



CODE OF CONDUCT

REGULATION OF PROHIBITED BEHAVIOURS

BRUGES CAMPUS
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Brugge

College of Europe
Collège d'Europe



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CODE OF CONDUCT - Regulation of Prohibited behaviours
College of Europe – Bruges campus¹

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I – General Provisions

Article 1 – Objective of the Regulation

The College of Europe Bruges campus has zero tolerance for any acts against the dignity and integrity of individuals, whether in the form of discrimination, bullying, harassment, stalking, violence, or sexual misconduct. The College expects mutual respect and courtesy in all interactions between the students, faculty members, staff, and visitors of the College.

Prevention is an essential part in fostering a respectful and safe environment at the College. The College commits to several prevention measures, as outlined in Title VIII, which will be further elaborated in an annual prevention roadmap.

Article 2 – Scope of the Regulation

1. This Regulation applies to cases involving at least one student at the College, whether as Complainant or Defendant. Other cases involving the College Community are outside of the scope of this Regulation. The procedures for cases between employees are outlined in the Annex of the [Staff Work Regulations](#).
2. Within the meaning of this Regulation, the College Community is composed of the students, faculty, and staff, including independent contractors, of the College.
3. While the College Community expects all external visitors, who are not part of the College Community, to abide by this Regulation, 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.
4. This Regulation applies both inside and outside College premises and includes behaviours both in person and virtual.
5. Complaints and related procedures are not discontinued after graduation. The same holds for dropouts during the academic year or contract termination of/by College staff.
6. This Regulation does not prejudice any recourse to legal procedures under the applicable Belgian legislation.
7. For the purposes of this Regulation, working days include all calendar days except Saturdays, Sundays and Belgian public holidays.

II – Prohibited Behaviours

Article 3 – Prohibited Behaviours

The following behaviours, whether intentional or not, are prohibited and punishable under the provisions of this Regulation: any kind of discrimination, bullying, harassment, stalking, violence, and sexual misconduct. These behaviours are detailed in Article 4.

Article 4 – Definitions of Prohibited Behaviours

Within the meaning of this Regulation:

1. **Discrimination** occurs when people are treated less favourably than others in a comparable situation only because they belong, or are perceived to belong, to a certain group or category of people. Discrimination can take the form of unequal treatment because of age, ability, ethnicity, class and background, political belief, race, religion, gender identity and expression, sexual orientation, language, culture, and other grounds. 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 said characteristic; or is not treated the same 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 a specific disadvantage for a person with a protected criterion and without objective justification foreseen by the law, relative to others.
2. **Bullying** is unwanted, recurring aggressive behaviour, the goal or consequence of which is victimising, humiliating, undermining or threatening an individual or group of individuals. It causes psychological and/or physical harm, or causes the personality, dignity, physical or psychological integrity of a person to be affected in the execution of their work/studies. Bullying may involve a misuse or abuse of power/authority. It can be physical, verbal, social or relational, cyber, and studies- or work-related. Such behaviour can be associated with but not limited to a variety of grounds, including those listed under discrimination.
3. **Harassment** is single or repeated cases of unwanted verbal, non-verbal, or physical behaviour, whether in person, online or through other forms of contact, the goal or consequence of which is violating a person's dignity, victimising, humiliating, undermining, threatening or creating a hostile, degrading, or offensive environment for a person. Such behaviour can be associated with but not limited to a variety of grounds, including those listed under discrimination.
4. **Stalking** is engaging in threatening conduct that causes an individual to fear for their physical or psychological safety, by repeatedly following them or repeatedly communicating through any means with them or keeping watch over the individual's location.
5. **Violence** is every act whereby a person is psychologically or physically threatened or attacked.
6. **Sexual misconduct** is any sexual act or act targeting an individual's sexuality, gender identity or expression, whether the act is physical or psychological in nature. It is committed, threatened or attempted against an individual without their consent. Sexual misconduct includes but is not limited to:
 - a. **Sexual assault**, which is any form of sexual touching or the threat of sexual touching without the individual's consent. Some forms of sexual assault include rape, attempted rape, and stealthing (which is non-consensual condom removal during sexual intercourse);
 - b. **Sexual harassment**, which is single or repeated cases of unwelcome verbal, non-verbal, or physical conduct of a sexual nature, whether in person, online, or through other forms of

contact, that detrimentally affects the working, learning, or living environment, or leads to adverse consequences for the one directly subjected to the harassment. It may include, but is not limited to:

- i. Unwelcome sexual advances;
 - ii. Requests for sexual favours;
 - iii. Unwelcome pressure to develop a romantic or sexual relationship whether with oneself or third parties;
 - iv. Unwelcome commentary about an individual's body or sexual activities;
 - v. Threatening to engage in an unwelcome sexual act with another person;
 - vi. Any form of invasion of personal privacy;
 - vii. Unwelcome physical closeness or touching;
 - viii. Unwelcome jokes or teasing of a sexual nature or based upon gender, perceived gender, or sexual stereotypes;
 - ix. Other verbal or physical harassment of a sexual nature.
- c. **Indecent exposure**, which is exposing one's body to another individual for a sexual purpose or coercing another individual to remove their clothing in order to expose their body, without their consent;
 - d. **Voyeurism**, which is non-consensual viewing, photographing, or otherwise recording another individual in a location where there is an expectation of privacy and where the viewing, photographing or recording is done for a sexual purpose; and
 - e. The **distribution of sexually explicit photographs or recordings** of an individual to one or more individuals other than the individual in the photographs or recordings without the consent of the individual in the photograph or recording.

Article 5 – Consent

Consent is the agreement to participate in a sexual act where the individual has both the freedom and capacity to make that decision. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, and consent may be withdrawn at any time. Consent is not present when submission by an unwilling participant results from the exploitation of power, coercion or force (i.e., any physical or emotional harm or threat of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm), regardless of whether there is verbal or physical resistance.

Free consent cannot be given if the individual does not have the **capacity to give consent**. Incapacitation may occur when an individual is asleep, unconscious, semi-conscious, or in a state of intermittent consciousness. Incapacitation may occur as the result of alcohol or drug use. Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following: unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively.

Intoxication is never a defence for committing or attempting to commit an act of sexual violence and misconduct, or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is to not engage in a sexual act.

III – Remedies

Article 6 – Scope of Remedies

In the event of a breach of the behaviours outlined in Article 3, a member of the College Community can undertake to launch either: (a) a mediation process; or (b) a formal process.

Mediation processes inherently concern a single Complainant and Defendant.

A formal complaint can be launched against one or more Defendants. In the case where multiple Complainants launch a formal process against the same Defendant or group of Defendants, the cases can be joined at the discretion of the Hearing Committee established by the Rector or a member of the Executive Committee as per the provisions of Title VI.

Article 7 – Support

1. Upon request, Complainants may be provided with alternative accommodation.
2. Complainants can request priority access to the external College psychologist through their Initial Point of Contact (see Title IV) while engaged in either a mediation or formal process.
3. A member of the College Community who has experienced one or more of the behaviours outlined in Article 3 who does not wish to initiate either a mediation or formal process can request priority access to the external College psychologist by contacting the Student Welfare Officer.
4. The Student Welfare Officer is entrusted with ensuring that psychological support is offered to every party involved in a case and all members nominated to sit on a Hearing Committee or Appeal Panel.
5. In all aforementioned cases, the College will cover the fees of the psychological support.

Article 8 – Protection of Privacy

1. The College will respect the privacy of all parties involved in a case. Disclosure of information provided by the parties in a case will operate on a strictly need-to-know basis, depending on the type of process engaged by the Complainant. In no way do the provisions of this clause apply to the parties of a case.
2. The personal data of the Complainant and the Defendant remain confidential both during and after the end of the proceedings.
3. In the context of a formal process, Initial Points of Contact, members of the Hearing Committee and Appeal Panel, support persons and the minute taker (see Title IV and VI) will sign a declaration confirming their obligations in accordance with this Article.
4. Information obtained by the College through the course of any of the processes outlined in this Regulation regarding potential drug offenses will not influence the outcome of such process, nor will it be reported to any authorities.
5. All the personal data provided on the occasion of the implementation of this Regulation will be treated according to the General Data Protection Regulation² and the applicable rules in Belgium regarding this matter.

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) - *OJ L 119, 4.5.2016, p. 1*

IV – Launching a Process

Article 9 – Initial Point of Contact

1. To launch either a mediation or a formal process, the Complainant can contact anyone of the following persons, hereinafter referred to as Initial Point of Contact:
 - a. the Student Welfare Officer;
 - b. the Director of Student Affairs;
 - c. the external College psychologist;
 - d. the Director of the Personnel Service;
 - e. the Person of Trust for staff members;
 - f. any Director of Studies;
 - g. any Permanent Professor;
 - h. any Academic Assistant.
2. A third party may contact one of the Initial Points of Contact if requested to do so by the Complainant.
3. The Complainant can inform the Initial Point of Contact of their decision to launch either a mediation or formal process at any point, before, during, or after their meeting.

Article 10 – Responsibilities of the Initial Point of Contact

1. An Initial Point of Contact must meet with the Complainant at the earliest possible moment that is convenient for the Complainant. If the Initial Point of Contact has a conflict of interest, this should be disclosed so the Complainant could select an alternative Initial Point of Contact.
2. The person acting as the Initial Point of Contact will:
 - a. provide information about the mediation and formal processes;
 - b. provide information about the fact that all evidence provided in the context of a formal process will be made available to the Defendant;
 - c. provide information about the available support services at the College and/or outside the College;
 - d. provide information about potential interim measures that may be taken, as set out in Article 24;
 - e. given the severity of the claims and, in particular, if there is a risk to the safety of members of the College Community, inform the Complainant that alleged behaviour which constitutes a crime under national law may be referred to the police by the College;
 - f. not form a view about the merits of any allegations.

V – Mediation Process

Article 11 – Provisions under the Mediation Process

The mediation process provides for an informal resolution between Complainant and Defendant through the moderation of an impartial third party, hereinafter referred to as the Mediator.

Article 12 – Mediator Selection

1. When the Complainant informs the Initial Point of Contact that they wish to engage in a mediation process, the latter can suggest potential Mediators. This could include the Initial Point of Contact as well as other potential Points of Contact outlined in Article 9.1.
2. Once the Complainant agrees to a Mediator, the Initial Point of Contact should inform the Mediator of the details of the complaint.
3. Once mediation is in progress, both the Complainant and Defendant may indicate to the Mediator or to the Initial Point of Contact that they wish to find a new Mediator. Either the Mediator or the Initial Point of Contact are entrusted with arranging for a new Mediator. Both parties must approve of the new Mediator.

Article 13 – Responsibilities of the Mediator

1. Once selected, the Mediator should contact the Complainant to enquire as to how they wish to proceed. The Mediator should act on their own discretion while ensuring respect for the wishes of the Complainant. Generally speaking, three broad approaches are possible:
 - a. the Mediator can facilitate a private conversation between the parties in a safe environment;
 - b. the Mediator can act in a conciliatory capacity by engaging in a direct dialogue with both the Complainant and Defendant present;
 - c. the Mediator can act as a facilitator of indirect communication between the parties, trying to achieve an amicable resolution.
2. Where the mediation involves both the Defendant and the Complainant, the Mediator will take steps to ensure that the circumstances of any meeting will appropriately protect the dignity of the parties. Accommodations that may be considered include:
 - a. providing separate rooms before the meeting;
 - b. provide alternative means of participation, such as telephone, video, or pre-recorded statements;
 - c. prepared written responses;
 - d. the opportunity to have support at the meeting.
3. The College administration will provide all necessary resources for the Mediator to be able to make the necessary accommodations.
4. Interim measures may be implemented, as per the provisions of Title VII, if the Complainant requests them, or if the Mediator thinks that they might be necessary.

Article 14 – End of the Mediation Process

1. The mediation process is successfully concluded when a mutually acceptable resolution is agreed upon by both parties. This may include:
 - a. a formal spoken or written apology;

- b. commitments to change behaviour, with a follow-up by the Mediator within a certain timeframe;
 - c. requirement to take prevention training;
 - d. a voluntary decision on the part of either party to change residence.
- 2. The mediation process fails if the parties do not agree to a solution within 14 working days of the start of mediation efforts.
- 3. The mediation process fails if one or both of the parties refuses to engage with the Mediator and refuses the selection of another mutually agreed upon Mediator.
- 4. The Complainant can at any time during the mediation process decide to launch a formal process. This would be done through a request to their Initial Point of Contact. If the Initial Point of Contact is also the Mediator, then the request also can be made to any other potential Point of Contact listed in Article 9.1.
- 5. The Mediator shall in no way attempt to coerce or apply pressure on the Complainant to stop them from launching a formal process.
- 6. Irrespective of the outcome of a mediation process, the College commits to protect both parties from retaliation.

VI – Formal Process

Article 15 – Provisions of the Formal Process

The formal process provides for a binding resolution of the complaint between Complainant and Defendant through a hearing held by a committee established by the Rector or a member of the Executive Committee, hereinafter referred to as the Hearing Committee.

Article 16 – Letter of Complaint

When the Complainant tells the Initial Point of Contact that they wish to engage in a formal process, the Initial Point of Contact informs them that they must write a letter of complaint directly either to the Rector, their respective Director of Studies or their Head of Service. 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 Point of Contact may assist in the writing of this letter. The letter of complaint should be sent by e-mail.

The letter of complaint does not have to provide any details of the relevant events but should indicate the Defendant as well as outline the nature of the complaint.

Article 17 – Nomination of the Hearing Committee

1. Upon receipt of the letter of complaint, the Rector or a member of the Executive Committee shall establish a Hearing Committee within 3 working days.
 - a. **If the Complainant is a student:** the Hearing Committee shall be composed of three members nominated by the Rector. These will include:
 - i. one elected student representative;
 - ii. one academic or administrative staff member, depending on whether the Defendant is a student or member of staff respectively;
 - iii. one senior academic staff member at the Director or Professor level, who will act as Chair.

In the nomination of the Hearing Committee the aim shall be to avoid the involvement of the Academic Departments of both the Complainant and Defendant.

- b. **If the Complainant is another member of the College Community:** the Hearing Committee shall be composed of three members nominated by the Rector. These will include:
 - i. one elected student representative;
 - ii. one staff member;
 - iii. a Head of Service or senior academic staff member at the Director or Professor level, who will act as Chair.
 - c. **In cases in which the Rector is Complainant or Defendant:** a Hearing Committee will be nominated by a member of the Executive Committee. Its membership will include:
 - i. one elected student representative;
 - ii. one academic or administrative staff member;
 - iii. a member of the Executive Committee, who will act as Chair.
 2. Throughout the formal process, the Student Welfare Officer shall be available to provide support to the Hearing Committee, Complainants and Defendants, and to take minutes at the hearing. In cases in which the Student Welfare Officer is either Complainant or Defendant, the Director of Student Affairs will take over this role.

3. Both the Complainant and the Defendant may request that one person be removed from the Hearing Committee and replaced by another member of the same category.
4. When accepting a nomination by the Rector or a member of the Executive Committee, all prospective Hearing Committee members must declare that they have no conflicts of interest in the given procedure. They should also declare not to have been the Defendant in an upheld complaint under this Regulation.
5. The Student Welfare Officer shall provide the members of the Hearing Committee with any relevant information concerning prior complaints that have been upheld against one of the parties involved in the procedure. In cases where the Student Welfare Officer is either Complainant or Defendant, the Director of Student Affairs will provide the information.

Article 18 – Responsibilities of the Hearing Committee

1. The Hearing Committee is tasked with adjudicating the complaint in a fair and impartial manner.
2. The Committee should aim for consensus in decision making. If no consensus can be achieved, each member of the Committee has an equal vote.
3. The Committee is charged with holding a hearing within 14 working days of its final establishment.
4. During exam periods and winter holidays, the timeframe for organising a hearing may be extended upon the request of the parties under the following conditions. If a complaint involves a student versus a staff member, irrespective of who is Complainant or Defendant, the student party has the final say on the extension. If a complaint involves at least one student in each party, the parties should strive for a consensus on the extension; that notwithstanding, the Hearing Committee should make a decision that causes the least harm to both parties.

Article 19 – Responsibilities of the Chair

1. Once the Rector or a member of the Executive Committee has nominated a provisional Hearing Committee, the Chair of the Committee shall contact the Complainant to:
 - a. request a written or recorded video statement of:
 - i. the nature of the behaviour under investigation;
 - ii. the effect of this behaviour on the Complainant;
 - iii. the resolution that the Complainant is seeking, if appropriate;
 - iv. who could serve as potential witnesses of this behaviour;
 - v. and any other potentially relevant information.
 - b. inform the Complainant of the process, including the identity of the Hearing Committee members, the potential outcomes, and options for assistance/support by:
 - i. informing the Complainant that they may request, within 24 hours, that one person be removed from the Hearing Committee and replaced by another member of the same category;
 - ii. explaining that the members of the Hearing Committee will keep the procedure confidential, what records of the complaint will be kept, for how long, and where;
 - iii. stressing the automatic interim measures that apply, as set forth in Article 24.1.
2. The Chair shall contact the Defendant to:
 - a. inform the Defendant that a complaint has been made against them and provide as much information as possible about the allegations and supporting information (where applicable);

- b. confirm that they will be given the opportunity to respond to the allegations in writing or through a recorded video statement, as well as orally at a hearing;
 - c. provide information about the process, including the identity of the Hearing Committee members, the potential outcomes, and options for assistance/support by;
 - i. informing the Defendant that they may request, within 24 hours, that one person be removed from the Hearing Committee and replaced by another member of the same category;
 - ii. explaining that the members of the Hearing Committee will keep the procedure confidential, what records of the complaints will be kept, for how long, and where;
 - iii. stressing the automatic interim measures that apply, as set forth in Article 24.1.
3. The Chair is charged with collecting evidence on the basis of the guidance provided by the parties. This includes directly contacting potential witnesses who have knowledge or experience relevant to the specific complaint in the name of the Hearing Committee.
 4. The Chair is charged with managing and leading the proceedings of the Hearing Committee. They are tasked with ensuring respect for all parties, professionalism throughout the proceedings and orderly management.
 5. The Chair must always act impartially.

Article 20 – Evidence and Case Files

1. The collection of evidence shall be conducted in a professional and compassionate manner. The collection of evidence should not place an undue or unreasonable burden on the Complainant or Defendant.
2. Both Complainant and Defendant will be provided full and unimpeded access to consult all evidence and case files submitted by either party to the Hearing Committee.
3. All parties shall be provided at least 2 working days to examine evidence and/or case files before a hearing. If a party has a legitimate request to delay a hearing for the purpose of examining, collecting, or processing these, the Chair may delay the hearing by 2 working days for this purpose.
4. All parties will be treated on the basis of the evidence relating to the specific case at hand. Evidence not relating to the case, including references to past criminal or sexual history outside the scope of previous upheld complaints under this Regulation, and evidence based exclusively on general character, are not admissible as written or oral testimony.
5. Anonymous testimonies are not admissible, save for exceptional justifications, such as a threat to personal safety.

Article 21 – Proceedings of the Formal Process

1. The Student Welfare Officer will be appointed as minute taker and will keep detailed records of the hearing with the parties. In cases in which the Student Welfare Officer is either Complainant or Defendant, the Director of Student Affairs will take over this role. These minutes can be used as evidence to substantiate facts in an appeal. All minutes will be approved by the members of the Hearing Committee after the deliberations.
2. Depending on the severity of accusations, the risk posed to the College Community, or the risk posed to the orderly management of the proceedings, the Chair can decide, either before or during the hearing, to change its format. This can include:

- a. providing separate hearings for the Complainant and Defendant;
 - b. alternate means of participation such as telephone, video, pre-recorded answers and statements;
 - c. using prepared written responses exclusively.
3. The College administration will provide all necessary resources for the Chair to be able to make the necessary accommodations.
4. The parties may have with them another student or a member of the staff of the College to act as a support during the hearing, provided that they specify the name of the supporting student or member of staff at least 1 day before the hearing to the Chair. Support persons are not granted access to the case file and are not supposed to speak during the hearing. Upon request of a party, the College can provide options for a member of staff of the College to act as support person.
5. Witnesses can be invited to provide a written, video, or oral statement with at least 2 working days' notice.

Article 22 – Outcomes of the Formal Process

1. Once a hearing is held, the Hearing Committee will hold a closed session where they will deliberate on the evidence presented by the parties and consider the outcomes suggested by them, if appropriate. On the basis of its deliberations the Hearing Committee will put forward a motivated decision in writing to the Rector within 3 working days. Any follow-up actions taken on the basis of the decision provided by the Committee shall be taken in accordance with the provisions of this Article.
2. In case of decisions of a complex or unprecedented nature, the Hearing Committee should first consult the Rector for advice on the enforceability thereof.
3. Outcomes for the student Defendant if the complaint is upheld may entail one or more of the following:
 - a. an official written warning;
 - b. a requirement to provide a formal apology to the Complainant;
 - c. a requirement to attend anti-discrimination and/or harassment awareness training, or other relevant training, organised by the College;
 - d. contact restrictions (*e.g.*, with the Complainant);
 - e. the prohibition to enter College premises or attend specific activities;
 - f. academic adjustments;
 - g. a suspension;
 - h. expulsion from the College.
4. Outcomes for the staff Defendant if the complaint is upheld in principle entail one or more of the following:
 - a. an official written warning in accordance with Staff Work Regulations;
 - b. a requirement to provide a formal apology to the Complainant;
 - c. a strong recommendation to attend anti-discrimination and/or harassment awareness training, or other relevant training, organised by the College;
 - d. disciplinary sanctions in accordance with Staff Work Regulations;
 - e. non-renewal of the contract.
5. Outcomes for the Complainant if the complaint is upheld can include:

- a. re-crediting of any absence taken as a result of the behaviours outlined in Title II;
 - b. supportive counselling;
 - c. extensions to academic deadlines and academic support;
 - d. regular updates on the implementation of outcomes for the Defendant.
6. The Rector informs both parties in writing of the decision taken by the Hearing Committee and will begin the process of implementing this decision within 3 working days of its issuance. Upon request, parties can consult the minutes of the hearing.
 7. In case of outcomes of an academic nature being imposed on a student Defendant, the Rector shall notify the Academic Council in writing, in accordance with Article 9 of the Study Regulations.
 8. In cases leading to the expulsion of a student Defendant, the decision taken by the Hearing Committee is subject to confirmation by the Academic Council. To that effect, the Rector will convene an emergency extraordinary Academic Council meeting in accordance with Article 9 of the Study Regulations.
 9. In cases where the Defendant is a staff member, visiting professor, or visiting scholar, the Rector shall inform their respective Head of Service or Director of Studies.
 10. In cases where the Complainant or Defendant is the Rector, the responsibilities outlined herein lie with a member of the Executive Committee.
 11. The Complainant can at any time during the formal process decide to drop the complaint, which will automatically trigger the end of the process.
 12. Irrespective of the outcome of the formal process, the College commits to protect both parties from retaliation.

Article 23 – Appeal

1. The Complainant and the Defendant have the right to appeal the decision of the Hearing Committee. They must be explicitly informed of this right by the Chair following the issuance of the decision of the Hearing Committee.
2. A letter of appeal should be addressed to the Rector or the President of the Executive Committee, if the Rector is the Claimant or Defendant, within 7 working days after the reception of the decision. The letter of appeal must indicate its basis and the preferred outcome and should be sent by e-mail.
3. Upon receipt of the letter of appeal, the Rector or a member of the Executive Committee will designate a new hearing panel, hereinafter, Appeal Panel, within 4 working days.
 - a. **If the Complainant is a student:** the Appeal Panel shall be composed of four members nominated by the Rector. These will include:
 - i. one elected student representative;
 - ii. one academic or administrative staff member depending on whether the Defendant is a student or member of staff respectively;
 - iii. two senior academic staff members at the Director or Professor level, one of whom will act as Chair.

In the nomination of the Appeal Panel the aim shall be to avoid the involvement of the Academic Departments of both the Complainant and Defendant.

- b. **If the Complainant is another member of the College Community:** the Appeal Panel shall be composed of four members nominated by the Rector. These will include:
 - i. one elected student representative;
 - ii. one staff member;
 - iii. a Head of Service;
 - iv. a senior academic staff member at the Director or Professor level, who will act as Chair.

 - c. **In cases in which the Rector is the Complainant or Defendant:** an Appeal Panel will be nominated by a member of the Executive Committee. Its membership will include:
 - i. one elected student representative;
 - ii. one administrative staff member;
 - iii. one academic staff member;
 - iv. a member of the Executive Committee, who will act as Chair.
4. The Appeal Panel will review the case, including the original complaint and response, evidence collected, minutes of the hearing, and the written decision of the Hearing Committee. The Appeal Panel may contact anyone involved in the original case to ask for further information.
 5. The purpose of the appeal is to determine, based on the arguments and evidence brought before the Hearing Committee, whether it has:
 - i. reached a reasonable decision in relation to the alleged breaches of this Regulation; and
 - ii. imposed appropriate and proportionate outcomes for the parties.
 6. A new hearing will only be held provided that new evidence is presented by either party or new witnesses have come forward. The Chair of the Appeal Panel is charged with this decision.
 7. The Appeal Panel will strive to reach consensus. If no consensus can be achieved, each member of the Appeal Panel holds an equal vote and the Chair holds a tiebreaking vote.
 8. The Appeal Panel will issue a decision on the case within 10 working days of its final constitution. A delay can only be considered in line with the provisions of Article 20, if a new hearing is being held.
 9. The decision of the Appeal Panel can either sustain, partially overrule or entirely overrule the decision of the Hearing Committee. This decision is final.
 10. In all further procedural matters on which this Article 23 does not deviate, the Appeal Panel is subject to the provisions applicable to the Hearing Committee, as set forth in this present Title.

VII – Interim Measures

Article 24 – Adoption of Interim Measures

1. In the event that a formal process is launched, the following Interim Measures will automatically be imposed:
 - a. A personal contact restriction between the Complainant and Defendant, as well as witnesses brought forward by the opposing party;
 - b. A prohibition for both parties to, directly or indirectly, coerce or apply pressure on other students or members of staff to stop them from launching other complaints or from acting as a witness.
2. The Rector, or in case the Complainant or Defendant is the Rector, a member of the Executive Committee, can, either on the request of a Mediator, a Hearing Committee or Appeal Panel, or following a request by the Complainant, or on their own initiative, decide to implement additional interim measures to protect the College Community and/or either party in a case.
3. The Rector, or in case the Complainant or Defendant is the Rector, a member of the Executive Committee, can make the decision to implement interim measures by weighing the likelihood of harm for the Complainant or other parties against the likelihood of harm for the Defendant.
4. Interim measures can include, among others:
 - a. immediate psychological and administrative assistance;
 - b. academic waivers exempt from existing College provisions requiring a medical waiver;
 - c. temporary relocation of the Defendant;
 - d. increased security in the residence of the Complainant;
 - e. online class attendance.

Article 25 – Duration of Interim Measures

1. Interim measures must be implemented by the Rector or a member of the Executive Committee as soon as possible. Interim measures last until the end of the deadline for appeal after a decision by the Hearing Committee in a formal process or until the end of a mediation process.
2. In the case of an appeal, interim measures will last until the end of the appeal process.

VIII – Prevention Measures

Article 26 – Training

All relevant stakeholders will be invited for an annual training, by an external third party or the Student Welfare Officer, to be able to effectively fulfil their roles.

Article 27 – Awareness

1. The College will conduct at least one anonymised survey of the College Community per academic semester and publish the results of these surveys to raise awareness of the issues addressed by this Regulation.
2. The Student Welfare Officer will work with on and off-campus partners to develop an annual education strategy that includes campaigns, training sessions, workshops, print and online resources, programs and events on a breadth of topics related to discrimination, bullying, harassment, stalking, violence and sexual misconduct on campus.
3. These campaigns will explore topics such as bullying, discrimination, intersectionality, rape culture, consent culture, sexual assault awareness, how to seek support, resources for victims, advice and resources for bystanders. The audience for these efforts will include staff and students.
4. Departments will make efforts to include education related to, among others, rape culture, sexual violence, discrimination, and racism in course materials and program curricula where appropriate. They are also encouraged to use trained facilitators who understand the sensitivity with which these topics must be raised, who have the skills to respond appropriately to disclosures and those who may be triggered by the content of the material or resulting discussions.

Article 28 – Bystander Reporting

1. The College will permanently make available a webform to collect anonymous bystander reports.
2. Witnesses to a breach of behaviours prohibited by this Regulation can also report it to one of the Initial Points of Contact outlined in Article 9. Having received a report, an Initial Point of Contact must refer the matter to the Student Welfare Officer. When deemed appropriate, the Student Welfare Officer may reach out to the person affected to provide support and remind them of the resources and remedies available under the present Regulation.
3. All bystander testimonies will be handled in accordance with Article 8. In case the Student Welfare Officer would be the subject of such a report, the Director of Student Affairs will take over this responsibility.

IX – Miscellaneous

Article 29 – Unavailability of Student Welfare Officer

Should the Student Welfare Officer not be in the position to fulfil their role foreseen in this Regulation (e.g., due to a prolonged absence), the Rector or a member of the Executive Committee will – in consultation with the Director of Student Affairs – nominate a temporary replacement for their respective tasks.

Article 30 – Archiving of Case Files

In line with the College of Europe's rules for management, storage and deletion of personal data, the case files will be archived in the Student Welfare Office. Anonymised versions of decisions of Hearing Committees and Appeal Panels will be kept on file for future consultation of precedents.

Article 31 – Revision of the Present Regulation

1. The present Regulation will be reviewed, and where necessary revised, every year by the Student Welfare Officer, who will propose amendments to the Rector after having sought input from all relevant stakeholders.
2. Either a Hearing Committee or an Appeal Panel can suggest amendments to the Regulation in their decision following a case



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