. In cases where this would be ineffective or inappropriate, it may be necessary to take formal action. Both procedures are outlined in Section 3.

Persons who engage in bullying, discrimination, sexual harassment and/or violence may be acting unlawfully and be legally prosecuted in front of the courts. The College will consider the severity of cases of bullying, discrimination, sexual harassment and violence and decide whether to refer the matter to the police in line with the applicable Belgian legislation. If the complainant declines prosecution, the College reserves the right to pursue the case if the safety of the complainant or of others is considered at risk. If a case is being investigated by the police, the College will suspend any internal proceedings until after the outcome of their investigations.

The personal details of a case, including the identity of the complainant and the respondent, must remain confidential during and after the procedure. In accordance with the [General Data Protection Regulation \(EU\) 2016/679](#)<sup>1</sup> and applicable Belgian legislation, information will be treated sensitively and discreetly.

The College may take disciplinary action against those who are found to have made complaints based on information they have known to be false or with malicious intent. It will not take action against anyone who has made a complaint in good faith, even if that complaint is not upheld.

Whereas bullying, discrimination, sexual harassment or violence is the sole responsibility of the offender, raising awareness among the College community may contribute to its prevention. Awareness of different forms of unequal treatment and misconduct and an empathic approach in the relations between members of the College community are crucial for the well-being of all.

### *Definitions*

In order to protect the atmosphere of trust and collegiality in the College of Europe community, all forms of bullying, discrimination, sexual harassment and violence are prohibited:

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<sup>1</sup> Official Journal of the European Union, L 119, 4 May 2016, p.1

- a. **Bullying** is the wrongful series of several forms of behaviour, outside or within the College, taking place over a specific period of time, the goal or consequence of which is that the personality, dignity or physical or psychological integrity of the person to whom this applies is affected in the execution of her/his work/studies, that s/he is placed at risk or that a threatening, hostile, insulting, demeaning or hurtful environment is created, manifesting particularly in words, threats, actions, gestures or one-sided communication. Such behaviour is frequently associated with age, civil status, birth, wealth, religious or philosophical belief, political conviction, language, current or future health, a disability, physical or genetic trait, social origin, nationality, any alleged race, skin colour, descent, national or ethnic origin, gender, sexual orientation, gender identity and expression.
- b. **Discrimination** concerns the different treatment based on age, civil status, birth, wealth, beliefs or ideology, political conviction, language, current or future health, a disability, physical or genetic characteristics, social origin, nationality, any alleged race, skin colour, descent, national or ethnic origin, gender, or sexual orientation. Discrimination can be direct or indirect. Discrimination is direct when based on one of the protected criteria; a person is treated less favourably than a person without such characteristic or who is not in a comparable situation and without objective justification foreseen by the law. It is indirect when a disposition, criterion or apparently neutral practice is susceptible to generating, relative to others, a specific disadvantage for the person with a protected criterion and without objective justification foreseen by the law.
- c. **Sexual harassment** is defined as the unwanted verbal, non-verbal or physical behaviour with a sexual connotation, the goal or consequence of which is a compromise of the dignity of a person, or the creation of a threatening, hostile, insulting or injurious environment.
- d. **Violence** is every act whereby a member of the College community is psychologically or physically threatened or attacked on College premises or during College-related work, study or other activities.

## 2. Expectations regarding members of the College community

All members of the College community and anyone acting on the College's behalf have a positive obligation to ensure that people do not suffer any form of bullying, discrimination, sexual harassment or violence, and failing that, to support victims thereof in addressing and seizing any such conduct by means of either informal or formal resolution mechanisms.

All members of the College community are expected to:

- encourage a person, who claims to have been discriminated against, suffered from intolerance, harassed and/or bullied, to reach out to one of the suggested initial points of contact (see below);
- not show disrespect towards that person, her/his circumstances and the situation in which s/he finds her/himself to be in;
- maintain the confidentiality of the complainant and respondent;

- not take part in, and actively discourage others from taking part in, alleging discourse about cases of alleged or actual discrimination, intolerance, harassment, and/or bullying.

The College strongly urges the person who believes s/he has been bullied, discriminated against, sexually harassed and/or suffered from violence to contact one of the suggested initial points of contact to discuss and/or report any situation which may fall within the scope of these categories. It may facilitate the process to keep a record of exactly what happened, when it occurred, and whether anyone else witnessed the behaviour.

### **3. The complaint process**

#### *Confidentiality*

The personal details of the case, including the identity of the complainant and the respondent, must remain confidential during and after the procedure.

#### *Initial point of contact*

The role of an initial point of contact is to offer advice on the informal and formal procedures outlined in this document. Discussions with the initial point of contact are kept confidential. Details of discussions with an initial point of contact will only be disclosed to others, subject to the permission of the person reporting alleged bullying, discrimination, sexual harassment and/or violence (the complainant).

The complainant is encouraged to report any alleged bullying, discrimination, sexual harassment and/or violence to an initial point of contact. The complainant will then freely decide whether or not to take any further action. No action will be taken without her/his permission, unless her/his safety or the safety of others is at risk. In the latter case, the affected person has the right to be kept informed at all times. If a case is being investigated by the police, the College will suspend any internal proceedings until after the outcome of their investigations

The person acting as the initial point of contact should:

- be available to listen to the concerns covered by this code of conduct;
- not form a view about the merits of any allegations;
- provide information about the complaint process as set out in this code of conduct;
- advise the complainant that in some very serious cases where there is a risk for anyone's safety, the issue may need to be dealt with as a formal complaint, regardless of the complainant's consent;
- where appropriate, provide support for a person if s/he wants to try and resolve the dispute personally;
- provide information about the available support services at the College and/or, especially in case of anonymous bullying, outside the College.

The initial point of contact shall not be the same person responsible for making decisions about a formal complaint that may result from the reported situation.

The complainant can choose among the following as their initial point of contact:

- the Head of the Student Affairs Office;
- the external College Psychologist<sup>2</sup> (fees paid by the College);
- a Director of Studies, Permanent Professor or Academic Assistant (not restricted to a complainant's respective Department or Service).

### *Informal procedure*

In some situations, it may be appropriate to consider an informal resolution of a complaint without undertaking an assessment of its merits.

This approach may be useful where:

- the complainant indicates a desire to discuss the matter directly with the person whose alleged behaviour forms the subject matter of the complaint (the respondent) informally;
- the initial information available suggests that the complaint has arisen from a misunderstanding or miscommunication; or
- the behaviour complained about does not appear to be in breach of the code of conduct.

The initial point of contact may, if s/he considers this appropriate in the specific circumstances, advise the complainant to initiate an informal resolution procedure. The complainant is under no circumstances bound by this advice and can decide to issue a formal complaint (or to take no action) at all times.

Where the complainant indicates the desire to seek an informal resolution, the initial point of contact shall discuss the available options, which include:

- a direct private discussion between the complainant and the respondent;
- an impartial third person (i.e. one of the initial points of contact listed above or the initial point of contact her/himself) conveying information between those involved;
- an impartial third person helping those involved to talk to each other and find a solution.

In cases where the respondent is an academic member of the College community (Permanent Professor, Visiting Professor, visiting scholar or Academic Assistant), the initial point of contact shall inform the Director of Studies of the relevant academic Department about the complaint and the informal resolution procedure. The latter may – if the complainant agrees – take active part in the informal resolution. If the complainant declines to involve the Director of Studies, the Director of another Department indicated by the complainant should be informed. In case the respondent is a Director of Studies, the initial point of contact shall inform the Rector about the complaint and the informal resolution procedure.

In cases where the respondent is a member of the administrative staff of the College, the initial point of contact shall inform the relevant Head of Service. The latter may – if the complainant agrees – take active part in the informal resolution. If the complainant declines to involve the Head of Service, the Head of another Service indicated by the complainant shall be informed instead by

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<sup>2</sup> Can be contacted via email [info@psybrugge.be](mailto:info@psybrugge.be) or phone + 32 473 78 53 80.

the initial point of contact. The initial point of contact also shall inform the Director of Studies of the complainant, with her/his consent.

### *Formal procedure*

If the complainant wants to proceed with a formal complaint, irrespective of whether or not an initial informal resolution has been sought, the following procedure applies.

#### *Notification of the decision to make a formal complaint*

The complainant should make a written complaint directly to the Rector, the respective Director of Studies of the student or Head of Service of the respondent. In the latter cases, the Rector shall be informed by the Director of Studies or Head of Service that a formal complaint procedure has been launched.

The initial complaint, i.e. the decision to trigger the formal complaint procedure, does not have to provide any details of the relevant events but should indicate the respondent and the accusation (e.g. sexual harassment, discrimination).

#### *Nomination of the hearing committee*

Upon receipt of the complaint through the complainant or a Director of Studies/Head of Service, the Rector shall establish a hearing committee within five working days during the academic year or within ten working days outside of the academic year.

If the complaint is put forward by a student, the committee shall be composed of three members nominated by the Rector (one elected student representative, one academic or administrative staff member (depending on the respondent), and as a chair a Director of Studies/Permanent Professor). Where possible, the Head of Student Affairs should be present. The committee shall not include the initial point of contact.

If the complaint is put forward by another member of the College community, the committee shall be composed of three members nominated by the Rector (two staff members and as a chair a Head of Service/Director of Studies/Permanent Professor). The committee shall not include the initial point of contact.

In cases in which the Rector is the respondent, a hearing committee will be nominated by a member of the Executive Committee ( if the complainant is a student there would be one elected student representative from the same promotion as the complainant, and in all cases at least one academic or administrative staff member, and a member of the Executive Committee who will chair the committee).

In all cases, both the complainant and the respondent may request that one person be removed from the committee and replaced by another member of the same group.

#### *Contacting the complainant and respondent*

The chair of the committee shall contact the complainant to:

- request from the complainant a written or an oral account of: a) the nature of the behaviour under investigation; b) the effect of this behaviour on the complainant; c) the resolution that the complainant is seeking; d) who could serve as potential witnesses of this behaviour; and e) any other potentially relevant information;
- inform the complainant of the process, including the identity of the committee members, the potential outcomes, and options for assistance/support;
- clarify that the complainant may request that one person be removed from the committee and replaced by another member of the same group;
- explain that the procedure is confidential, what records of the complaints will be kept, for how long, and where.

The chair shall contact the respondent to:

- inform the respondent that a complaint has been made against her/him and provide as much information as possible about the allegations and supporting information (where applicable);
- confirm that s/he will be given the opportunity to respond to the allegations in writing or orally;
- provide information about the complaint process, including the identity of the committee members, potential outcomes, and options for assistance/support;
- clarify that the respondent may request that one person be removed from the committee and replaced by another member of the same group;
- explain that the procedure is confidential, what records of the complaints will be kept, for how long, and where.

### *Collection of information*

If the complainant agrees, the committee members are informed of the background of the case by the initial point of contact.

The complainant and respondent can indicate other persons that may provide information about the situation that gave rise to the complaint and whom the committee can contact for an account, in writing or orally.

The committee may decide that it is appropriate to consult the College Psychologist or staff person of confidence.

### *Hearing and deliberations*

The purpose of the hearing with the complainant and the respondent is for the members of the committee, by listening to the parties and, if appropriate, considering the oral or written statements of witnesses at the hearing, to determine what happened and to make a recommendation. The committee will generally meet with both parties at the same time; it may, however, meet them separately if deemed necessary.

At the hearing, both the complainant and the respondent will make brief statements presenting any information or raising any issues they wish the committee to consider. The committee members may address questions to the complainant, the respondent, and any witnesses. They also have the right to give a final statement.

The complainant and the respondent each may bring one person to support them during the hearing. If this person wishes to address the hearing committee orally, the request must be made in advance and the hearing committee will decide whether to allow it.

Only the committee members are present for the deliberations, which will be recorded. Minutes shall be taken - and will be kept on file under the responsibility of the Rector's office.

### *Decision*

The committee shall decide, on the basis of the available information, whether the complaint should be upheld or dismissed. This deliberation will include anonymised precedents set by previous cases at the College.

- The committee will uphold the complaint where it finds that events occurred substantially as the complainant describes them and that this amounts to an infringement of the rules as set out in this code of conduct by the respondent.
- It will dismiss the complaint where it considers that there is insufficient proof as to the occurrence of the events as set out therein or because the behaviour forming the subject-matter of the complaint does not amount to an infringement of the rules as set out in this code of conduct.
- It can find that the complaint is malicious or frivolous. In this case, the complainant may be formally reprimanded.

The committee should strive for consensus, but where consensus cannot be achieved, a majority can make the recommendation for follow-up actions/sanctions. Abstentions are considered a vote to dismiss the complaint.

The committee shall report its findings and recommendations regarding follow-up actions/sanctions as well as the vote by letter to the Rector. The complainant and the respondent will receive the report with an anonymised vote within ten working days from the conclusion of the deliberations.

The Rector's office shall keep the original report as well as an anonymised version on file. Such reports will set precedents that can be consulted for future cases.

### *Appeal*

The respondent and complainant have the right to appeal the decision of the committee. They should address the appeal to the Rector in writing within five working days from the reception of the report. The Rector then has ten working days to respond to the appeal. The Rector will convoke an appeals panel composed of representatives from the same categories (but different members)

of the original hearing panel and chaired by a member of the Executive Committee (other than the Rector). The composition of the appeals panel must be approved by the Executive Committee.

*Implementation of follow-up actions/sanctions*

Any follow-up actions/sanctions taken on the basis of the decision and recommendations of the committee shall be taken in accordance with the regulations applicable in a specific case.

Outcomes for the respondent may include:

- an official written warning (in case of staff members, see the relevant articles of Staff Regulations);
- a requirement to provide a formal apology to the complainant;
- participation in mediation to restore relationships in the workplace and among students;
- a requirement to attend discrimination and harassment awareness training;
- in case of a staff member, disciplinary action (see the relevant articles of the Staff Regulations);
- in case of a non-staff member of the faculty, non-renewal of the contract;
- in case of a student, expulsion from the College in accordance with relevant articles of the Study Regulations.

Outcomes for the complainant may include:

- re-crediting of any absence taken as a result of the bullying, discrimination, sexual harassment or violence, backed by a psychological/medical certificate;
- supportive counselling;
- participation in mediation to restore relationships in the workplace and/or among students;
- in case the complaint has been deemed to be of a malicious or frivolous nature, sanctions in accordance with the gravity of the case may be issued. At a minimum, an official written warning will be issued.

Within twenty working days from the date of the reception of the report of the committee, the Rector shall inform the complainant, the respondent and the committee in writing about the follow-up actions/sanctions taken or to be taken. In cases of staff members, Visiting Professors or visiting scholars as respondents, the Rector shall also inform their respective Head of Service or Director of Studies.

Once the follow-up actions/sanctions have all been implemented, the Rector shall inform the complainant and the committee members in writing.