

## SUPPORT PROCEDURES FOR PREVENTION AND PROTECTION AGAINST VIOLENCE, SEXUAL HARASSMENT, PSYCHOLOGICAL HARASSMENT AND PSYCHOSOCIAL RISKS RELATED TO INTERPERSONAL RELATIONSHIPS DURING STUDIES AT ULB.

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### **General Study Regulations: Support procedures for prevention and protection against violence, sexual harassment, psychological harassment and psychosocial risks related to interpersonal relationships during studies at ULB.**

ULB cares about the well-being of its university community. For its students, it wishes to develop a specific system whose approaches are similar, within the limits of the law, to those used by psychosocial risk prevention advisors in the workplace.

To this end, Cash<sup>e</sup>, *the Centre for assistance and support with student harassment issues*, was created. **Cash<sup>e</sup>'s mission is to welcome and support students who are facing psychosocial risks, acts of violence, sexual harassment or moral harassment by other students or members of staff during their studies at ULB.**

Cash<sup>e</sup> is also closely involved in developing the student well-being policy and preventive strategies to combat the events that these procedures are designed to address. It produces statistical data which it forwards to the Governing Body, the Academic Council and the CCPT (Committee for Protection and Prevention in the Workplace) of ULB once a year, no later than the start of the academic year for the preceding academic year.

**The manager of Cash<sup>e</sup> is bound by professional secrecy, as are the psychosocial counsellors. The secretarial office is bound by strict confidentiality. Cash<sup>e</sup> carries out its duties completely independently of the ULB Authorities. It acts only with the consent of the student who contacts it, respecting their rights and the rights of the persons involved.**

**These support procedures are without prejudice to the right of students to take legal action.**

### **Chapter I. Definitions**<sup>1</sup>

These definitions apply to the events described above when they occur during the period in which the person has student status at ULB;

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These provisions transpose European Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, which defines harassment as "a form of discrimination (...) when unwanted conduct related to any of the grounds referred to in Article 1 [religion or belief, disability, age or sexual orientation] takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment."

This directive was transposed into Belgian law by the Protection against Violence and Moral and Sexual Harassment at Work Act of 11 June 2002, which introduced the concept of harassment into the Act of 4 August 1996 on the well-being of workers during the performance of their work.

Where it is confirmed that the events brought to Cash<sup>e</sup>'s attention in the context of any of the procedures described below do not fall within the definitions of this chapter, Cash<sup>e</sup> shall notify the student concerned and destroy the data gathered during the procedure.

- **Violence during studies:** any situation in which a student is physically or psychologically threatened or assaulted;
- **Sexual harassment during studies:** any unwanted verbal, non-verbal or corporal behaviour with a sexual connotation, the purpose or effect of which is to undermine a student's dignity or to create an intimidating, hostile, degrading, humiliating or offensive environment for a student.
- **Moral harassment during studies:** an abusive combination of several similar or different behaviours, external or internal to the University, which occur over a period of time, with the purpose or effect of undermining the personality, dignity or physical or psychological integrity of a student, jeopardising their studies or creating an intimidating, hostile, degrading, humiliating or offensive environment, and which are manifested in particular by unilateral spoken words, intimidation, acts, gestures or writings.

Such conduct may in particular be related to age, civil status, birth, wealth, religious or philosophical beliefs, political beliefs, trade union beliefs, language, current or future state of health, disability, physical or genetic characteristics, social origin, nationality, alleged race, skin colour, descent, national or ethnic origin, sex, sexual orientation, gender identity or expression.

- **Psychosocial risks linked to interpersonal relationships during studies:** the likelihood of one or more students suffering psychological damage, which may also be accompanied by physical damage, as a result of exposure to aspects of interpersonal relationships in the context of their studies, on which the ULB authorities have an impact and which objectively involve a danger.
- **collective risks:** any event meeting one of the 4 definitions above and involving a risk of a collective nature.

## **Chapter II. Procedures**

If the student considers that they are suffering psychological and/or physical harm as a result of psychosocial risks of an interpersonal nature, or if they consider that they are a victim of violence, sexual harassment or moral harassment during their studies at ULB, the student may:

- contact the Dean of their faculty or the Vice-Rectorate for Student Affairs;
- contact Cash<sup>e</sup> in a manner allowing them to be identified, by email, landline, GSM, WhatsApp or the online contact form (Contact details for Cash<sup>e</sup> and its members are given in Appendix 1 of this section);
- contact Cash<sup>e</sup> anonymously via the online contact form.

## **1. Referral to faculty or central authorities**

Independently of any support set up with Cash<sup>e</sup>, students who wish to do so may contact their Dean using the information available in their faculty. They may also contact the Vice-Rectorate for Student Affairs directly: <https://www.ulb.be/fr/gouvernance/autorites>).

## **2. Non-anonymous contact with Cash<sup>e</sup>**

When a student notifies Cash<sup>e</sup> of a situation within its remit, they are invited to at least two preliminary interviews, during which they can explain their situation and possible courses of action are suggested:

- Confidential support;
- Support with collective risks;
- Support with filing a complaint with the Vice-Rectorate for Student Affairs.

After these interviews, Cash<sup>e</sup> tells the student if, in its opinion, the events they have reported meet any of the definitions in chapter I. If this is not the case, the involvement of Cash<sup>e</sup> ceases and the personal data are destroyed.

If Cash<sup>e</sup> considers that the events reported meet one of the aforementioned definitions, Cash<sup>e</sup> and the student agree on the most appropriate support for the situation. Agreement to provide this support is confirmed by an exchange of emails between Cash<sup>e</sup> and the student.

**Whatever type of support the student chooses, no steps are taken by Cash<sup>e</sup> unless the student has given their formal consent in writing.**

**The student may decide to change their method of action with Cash<sup>e</sup> at any time, even if a procedure has already been started.**

### **2.1 Confidential support**

The aim of this support is to recognise the experiences of the person seeking help and to work with them to find the best way of resolving the matter without informing the ULB authorities.

There are 3 possible approaches:

- listening and individual support,
- calling on a third party,
- conciliation.

Calling on a third party involves this party accepting the confidentiality of the situation and its unofficial nature, and being able to provide informed advice/information about the situation experienced by the person seeking help.

If the student wishes to set up a conciliation procedure with the person whose behaviour is said to meet the aforementioned definitions, the approach requires the said persons' preliminary agreement to the confidentiality of the approach and to their involvement in the search for solutions that may improve the situation. The individual interviews with each of the parties separately, followed by any joint interview(s), are based on the formulation of their respective needs and the search for solutions for the future.

If the support leads to the situation being resolved, Cash<sup>e</sup>'s involvement comes to an end.

Otherwise the student may decide to opt for another course of action.

### **2.2 Support with collective risks**

This support involves Cash<sup>e</sup> informing and referring the matter to the ULB authorities by means of a report indicating a collective risk. In this context, Cash<sup>e</sup> may, at the students' request, keep their identity confidential. The report is submitted to the Vice-Rectorate for Student Affairs, the Vice-Rectorate for Academic Affairs, the Management of the Human Relations and Resources Department and the BEA (Bureau of Student Representatives), so that an action plan can be drawn up. In cases where the risks affect a very small number of people and where the complainants are likely to be easily identified, or in the case of particularly serious incidents, protective measures, as described in point 2.3 below, may be recommended by Cash<sup>e</sup>, with reasons given.

### **2.3 Support with filing a complaint with the Vice-Rectorate for Student Affairs**

At the student's request and if Cash<sup>e</sup> deems it appropriate, the latter will forward to the Vice-Rector for Student Affairs the file documenting the events reported by the student, if applicable, the steps taken and their outcome. Should Cash<sup>e</sup> deem that a complaint is not within its remit, the student may refer the matter by themselves to the Vice-Rector for Student Affairs. Referral to the Vice-Rector for Student Affairs will then put an end to any action being taken by Cash<sup>e</sup> or initiated by Cash<sup>e</sup>.

At the student's request and if Cash<sup>e</sup> deems it appropriate, the latter will recommend, in the report forwarded to the Vice-Rector for Student Affairs, measures to protect the student. The protective measures referred to above may include, but are not limited to, the following.

#### **2.3.1. Regarding a member of the academic staff or scientific staff**

- Designation, by the Rector, of a panel of examiners for any forthcoming assessment with the member of the academic staff or scientific staff concerned, or during which that person is present. Where possible, this panel will include professors from another faculty.
- Reminder of the obligation of confidentiality on the part of the student and staff concerned during and after the disciplinary procedure.
- The respondent being forbidden to have any contact with the student.
- If it appears that the situation falls within the scope of Article 32 vii of the Act of 4 August 1996 relating to the well-being of workers during the performance of their work, any appropriate or precautionary measure, such as suspension of services.

#### **2.3.2. Regarding a member of the PATGS (administrative, technical, managerial and specialised staff)**

- The respondent being forbidden to have any contact with the student.
- If it appears that the situation falls within the scope of Article 32 vii of the Act of 4 August 1996 relating to the well-being of workers during the performance of their work, any appropriate or precautionary measure, such as suspension of services.

#### **2.3.3 Regarding another student**

- Allow changes to timetables to avoid any contact between the students involved.
- Provide for appropriate distancing measures during and after the disciplinary procedure.

In all cases, the protective measures taken in application of the foregoing provisions are measures of order, not disciplinary sanctions. They in no way prejudice the guilt of the persons involved or the outcome of any disciplinary procedure.

## **2.4 Data retention**

The personal information collected during one of these types of support procedure is kept at Cash<sup>e</sup> for the duration of the procedure.

When the confidential support allows Cash<sup>e</sup> to conclude that there is no longer any risk to the student(s), the personal data collected are destroyed. The student is informed of this.

When the confidential support ends without any referral to the authorities and Cash<sup>e</sup> considers that there is a risk falling within its remit, the personal data collected are kept by Cash<sup>e</sup> for a period of 5 years.

Personal data for support with collective risks are kept at Cash<sup>e</sup> for 5 years.

Personal data collected while providing assistance with filing a complaint are destroyed by Cash<sup>e</sup> as soon as the authorities acknowledge receipt of the complaint. The student will receive written confirmation of any protective measures granted, particularly if these are to be applied throughout their university study programme.

## **3. Contacting Cash<sup>e</sup> anonymously**

ULB wants to offer its students the option of contacting Cash-e without initially revealing their identity and provides an online contact form for that purpose. This form requires the registration of an email address which does not need to contain any information that identifies its users.

Events covered by these regulations may be detailed in the form. The councillors at Cash-e will contact the student in order to assure them that their conversations with Cash<sup>e</sup> will remain confidential, describe the various forms of support that Cash<sup>e</sup> offers and, if applicable, obtain further information about the situation.

There are 3 possible scenarios:

### *1. The person making the request does not respond to Cash<sup>e</sup>'s reply*

If the student has not responded to Cash<sup>e</sup>'s reply within 15 days, they receive a new email informing them that if they do not respond, the data will be destroyed within 5 days. At the end of this period, Cash<sup>e</sup> will close the request and destroy the personal data.

### *2. The student agrees to relinquish anonymity and reveal their identity to Cash<sup>e</sup>*

Following interactions with Cash<sup>e</sup>, the student agrees to relinquish anonymity. The procedures in point 2 become possible again.

### *3. The student replies to the message from Cash-e and does not reveal their identity to Cash<sup>e</sup>*

A conversation takes place between Cash<sup>e</sup> and the student. The student prefers to remain completely anonymous. In this case, two scenarios are possible:

- a. the events thus detailed are deemed by Cash<sup>e</sup> to be insufficiently concrete and substantiated or the person refuses to demonstrate their student status through the secure system created for that purpose: the procedure stops and the data are destroyed; the correspondent is informed of this;

- b. the events thus detailed are deemed by Cash<sup>e</sup> to be sufficiently concrete and substantiated and it has been possible to verify the student status of the correspondent using the secure system created for that purpose, so Cash<sup>e</sup> triggers a system for alerting the authorities (VR for Student Affairs, VR for Academic Affairs, HRD, BEA). This alert system is used to send them a report describing the risk involved (violence, emotional and/or sexual abuse), the behaviour reported, the faculty and any other useful background information about the events, **provided that such information cannot be used to identify the parties.** No identity can be communicated or recognised in this report. Any personal data coming into the possession of Cash<sup>e</sup> are destroyed once the report has been sent to the authorities. Only the report will be kept.

In consultation with Cash<sup>e</sup> and in collaboration with the student representatives, the authorities thus informed could decide to carry out an analysis of the risks of emotional and/or sexual abuse in the faculty, in order to put in place the appropriate preventive measures to reduce the risks.

The limits of this procedure regarding the specific management of the student's situation are clearly specified to them.

### **Chapter III. Disciplinary sanctions**

Without prejudice to the rules applicable to dismissal and any sanctions that may result from legal action, a person who is guilty of violence or moral or sexual harassment towards a member of the university community will be liable to disciplinary sanctions in accordance with the regulations applicable to that person.

A student who files a false complaint will be liable to disciplinary action, without prejudice to any other action that may be taken by the victim of the said complaint.

**No disciplinary procedure may be initiated on the basis of an anonymous testimony.**

### **Chapter IV. Reporting**

An overall, anonymised statistical analysis will be carried out every academic year for assessment and prevention purposes. It will be sent to the Board of Directors, the Academic Council and the CPPT. As well as identifying the objects and reasons of the risks, it will identify the follow-up for the recommendations made in points 2.2 and 2.3.

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## **Appendix 1: Contact details for Cash<sup>e</sup>:**

**Contact Cash<sup>e</sup>:**

[www.ulb.be/cashe](http://www.ulb.be/cashe)

[cash-e@ulb.be](mailto:cash-e@ulb.be)

**0474/563097 GSM or WhatsApp between 8 am and 5 pm from Monday to Friday**

**02/650 4556 or 4558**