

# REGULATIONS ON CONFIDENTIAL ADVISORS

For students and employees

November 2024

Adopted by the Executive Board (CvB) on 23 April 2024  
Consent of the University Council (HSR) on 17 January 2024



UNIVERSITY  
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UTRECHT

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## PREAMBLE

The HU Regulations on Confidential Advisors (hereinafter: the Regulations) replaces parts of the Misconduct Regulations of 1 February 2017 and has been expanded to clarify the positioning in the organisation and the appointment procedure. The Regulations are in line with the Regulations for Inappropriate Conduct (2024), the Regulations for Reporting Suspected Misconduct (2024), the Regulations for Reporting Suspected Integrity Violations (2024), the Ombuds Officer Regulations (2024) and the Integrity Code of 12 January 2021.

# 1. DEFINITIONS

## Article 1. Definitions

In these Regulations, the following definitions apply:

1. **Executive Board of the HU:** Governance body of the university of applied sciences and the university board of the Hogeschool Utrecht Foundation, in accordance with Section 10.8 of the 'WHW' (Higher Education and Research Act), tasked with duties and powers as laid down in the charter of the Hogeschool Utrecht Foundation. Hereinafter: CvB (College van Bestuur).
2. **Employee:** A person who is performing or has performed work for the HU under an employment contract, or a person who is performing work for the HU in a manner other than under an employment contract (e.g.: applicants, secondees, doctoral candidates, students doing their work placement, hired workers, volunteers);
3. **Ombuds Officer:** Independent officer appointed by the Executive Board who, in response to complaints from employees or on his or her own initiative, investigates whether a (governing) body or employee of HU University of Applied Sciences Utrecht has behaved as stipulated in the rules and regulations in matters concerning employment relations, where he also investigates whether a complaint can be resolved by advice, referral or recommendations to parties.
4. **Regulations:** These Regulations on Confidential Advisors.
5. **Regulations for Reporting Suspected Integrity Violations:** HU regulations, which can be found on ÉÉN HU and HU Wegwijs.
6. **Regulations for Reporting Suspected Misconduct:** HU regulations, which can be found on ÉÉN HU and HU Wegwijs.
7. **Regulations on Inappropriate Conduct:** HU regulations, which can be found on ÉÉN HU and HU Wegwijs.
8. **Student:** The person who, under Section 7.32 et seq. of the 'WHW' (Higher Education and Research Act) and the other statutory regulations, is enrolled at the university of applied sciences as a student (full-time, part-time or work-study) and the person attending post-initial, non-degree or non-funded education at the HU foundation.
9. **Confidential Advisor:** Confidential Advisor appointed by the CvB to act in this capacity for the HU.

## 2. APPOINTMENT AND TERMINATION

### Article 2. Appointment

1. The CvB appoints the confidential advisors. The greatest possible diversity is sought in the appointment of confidential advisors, including in terms of age, gender, cultural background and position within the HU.
2. The CvB annually determines the total scope of the role of the confidential advisor. The rule of thumb here is 0.4 fte per 750 employees (or per 7,500 students). The CvB also appoints at least one external confidential advisor as confidential advisor within the HU. Internal confidential advisors perform the duties of confidential advisor as a role in addition to the position they hold within the HU.
3. The following are not appointable as confidential advisor:
  - a) members of the Executive Board
  - b) members of the Supervisory Board
  - c) institute directors
  - d) programme managers
  - e) employees of the HR service
  - f) members of participation bodies
  - g) legal affairs staff
  - h) Internal Audit Function (IAF) staff
  - i) Data Protection Officer (*Functionaris Gegevensbescherming*, FG)
  - j) the ombuds officer.
4. The appointment shall be for a term of three years. After an evaluation of their performance by their functional manager, as appointed in Article 4, confidential advisors may in principle be reappointed for one further period of three years. The appointment of an external confidential advisor takes place via the designated organisational unit responsible for internal confidential advisors. The organisational unit (*organisatorische eenheid*, OE) evaluates annually whether the external confidential advisor is fulfilling the assignment given.

### Article 3. Termination

The role of the confidential advisor ends:

- If no reappointment takes place after the expiry of the term of appointment;
- At the request of the relevant confidential advisor;
- By removal from the role by the CvB.
- By terminating the agreement with the external confidential advisor.

## 3. ROLE IN THE ORGANISATION

### Article 4. Functional manager

The CvB appoints an OE under which the functional responsibility of the confidential advisors falls. A manager of this OE is the functional manager of the confidential advisors.

### Article 5. Appointment, performance and evaluation

1. The functional manager supervises the annual performance review of the confidential advisors. This functional manager also evaluates the results of the work assigned to the external confidential advisor.
2. The functional manager ensures the design and implementation of the application, appointment and termination procedure and monitors the duration of appointment terms.

### Article 6. Facilities

The functional manager ensures:

- The facilities necessary for the proper performance of the role of confidential advisor, such as a reasonable allocation of duties and appropriate working environment and ICT facilities for the performance of confidential work;
- Adequate in-service training and attendance of peer review meetings;
- Fulfilling the role of confidential advisor without prejudice to their position as an employee of the HU.

### Article 7. Contacts in and outside of the organisation

In order for them to do their work properly and also give signals, confidential advisors must be able to maintain contact with several key figures in the organisation, involved in the handling of misconduct in the HU.

For example, when it comes to students, the confidential advisor works closely with tutors and tutor teams, the student counsellors and the student psychologists. For employees, this is about contact with the ombuds officer and HR (including the prevention officer and the dedicated officers for domestic violence and child abuse).

Moreover, important partners in the collaboration are the company medical officer and the Social Safety Expert Group (part of the Integrated Safety Strategic Framework). Nationally, the confidential advisors are members of the HBO network and the network of confidential advisors of the joint universities of applied sciences and the National Association of Confidential Advisors (LVV, the *Landelijke Vereniging van Vertrouwenspersonen*).

### Article 8. Availability

Confidential advisors are available and can be reached during HU opening hours. Confidential advisors do not need to be available 24 hours per day; reports are generally always work-related and, as such, no immediate (emergency) care will be necessary during the weekend or after HU opening hours. Other institutions are available for this, such as the out-of-hours GP service, the crisis hotline, and so on. However, confidential advisors must be deployable throughout the year, including during the off season for education and the established holidays.

#### Article 9. Professionalisation

The successful functioning of the confidential advisor requires them to have the right knowledge, skills and attitude. The HU ensures professionalism by making an (external) training course for confidential advisors, at one of the LVV-recognised institutes, a basic requirement for the start of the role as confidential advisor. By doing so, the HU confidential advisor is registered nationally, and is re-registered each new period provided the requirements of peer review and in-service training (in the form of accredited training courses) are met.

The externally appointed confidential advisor is also required to independently ensure professionalism by attending training courses, national registration, and the right knowledge and skills.

#### Article 10. Deployment

The confidential advisors will be deployed on a general basis. This means that all confidential advisors will be available to both students and employees, in the areas forming part of the regulations on misconduct, integrity violations, and/or inappropriate conduct. Students and employees can choose which confidential advisor to turn to, when deciding to contact a confidential advisor. An overview of the confidential advisors appointed has been made available for students and employees at, respectively, [HU Wegwijs](#) and [ÉÉN HU](#).

## 4. DUTIES AND RESPONSIBILITIES OF THE CONFIDENTIAL ADVISOR

### Article 11. Advice and prevention

As listed in the Integrity Code, students and employees who feel that they have been treated unfairly or inappropriately, or are faced with a dilemma, can turn to a confidential advisor for confidential advice and a sympathetic ear.

The internal confidential advisor also plays a role in preventing issues of integrity by actively providing information and advice to teams and managers.

### Article 12. Support and point of contact

The confidential advisor has the task of supporting and acting as point of contact for employees and students who experience undesirable behaviour and issues around integrity or social abuse as defined in the Regulations on Inappropriate Conduct, the Regulations on Integrity Violations and the Regulations on Misconduct, and where the usual counselling channels are not sufficiently approachable or do not deliver. The confidential advisor always asks what the employee or student has already done and with whom they have already spoken to find a solution. The aim is not to take over the problem, but to support the employee or student so they are able to solve the problem themselves as much as possible.

### Article 13. Listening and coaching

The confidential advisor has the task of listening to and coaching an employee or student on issues as described in the definition of the regulations on misconduct, integrity violations or inappropriate conduct, with the aim of supporting and listening to the employee or student and de-escalating where possible.

### Article 14. Referral

The confidential advisor refers the student or employee to cooperation partners in the HU (ombuds officer, student counsellor, student psychologist, HR, JZ, etc.) or externally to experts or professional social workers/agencies (Veilig Thuis, police, etc.) and legal advisers, if the matters brought to the attention of the confidential advisor exceed the role of the confidential advisor or concern issues other than those indicated according to the definitions.

### Article 15. Coaching and support

The confidential advisor has the task of coaching and supporting the employee and student in any resolution following from the escalation ladder, from doing nothing to contacting the external committee or to the complaints committee to file a report. The confidential advisor can be involved in this supportive and advisory role in all the steps to be taken, in order to bring the case to the best possible conclusion, for the employee or the student and others involved. The confidential advisor can also provide aftercare for the employee or student.

### Article 16. Signals

The confidential advisors are alert to signals about social safety and integrity in the organisation. They advise the Executive Board, management and/or HR - solicited and unsolicited, and always in anonymised form - on the atmosphere, working environment, (un)desirable conduct and integrity if reports give rise to such. If possible, the confidential advisors will provide or help think about concrete suggestions for improvement.



## 5. REPORTING AND ACCOUNTABILITY

### Article 17. Accountability

The confidential advisors render account to the Executive Board in the form of an annual report.

### Article 18. Annual report

Reporting is done in such a way that trends and signals can be extracted from the annual report about the types of reports, frequency and themes at play within the HU. On the basis of unambiguous, GDPR-proof and digital records, it is possible to provide numerical insight into changes compared to previous years and, on the basis of these figures and forecast, an annual plan is made that the confidential advisors use to better fulfil their duties. The annual report will always consist of a description of the activities of the confidential advisors, including key figures, analysis and recommendations, allowing for a comparison with previous years.

### Article 19. Confidentiality

It follows from the nature of the role that the confidential advisor has a duty of confidentiality and an internal right of non-disclosure. The confidential advisor is accountable only to the CvB and does not render substantive account on individual cases.

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