

Procedure for reporting transgressive behaviour within Odisee

I. Definitions

Transgressive behaviour:

"Any violation of a person's integrity, including abuse of power, unwanted sexual behaviour, violence and harassment."

Unwanted sexual behaviour:

"Any form of unwanted verbal, non-verbal or physical behaviour with a sexual connotation that has the purpose or effect of violating the dignity of a person or creating a threatening, hostile, offensive, humiliating or hurtful environment."

Violence:

"Any situation in which a student or employee is psychologically or physically threatened or attacked within a work situation or educational context in higher education."

Bullying:

"A repeated pattern of similar or different behaviours, occurring inside or outside the higher education institution over a period of time, that has the purpose or effect of undermining the personality, dignity, or physical or psychological integrity of a student or employee, or that creates a threatening, hostile, offensive, humiliating, or hurtful environment."

II. Scope

This procedure applies to reports of transgressive behaviour involving Odisee students and/or staff members that are reported to a confidential advisor.

This includes reports of transgressive behaviour:

- Within the educational context, either between students or between a student and an Odisee employee.
- Outside the educational context, between a student and an Odisee employee, if there is a hierarchical relationship between them.
- By Odisee staff within the framework of the Codex Welfare at work.

The confidential advisor is a point of contact for individuals who experience, witness, or hear rumours about transgressive behaviour, or who may have engaged in such behaviour themselves.

- Students who wish to report transgressive behaviour can contact the confidential advisors for students, who are also part of the university's team of student psychologists.

- Staff members who wish to report transgressive behaviour can contact one of the confidential advisors for staff.
- Staff members reporting behaviour involving students may also contact the student confidential advisor directly. If needed, this advisor will refer them to the appropriate staff confidential advisor.
- Volunteers and externally funded researchers working at Odisee are considered employees for reporting purposes.

Students involved in situations outside this scope can contact the following services within Odisee:

- If the transgressive behaviour is committed by third parties on an Odisee campus or during activities such as internships, visits, or study trips: the student confidential advisor.
- If it occurs in the private sphere: the student psychologists.

The confidential advisors and psychologists can offer support and advice. If relevant and with the student's consent, they may inform the appropriate persons within the programme or management.

III. Basic principles

1. Confidentiality

All confidential advisors work under legal professional secrecy, meaning they do not take any action without the consent of the person reporting.

The boundaries set by the person reporting the matter are respected, and their pace determines how the case is handled.

Professional confidentiality is not absolute; it must be balanced against legal obligations. It may be breached in specific cases – for example, to prevent serious danger to others or to report crimes involving minors or vulnerable persons. It may also be lifted when testifying in court.

Confidential advisors share professional confidentiality with each other and may contact internal or external psychosocial prevention advisors when necessary.

2. Care

The primary concern when reporting is to stop the transgressive behaviour and, if possible and appropriate, restore a professional relationship.

Throughout all conversations, the wellbeing of whistleblowers and/or victims is the first priority.

3. Independence

Confidential advisors work independently and autonomously. No one may exert pressure on them. They must not face disadvantages for their advisory work.

They may not participate in disciplinary proceedings and report annually to the board anonymously. Staff representatives in this role report directly to the internal health and safety service.

IV. Internal procedure

1. Reporting

Reports are made to the appropriate confidential advisor. If the advisor is competent to handle the report, they will propose a meeting with the reporting party as soon as possible, within 10 calendar days of the report (excluding public holidays and closure periods).

During closure periods, students and staff cannot contact the university's confidential advisors. However, staff may contact Idewe¹'s prevention advisor for psychosocial aspects at work, and students may contact the Flemish Reporting Centre for Transgressive Behaviour.

If the confidential advisor is not authorised to handle the report, they will refer the reporting party to the appropriate advisor or service.

Because students may be in a vulnerable position, the confidential advisor for staff will inform the student confidential advisor when a report by an employee also involves students. Discussions with a student will be conducted by or in consultation with the student confidential advisor.

2. Possible actions

a. Report only

The reporting party may request a conversation but ask that no further action be taken for now. This may be because they only seek personal support, want advice, or prefer that the confidential advisor simply be aware of the situation in case it escalates. The advisor will record the report but take no further steps.

b. Actions within the confidential framework

With the reporting party's consent, and if anonymity and safety can be ensured, the confidential advisor may address the behaviour directly with the person concerned to make them aware of its impact. A manager, lecturer, or head of studies may be involved if appropriate. The reporting party can remain anonymous.

¹ External service for prevention and protection at work.

The advisor may also mediate between the reporting party and the other person(s) involved to help restore the situation. This can include separate and/or joint meetings. If needed, a hierarchical manager or teacher may participate by mutual agreement.

When the report comes from a witness or other informant, the advisor may contact those involved to invite them to a confidential meeting. Agreements can be made to resolve the situation. All conversations remain covered by legal professional secrecy.

c. Actions outside the confidential framework

When internal options are not appropriate or sufficient, the advisor may inform a person in a hierarchical position, the disciplinary authority, or the public prosecutor's office. This may occur when criminal offences, serious ethical breaches, or abuse of power are involved.

A 'person in a hierarchical position' means a manager or supervisor. For employee reports, this refers to a hierarchical manager or the personnel director. For student reports, this refers to a lecturer, head of department, cluster director, or member of management. The advisor will identify who is best placed to handle the case.

In rare cases, and only when anonymity and safety can be ensured, the advisor may inform such persons without the reporting party's consent, following consultation with colleagues and in line with professional confidentiality laws. If the situation requires immediate action due to a serious risk to students or staff, or repeated reports about the same person, the disciplinary body or public prosecutor may be notified.

Information is shared according to Article 458 of the Criminal Code and the Higher Education Codex provisions on transgressive behaviour. Only the details necessary for deciding whether to start a disciplinary investigation are disclosed. Reporting parties who did not give consent remain unidentifiable.

In the case of criminal offences, the advisor will recommend filing a police report. If Odisee is informed of such a report, it may bring a civil action after consulting the legal department.

Outside the confidential framework, it is up to the competent authorities to determine appropriate actions, which may include a written warning or disciplinary sanction. Meetings with management or disciplinary bodies are not covered by professional secrecy.

d. Protective and/or disciplinary measures

Protective or disciplinary measures may be required to ensure safety or objectivity. Examples include changing a student's assessor or supervisor, separating the reporting party and accused in classes or meetings, changing internship placements, or moving

departments. Confidential advisors cannot impose these measures alone; they must be arranged discreetly with the relevant programme or department.

Disciplinary measures against employees follow the employment regulations. Measures against students follow the Education and Examination Regulations.

e. Possible actions in the event of rumours

If the advisor receives reports based on rumours and is not directly dealing with a victim or witness, they may invite alleged witnesses or victims for verification, speak to the alleged perpetrator, inform management, and, if necessary, issue communication to a defined group (students or staff).

3. Individual file and central register

Confidential advisors must keep an individual file for each report and record it in the central Odisee register. If the reporting party requests anonymity, this will be noted, but it may limit follow-up options.

V. External reporting and action options

1. External reporting centre for transgressive behaviour

In addition to internal reporting, students and staff can contact the Flemish Reporting Centre for Transgressive Behaviour. More information and contact details are available at <https://www.vlaanderen.be/en/flemish-reporting-centre-for-transgressive-behaviour>.

2. Reporting and options for staff with the external prevention advisor

In addition to reporting internally to Odisee's confidential behaviour, or externally to the Flemish Reporting Centre for Transgressive Behaviour, staff can also – within the scope of the legislation on well-being at work – contact Idewe's external Prevention Advisor for Psychosocial Aspects at Work (PAPS). Employees can contact the PAPS:

- a) to simply report an incident
- b) for informal actions (within the confidential framework of the PAPS)
- c) or to submit a request for formal psychosocial intervention.