

Annual report 2023

Team of confidential advisors

2023 Annual Report

Team of Confidential Advisors

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1 Introduction

The words with which we begin this 2023 annual report are being written in April 2024. The report in which the Inspectorate of Education set out findings on social safety (of the lack of it) within TU Delft was published last month. The picture it paints of transgressive behaviour in the workplace and lack of action in the organisational line is one that is recognised by us, as a team of confidential advisors. We find that by no means all signals are followed up in a timely manner, in a way that does justice to all the parties involved. Problems that linger rarely diminish and often become more difficult to solve.

It goes without saying that the team of confidential advisors is committed to TU Delft's social, organisational and research integrity. We want to make a constructive contribution to the university as a safe and inspiring place to study and work. The report by the Inspectorate of Education and the attention it is receiving, on campus and in the media, are an added incentive for us to continue doing this work and to share ideas on structural, systemic changes that can contribute to improvement.

Once again, staff and students found it easier to contact confidential advisors in 2023 than in previous years. Within the integrity system we function as a low-threshold 'helpline' and that is our main contribution, in addition to our advisory and information duties. Sometimes we refer people on because they actually need an ombuds officer, a manager, the complaints committee or a counsellor.

One trend we have observed is that managers are contacting us more frequently for advice. Although we welcome this, we would also like to highlight a number of risks. Managers sometimes refer staff members on to us despite them (also) having a responsibility for taking action. It is undesirable for people to think that a confidential advisor is a 'Jack of all trades'. Managers and administrators have integrity tasks of their own, which cannot be outsourced to a confidential advisor. It continues to be important for them to be held accountable in this respect and to receive relevant training. This training would focus on skills regarding how to respond carefully to reports of transgressive behaviour, or other potential integrity violations, as well as on work to raise awareness and create an open culture in which people feel free to raise questions or concerns at an early stage.

For managers and administrators the route to alignment and cooperation with service units such as HR, Education and Student Affairs (ESA), Legal Affairs (LA), Safety and Security (IV), the D&I Office and the Integrity Office must be clear, no matter whether it concerns prevention, enforcement or learning from dilemmas. We therefore welcome the decision taken in 2023 to conduct a comprehensive review of TU Delft's integrity system, so that it becomes clearer where elements are missing or do not align well, and where the connection with the organisational line can be improved. We too provided input for this system analysis, which was initiated by the Integrity Office and conducted by the Berenschot consulting firm. We look forward to the

recommendations and would be more than happy to help implement them. The same applies to the action plan TU Delft is currently drafting in response to the report by the Inspectorate of Education.

Chapter 6 of this annual report contains a number of action points and recommendations which are not, incidentally, listed in order of priority. As a team of confidential advisors we enjoy collaborating, at all levels and in many different ways, on the structure of social safety and integrity within TU Delft. It is important that activities that help raise awareness with regard to a safe working and study environment, notifying skills and the repertoire of action of all members of the academic community are implemented quickly and tangibly.

2 The Work of the Confidential Advisors at TU Delft

The team of confidential advisors at TU Delft contributes to a safe, professional work and study environment by offering an accessible facility for people facing undesirable behaviour and/or suspected breaches of integrity. The confidential advisors are available for the entire academic community, in other words for all students and members of staff, including external doctoral candidates and researchers/staff with a hosting agreement.

The core of the work of confidential advisors revolves around support and guidance. Confidential advisors assist reporters, provide information and help devise ways of reaching a solution. Then it is always up to the reporter themselves to make choices because the confidential advisor does not take over the situation and confidentiality is maintained.

Besides providing support and a listening ear, confidential advisors have two other core tasks, as explained below (see 2.2). They provide information about the work of confidential advisors and they are authorised to give advice, on request or otherwise, to managers, policymakers and others within the university.

With a view to spreading the workload fairly in the future and in order to fill the gap created by the departure of two retiring team members, a number of new internal confidential advisors were recruited in the last quarter of 2023 (see 2.1).

2.1 Team and target group

The internal confidential advisors are staff members who fulfil this role alongside their regular duties (0.1 fte). In 2023 TU Delft's team of confidential advisors consisted of five internal confidential advisors and one external confidential advisor. The focal area of two of the internal confidential advisors was research integrity. The other three internal confidential advisors and the external confidential advisor focussed on problems relating to social integrity (undesirable behaviour) and organisational integrity.

Three new confidential advisors for social and organisational integrity were recruited in the last quarter of 2023 (as additional members of the team), as well as three new confidential advisors for research integrity (to replace incumbent confidential advisors). Their appointment took effect from 15 December 2023, which in practice meant that their work as confidential advisors started in 2024.

Until 15 December 2023 the team had the following internal confidential advisors:

Internal confidential advisors for research integrity:

- Jenny Dankelman
- Bernard Dam

Internal confidential advisors for social and organisational integrity:

- Giorgia Giardina
- Ada van Gulik
- Christiaan Mooiman

Online information:

Contact information for all the confidential advisors can be found on TU Delft's website:

<https://www.tudelft.nl/over-tu-delft/strategie/integriteitsbeleid/vertrouwenspersonen>.

A series of **frequently asked questions** (FAQs) can be found there too. The answers give a good idea of what students and staff members can expect from a confidential advisor.

The external confidential advisor for social and organisational integrity until 1 June 2023 was Sandra van der Hor (BMW voor Elkaar). As from that date she has been replaced by Carin van der Hor (BMW voor Elkaar). For the sake of completeness we would like to point out that, although the two share a surname, they are not related.

2.2 Core tasks of confidential advisors

The team of confidential advisors at TU Delft has three core tasks:

1. **Support and guidance**– This is the primary task of a confidential advisor. We act as a safety net, sounding board and referrer for students, staff members and guests of TU Delft facing questions, violations and potential violations in one or more of the following areas:
 - Social integrity (e.g. bullying, discrimination, aggression, violence, sexual and other forms of harassment, stalking).
 - Organisational integrity (e.g. a suspected or confirmed conflict of interest, abuse of power, financial fraud, theft).
 - Research integrity (e.g. incorrect statement of authorship, fraud, falsification, plagiarism).

It is important to bear in mind that a confidential advisor:

- does not, in principle, do anything without the reporter's consent;
- does not assume responsibility for any of the reporter's consultations or problems;
- does not play a role in resolving (the threat of) conflicts in the workplace, or discussions about performance;
- does not fulfil the role of intermediary or mediator between parties;
- does not try to establish the truth, investigate signals, or hear witnesses;
- is not a 24/7 'emergency point of contact' (although an appointment can, of course, be scheduled quickly in emergencies);
- only accepts reports from individuals and not from groups.

2. **Signals and advice** – The team of confidential advisors provides advice, on request and otherwise, on developments observed within TU Delft in the area of social, organisational and/or research integrity. We do that via our annual report, but it may also be discussed in the interim.
3. **Information and awareness raising** – Insofar as that lies within our remit, we provide information on campus about the work of confidential advisors and integrity, for example to students, in the context of employee participation, in teams, or to managers.

We regularly receive questions about what sets the work of confidential advisors apart from the work of ombuds officers at TU Delft. The following is a list of the main differences:

- The confidential advisor is not impartial and so is always on the side of the reporter. The ombuds officer is impartial (neutral). Both occupy an independent position compared to TU Delft as an organisation.
- Unlike the confidential advisor, the ombuds officer (in consultation with those involved) may personally intervene in a situation, for example by acting as an intermediary¹ or by setting up an investigation.
- Confidential advisors primarily play a role in individual case studies. If they identify potential patterns within the organisation, they may be able to draw attention to this within the organisational line. Ombuds officers are themselves able to identify more structural problems (by investigating them).

2.3 Team building and quality assurance

The three internal confidential advisors for social and organisational integrity at TU Delft who successfully completed a four-day confidential advisors' programme in 2022 are now fully certified. Two of them are now formally registered with the National Association of Confidential Advisors (*Landelijke Vereniging van Vertrouwenspersonen*) and the third is still completing the paperwork.

The team of confidential advisors organises regular peer-to-peer learning sessions because this is one of the criteria for retaining certification. These content-based sessions are supervised by the external confidential advisor and are often attended by the student ombuds officer. The peer-to-peer learning also involves discussions of case studies, with the aim being to continue to learn and reflect together. All participants observe strict confidentiality.

The team also organises work consultations on practical matters. The idea is to organise a broader quarterly consultation in 2024, to which other officials with similar mandates will also be

¹ This does not mean, incidentally, that they become involved in formal *mediation*. Acting as an intermediary is not subject to the more formal conditions that apply to mediation (such as a written mediation agreement and registration with the Dutch Mediators' Federation (*Mediatorsfederatie Nederland*, MfN)).

invited. Besides the two ombuds officers, these include the staff from the university social services, occupational physicians and student psychologists.

Confidential advisors can contact the Integrity Office's policy advisors for practical support and answers to any questions they might have about, for example, regulations and procedures. The organisational lines of communication are short and that makes it possible to adapt quickly to new situations. An internal work description has been compiled which is intended as a handbook for the confidential advisors themselves, as well as a source of information for everyone within TU Delft who, due to their role or position, needs to be kept informed of what the work of a confidential advisor involves in practice. So far, this work description has focused on the work of confidential advisors for social and organisational integrity (VPSOs). The text is going to be updated in 2024, partly in the light of the results of the system analysis by the Berenschot consulting firm (see Introduction). Information on the work of the confidential advisors for research integrity (VPWIs) is then also going to be included.

2.4 Information and network

In 2023, the confidential advisors provided information to students and staff members in numerous different ways. A variety of interviews were given and presentations held. A contribution was also made to information meetings, information markets and panels on the themes of social safety and transgressive behaviour. The team received a diverse range of requests for advice from the organisational line, HR and the boards of study and student associations.

Just like in previous years, there was contact and/or coordination with:

- university health service doctors and practice nurses;
- university social services;
- university psychologists;
- ombuds officer for students;
- ombuds officer for staff;
- Safety and Security Department;
- HR (advisors, managers);
- coordinators from the (Faculty) Graduate School;
- OWee Board;
- TU Delft Women's Network of Scientists (DEWIS);
- EEMCS Diversity and Inclusion Team (EDIT);
- Diversity & Inclusion Office (D&I);
- Integrity Office;
- Executive Board;
- Student Council, Works Council and Personnel Committees (and their members).

3 Confidential advisors for social and organisational integrity

3.1 Reports and other consultations

Table 1 (see next page) illustrates the support and guidance offered by the internal confidential advisors for social and organisational integrity (*vertrouwenspersonen sociale en organisatorische integriteit* or VPSOs) and the external confidential advisor in 2023. About two-thirds of the reports (199 out of 340, i.e. 59 percent) concerned experiences involving transgressive behaviour from one of the five categories of psychosocial workload (*psychosociale arbeidsbelasting* or PSA) listed in the Working Conditions Act (*Arbowet*). A smaller proportion of the reports (36 or 11%) related to organisational integrity. This concerned, for example, signals of alleged abuse of power, or conflicts of interest.

In general, any report made to a confidential advisor about possible transgressive behaviour revolves around a subjective and personal experience. When the reporter shares this experience with the confidential advisor, the primary aim of the contact is that the narrative relating to this experience is listened to. Consequently, the aim is not to try and establish the truth. If the reporter wishes, the options for investigating matters can be explored.

There are several ways of doing the latter within TU Delft. The Complaints Committee on Undesirable Behaviour (*Klachtencommissie Ongewenst Gedrag*, KOG) handles complaints in the area of social integrity. In addition, the ombuds officers for staff and students can initiate an investigation which would focus particularly on potential patterns and structural problems. Fact-finding by Internal Safety & Security staff or external investigators is also an option. It often transpires, however, that follow-up steps other than formally establishing the truth prove to be more appropriate, such as (resuming) a consultation with the manager. If necessary, a confidential advisor can be present during such a consultation in order to support the reporter. For all the parties involved this can be valuable and provide new insights they can put to use.

As already mentioned we, as confidential advisors, receive proportionally fewer reports in the area of organisational integrity. The path to establishing the truth then leads, via the organisational line, to the Safety and Security Department or, based on a possible pattern of reports, possibly to an ombuds officer.

Table 1 includes a separate row for issues that qualify as reports outside the psychosocial workload categories. People sometimes contact a confidential advisor with questions about, for example, conflicts in the workplace or other types of problems without there being any perceived transgressive behaviour, or some other type of possible integrity violation. However, the confidential advisor is not supposed to be involved in answering these types of questions.

Often, this only becomes clear during the course of a consultation. We then refer the person on to, for example, an HR advisor.

| Table 1: Reports to VPSOs and the external confidential advisor (2023) | | | Categorised according to: | |
|--|-----------------------|------------|----------------------------------|---------------------|
| | | | Internal CAs | External CAs |
| Reports of undesirable behaviour (psychosocial workload categories of the Working Conditions Act) | Harassment | 61 | 47 | 14 |
| | Discrimination | 22 | 21 | 1 |
| | Sexual harassment | 24 | 18 | 6 |
| | Bullying | 70 | 43 | 27 |
| | Aggression & violence | 22 | 20 | 2 |
| Subtotal (psychosocial workload reports) | | 199 | 149 | 50 |
| Other reports of undesirable behaviour (not related to psychosocial workload categories of the Working Conditions Act) | | 105 | 88 | 17 |
| Subtotal (social integrity) | | 304 | 237 | 67 |
| Organisational integrity | | 36 | 28 | 8 |
| Total reports | | 340 | 265 | 75 |

Clarifying notes to table 1 and figures 1-3:

- It is sometimes the case that one and the same person reports several types of integrity violations, whether by the same alleged perpetrator or not. Whereas in previous years only the *main* psychosocial workload category was registered per reporter of transgressive behaviour, progressive insight in 2023 has led to the registration, where applicable, of *multiple* psychosocial workload categories.
- A decision has also been taken to include reports relating to organisational integrity separately in the annual report from now on, instead of grouping them under a broad category of 'other requests for advice/signals', as used to be the case.
- By using these new registration methods we intend to provide a clearer overview of the diversity of issues facing reporters in this annual report as well as future editions.
- In order to provide more detail in relation to 2023 and give an impression of developments over time, the six diagrams below incorporate different types of figures, including some figures from previous years. The data can be found in the Appendix A.

Figure 1A shows the number of psychosocial workload reports over the years for which a VPSO or the external confidential advisor requested support and/or advice. Figure 1B shows the distribution across psychosocial workload categories for reports concerning transgressive behaviour.

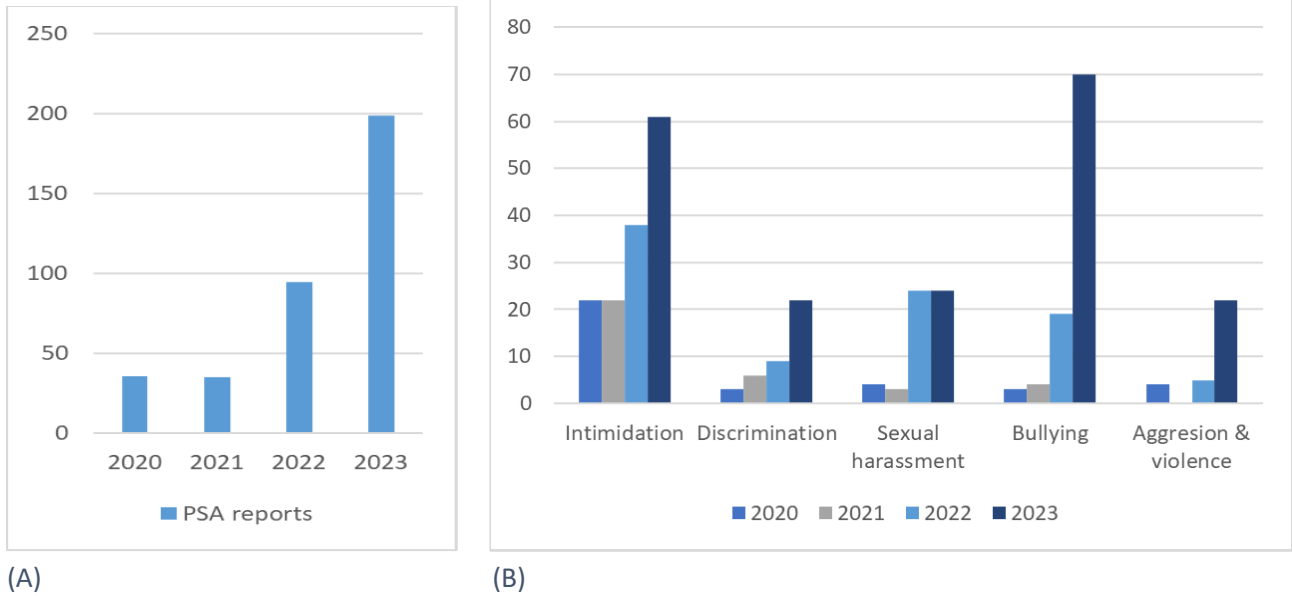


Figure (A) The number of psychosocial workload reports made to the VPSO or the external confidential advisor. Figure (B) The number of reports per psychosocial workload category, shown per year for the period 2020-2023.

Figures 2A to C show the background of reporters who contacted a VPSO or the external confidential advisor in 2023.

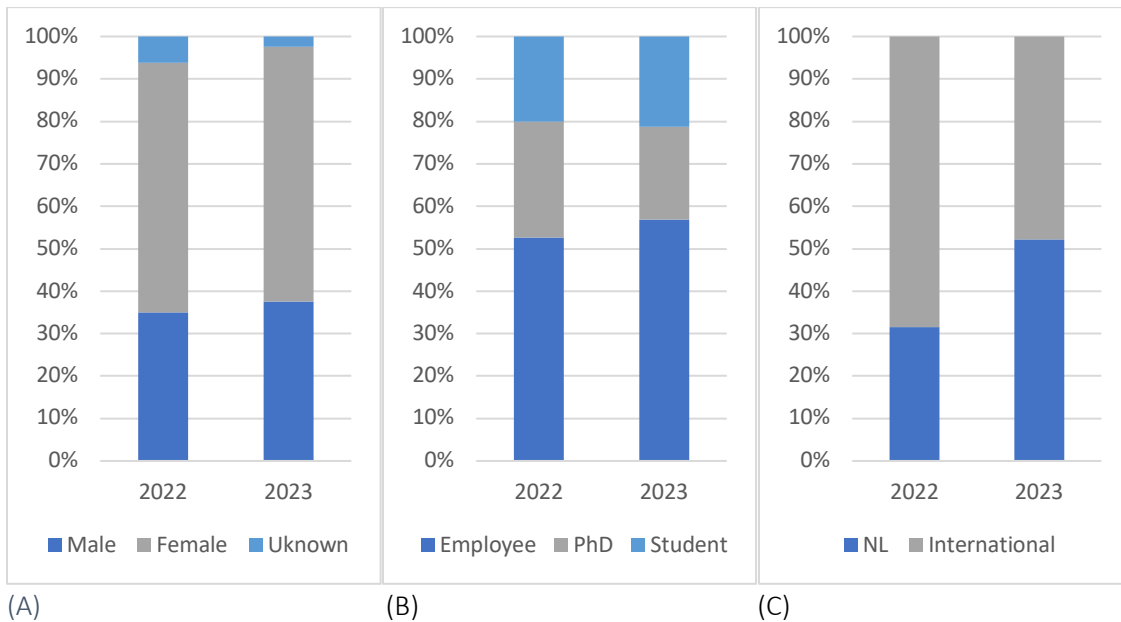


Figure 1 (A) The distribution of reporters across the categories male/female/unknown. (B) The distribution of reporters in terms of their relationship to TU Delft. (C) The distribution of reporters in terms of national origin.

Figure 3 shows psychosocial workload reports per faculty over the last two years.

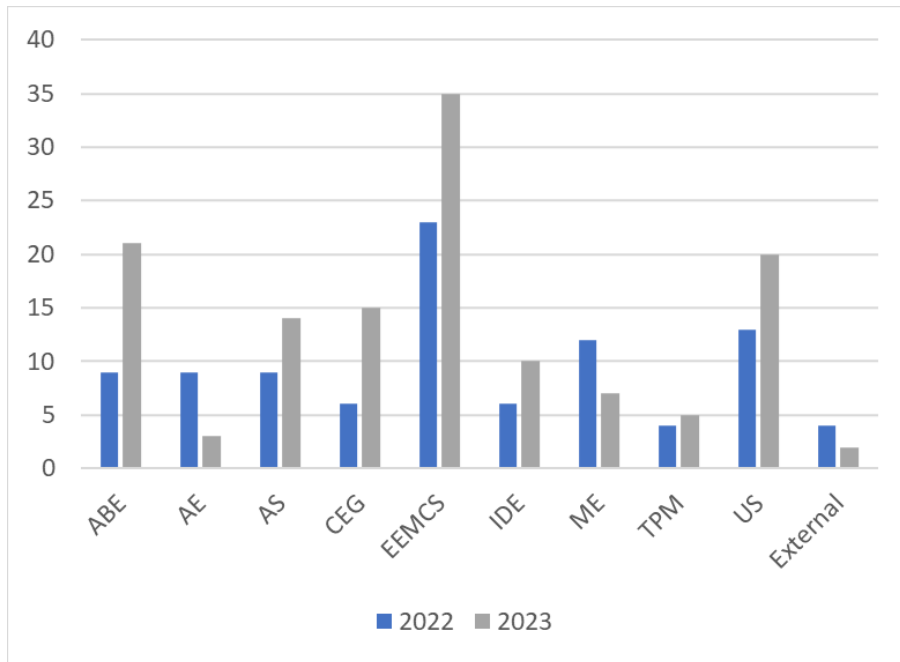


Figure 2 The distribution of psychosocial workload reports across TU Delft faculties.

3.2 Issuing signals

Confidential advisors may also draw attention and provide advice outside of the annual report, for example in order to notify managers in such a way that, in the light of their professional responsibility, they are able to act in a targeted manner to resolve identified problems and/or prevent them from recurring.

The confidential advisors apply a rule of thumb that a signal can be given within the organisational line if the team has received at least three separate reports about an individual or faculty. The usefulness and necessity of such a signal is weighed up carefully, as are any risks for those involved. The confidentiality of reports means that information can only be shared with third parties if the identity of the reporters is known in advance. Non-traceability is always required, unless reporters have explicitly stated that their identity may be made known. Any acute safety concerns or suspected criminal offences will be reported to the competent authority.

In 2023, a relatively large number of signals were issued within the organisational line. These related to, for example, the following:

- Consultation and coordination with the Dean, IV, ESA and the Integrity Office on courses of action in response to acute concerns about a threat.
- Sharing concerns with the competent authority about several PhD students who were entrusted by an external party with non-contractually agreed tasks ('used for industry purposes'). One of the consequences of this is that the doctoral programmes were severely delayed.
- Sharing a signal with the head of ESA of a faculty about students who were only able to get an appointment with the academic counsellor after four weeks. As a consequence of the increasing waiting time, students contacted the confidential advisor to discuss their problems and advice questions.
- Sharing concerns with a manager about transgressive and intimidating behaviour by a lecturer, following multiple related reports by students. The confidential advisor was asked to advise when the manager followed up on the signal.
- During the last quarter, and following several reports within a staff department, the external confidential advisor voluntarily advised the rector. This led to a list of signals being drawn up and a report being submitted to the Executive Board. The reports themselves belonged in the category of managerial bullying and unprofessional behaviour. The fact that there were also concerns about the alleged perpetrator's performance in terms of content was outside the confidential advisor's remit and this was taken up later using a different approach.

Follow-up as a result of a series of reports can take place by using other approaches, in addition to follow-up within the organisational line. The following are two examples from the past year:

- On the initiative of study and student associations: counselling sessions on prevention and options in terms of action in the event of transgressive behaviour.
- Consultation with occupational physicians and university social services on the well-being and work-life balance of PhD students throughout TUD, in relation to the working climate.

3.3 What stands out?

What strikes us is that **managers at all levels** are **hesitant about taking action**. They often do not know what to do with a report about a member of staff, colleague or senior manager, are insufficiently equipped to address difficult issues and are unaware of protocols. Improvements that could be made include focusing more on the steps that have to be taken, as well as equipping managers more effectively for the tasks they have to perform in terms of guaranteeing a socially safe working environment. We have noticed, particularly from reports of managerial bullying, that people do not reflect enough on the impact and integrity of their own actions. There is an urgent need for awareness sessions and for people to demonstrate the university's principles in their daily lives when it comes to organisational integrity and a safe working

environment. There should also be mandatory training for all managers to help them recognise and acknowledge their own role and responsibility in relation to social safety. TU Delft has some catching up to do in this regard.

Something else that stands out is people's different experiences of the **function of HR**. In a number of cases, staff members told the confidential advisor that, after they had reported transgressive behaviour by a manager to HR, the latter took on the role of 'protector and advocate' of the manager in question. This was not only a source of disappointment for reporters, it also made them feel betrayed, not taken seriously and sometimes 're-victimised'. By contrast, we have actually gathered from other reports that HR tries to (help) resolve issues in the organisational line. This leads, in any event, to the preliminary conclusion that it is unclear what can be expected from HR and how safe it is for members of staff to contact HR with any concerns or complaints. As far as we are concerned the following is a good illustration: Almost all reporters of conflicts in the workplace reported being surprised by proposals for settlement agreements or announcements about contract termination during meetings with their manager that were attended by HR without any notice being given. Reports of conflicts in the workplace are often related to social safety in the sense that the conflict itself is caused by, or results in (an experience of) transgressive behaviour. In such instances the reporter often needs long-term and specific (legal) assistance, which is not available within the organisation.

PhD candidates, especially those from abroad whose visas were only issued for their studies at TU Delft are always in a particularly vulnerable position. This group is proportionally underrepresented in the number of reports to the confidential advisor and this can be partly explained by their fear and their position of dependency. PhD candidates who do report to us often report harassment or being overburdened due to having to take on extra tasks which they did not agree to and they often only report after a long period of hesitation, when they have become particularly desperate. It would be good if this group received more and more specific attention in terms of communication and awareness-raising activities regarding the work of confidential advisors within TU Delft. In addition, managers could be encouraged more to reflect on their own position of power and on acting with integrity in relation to the PhD candidates and promote and actively support constructive, mutual feedback.

The recent **shift from the Tenure Track system to the Academic Career Track** has caused dissatisfaction among some individuals who were previously on the tenure track. Although this switch was 'promoted' as a useful and voluntary choice, tenure trackers who were sufficiently advanced in terms of their programme and saw no benefit in switching felt pressured by certain managers to opt for the new Academic Career Track.

Among the reports **students** submit to the confidential advisor about (sexually) transgressive behaviour, it is noticeable that peer pressure and alcohol consumption still often play a role. Social norms are shifting in this area. Sometimes a confidential advisor attends a consultation with the perpetrator at a reporter's request and this often reveals feelings of deep regret and shame. It is important to focus even more than is currently the case on prevention and awareness, as well as on the importance of consent.

The confidential advisors have observed an increase in the number of meetings with the same reporter and in number of meetings which they attend as third parties to support reporters. This gives the impression that the **complexity of issues** reported to the confidential advisors is increasing. Often, a single consultation is no longer enough to guide the reporter to a solution. In addition, the confidential advisor is then continuously approached by the reporter because the confidential advisor is responsive and listens, in contrast to, for example, a manager. This, combined with the growing number of reports, is increasing the team's workload.

Finally, there seem to be **high, unspoken expectations** regarding the reporting system, namely that reporting to a confidential advisor is in itself a solution to experienced transgressive behaviour. This expectation distracts attention from underlying structures and from the responsibility the organisation has as a whole in preventing and addressing lack of social safety in the workplace and in the study environment. This task is now too often passed on to the reporting system and does not seem to be given sufficient priority in the organisational line. Due to them being hesitant about taking action, difficult to reach or ignorant, confidential advisors are now too frequently seen and presented as being a 'Jack of all trades' or a 'cure for all ills', while they are no more than a link in the chain of shared accountability. Besides improving the reporting system and care structure, TU Delft should focus more on the careful identification and addressing of signals by the organisational line. There are also calls to go further than just tackling symptoms. In the first place, lack of social safety needs to be prevented, meaning that more attention is needed for the causes and sources that enable people to behave without integrity.

4 Confidential advisors for research integrity

4.1 Reports and other consultations

The table below shows how many consultations the two confidential advisors for research integrity (*vertrouwenspersonen wetenschappelijke integriteit* or VPWIs) conducted in 2023 (40 in total). Compared to 2022, the categorisation into types of reports has been refined.

| Table 2: Reports to confidential advisors for research integrity | 2023 | 2022 |
|---|-------------|-------------|
| Possible violations of research integrity | 9 | 8 |
| Conflict/request for advice on authorships | 3 | 17 |
| Social integrity/intimidation | 22 | |
| Personal issues | 2 | |
| Other signals and follow-up consultations with reporters | 4 | |
| Total | 40 | 25 |

Clarification of categories used in 2023:

- Potential violations of research integrity include issues in areas such as plagiarism, questionable interpretation of data or the use of someone else's data or ideas.
- The 'conflict/request for advice on authorships' category includes, for example, the question of whether someone's input justifies co-authorship.
- The 'social integrity/harassment' category includes issues and dilemmas relating to abuse of power, for example in the relationship between manager and the PhD candidate.
- An example of personal issues is financial problems.
- The 'other signals' category includes a question on what is needed to complete a PhD.

It is conceivable for a confidential advisor for research integrity to assist a complainant or accused person in proceedings before the Research Integrity Committee (*Commissie Wetenschappelijke Integriteit, CWI*). This was not the case in 2023.

Table three on the next page shows which parts of the university reporters came from. Some consultations covered a combination of themes and that is why the total is slightly lower than that in the previous table.

Table 3: Origin of reporters (2023)

| Faculty | Staff member | PhD/Post-Doc | Student |
|-------------------|--------------|--------------|----------|
| A+BE | | 3 | 2 |
| CEG | | 5 | |
| EEMCS | 2 | 3 | 3 |
| IDE | 1 | | 1 |
| AE | | | |
| ME | 2 | 4 | 2 |
| TPM | 1 | 2 | |
| AS | 1 | | |
| UD/other | 2 | | |
| Total (34) | 9 | 17 | 8 |

The table shows that the total number of reporters reached 34 in 2023. In 2022 there were fewer, namely 25. Consequently, the number of people contacting the VPWI has increased over the past year.

Proportionally, PhDs and Post-Docs contacted the VPWI more frequently in 2023 than in 2022 (up from 8 to 17 people), as did students (up from 3 to 8). By contrast, staff members reported concerns slightly less often (down from 14 to 9).

No one contacted the VPWIs for support or advice in 2023 because they themselves had been accused of behaviour that does not reflect research integrity.

4.2 What stands out?

Table 1 shows that, of the 40 signals and reports that reached us as confidential advisors for research integrity, as many as 22 concerned issues related to social integrity. Some of these reporters were referred on to a VPSO.

Research integrity issues often appear to coincide with interpersonal conflicts. Researchers low on the academic ladder are often afraid to call managers to account for their behaviour, due to possible repercussions. We note that PhDs and Post-Docs continue to be the most vulnerable group. If members of staff are not prepared to engage in the discussion, managers do not always succeed in constructively seeking a solution with the reporter and the person who is the subject of a report. The reporter does not always feel adequately supported by the organisation and that leads to stress.

Departmental Directors should discuss what behaviour is or is not acceptable (more often) with members of staff within the department. They should also set up processes which are safe to use by younger researchers to raise issues with them that they perceive as impeding their job satisfaction within the organisation.

5 Justification for use of external confidential advisor

The external confidential advisor is estimated to be engaged for an average of 18 hours per week. In the first half of this year Sandra van der Hor was the external confidential advisor, but Carin van der Hor has fulfilled this role since 1 June 2023. The external confidential advisor has a permanent replacement (who can also be engaged via the same secondment agency). Her name is Magda van der Wees.

Besides following up reports and giving advice to managers on request or otherwise, the external confidential advisor also focused in 2023 on supporting the internal confidential advisors (through work consultations, peer-to-peer learning sessions and – in December – a training day for three new internal VPSOs) and tracking trends from an external perspective.

In 2023, external confidential advisors spent a total of 344.25 hours working for TU Delft.

6 Action points and recommendations

6.1 Recommendations for the Executive Board, faculties and departments

1. Strengthen TU Delft's integrity infrastructure, for example by wisely using the results of the system analysis currently being carried out by the Berenschot consulting firm. Take a visible lead in this: commit to clear rules and procedures, adequate prevention, careful enforcement and a learning culture. Get the balance right between local initiatives and central coordination. Encourage everyone involved to learn from things that go well and things that go wrong and to be as transparent as possible.
2. In the context of the university-wide implementation of the outcomes of the system analysis and the improvement of the integrity system, encourage an appropriate embedding of the work of confidential advisors so that they can effectively focus on their core tasks.
3. Equip managers and administrators for their integrity-related tasks. Prioritise these tasks and call administrators, leadership and managers to account as necessary. Mandatory training is essential and you should take a lead in this yourself. Organise not only basic training sessions (for both new and incumbent managers), but also refresher training sessions. Our advice here is to seek an alignment with the recommendations in the Inspectorate of Education report.
4. Make 'appropriate behaviour' a topic of consultation and make sure to put acting with integrity permanently on the agenda. Prioritise careful identification and addressing of signals. Go further than combating symptoms and instead investigate the causes and sources of integrity violations and link this to preventive measures.
5. Ensure that knowledge and skills on diversity and inclusion, social safety and integrity are regularly addressed when onboarding new staff members, but also in subsequent years. Offer training sessions and workshops and have these themes reflected in R&D meetings, team meetings, etc.
6. In the context of the above, devote additional attention and resources to people who are structurally in a vulnerable position, such as PhDs, Post-Docs and some of the international staff and students.
7. Improve reporting procedures and complaint procedures. Communicate this clearly and make sure follow-up takes place. In doing so, focus on the entire academic community (including students), ensure customisation and pay extra attention to those responsible for succession.
8. Ensure a better connection between line managers and the care/reporting system. A clear definition of liability and tasks, as well as professional advice for managers on how to address and deal with reports are essential. With this in mind, HR, ESA, IV, LA, the D&I Office and the Integrity Office should be encouraged to combine forces more effectively. Specifically identify and acknowledge the advisory position of the Integrity Office with regard to casework and other integrity-related current affairs.
9. Invest not only in clear regulation and the prevention of integrity violations, but also in moral learning processes. An open culture welcomes the sharing of doubts and discussion of

dilemmas, decisions are weighed carefully and errors of judgement are learned from. Encourage and reward this and set a good example yourself.

10. Structurally extend the working hours of all internal confidential advisors for social and organisational integrity (VPSOs) from 4 hours to 8 hours per week in the short term. In half a day a week it is only possible to conduct two consultations per confidential advisor (including preparation time and aftercare), provided they are not complex cases. There is no room in these hours for all the tasks and responsibilities that the confidential advisors individually (want and need) to address. These include work meetings, advice on signals and consultations relating to signals, accompanying reporters to consultations elsewhere in the organisation, attending meetings, being visible by, for example, giving presentations, mandatory training and peer-to-peer learning sessions.
11. In view of the recent near doubling of the team of confidential advisors, the ongoing pressure of work and increased expectations within the institution, a permanent coordinator should be appointed for 'cross-consultation' tasks by/for the team of confidential advisors (such as organising work consultations, peer-to-peer learning sessions, refresher courses/re-training and drafting the annual report). In this light, consider appointing an internal (full-time) central confidential advisor who can take on such jobs and also deal with reports themselves. They could then be given a place within the Integrity Office. The team of confidential advisors is keen to share ideas and be involved in implementing this.
12. Arrange for feedback to be provided on the actions and recommendations from this annual report in work meetings at the various levels within the organisation.

6.2 Action points for the team of confidential advisors

1. In Q2 of 2024, the three new VPSOs and the three new VPWIs are jointly going to attend a four-day basic training course provided by an accredited agency on confidential services in the field of social and organisational integrity. This is being arranged by the Integrity Office. The VPSOs will then take a new national examination (which is effective from 1 January 2024 and is a prerequisite for certification). The VPWIs are also going to attend an in-house training course on research integrity.
2. Additional training, as well as peer-to-peer learning, is required in order to retain certification after it has been awarded. We arrange this in consultation with the Integrity Office.
3. We will continue the work consultation and peer-to-peer learning meetings led by the external confidential advisor, at which both VPSOs and VPWIs are welcome.
4. The regular socio-medical consultation (SMO) between the confidential advisors and occupational health and safety professionals must be arranged centrally once again. We will also continue to invest in the contacts with the ombuds officers.
5. In chapter 4 it was noted that some of the reporters who contact a VPWI have questions or dilemmas that (also) relate to social integrity and transgressive behaviour. This 'overlap' stems from the reality of work practices. In our awareness-raising activities, we will continue to pay attention to this and encourage people to contact us when appropriate – be it with a VPWI or a VPSO. Where necessary, we conduct mutual referrals.

6.3 Action points for the Integrity Office

We are keen to continue the constructive collaboration with the Integrity Office. A number of points require continuous attention:

1. Support experienced confidential advisors in organising tailor-made additional training and potentially also allow the external confidential advisor to contribute to this.
2. Turn an annual team day on site into a tradition. Guests may also be invited to this if desired.
3. Continue organising training sessions for so-called confidential contact people at study and student associations. We would be happy to discuss opportunities to contribute to peer-to-peer learning sessions.
4. Continue to communicate in all kinds of ways about who the TU Delft confidential advisors are and what staff members and students can contact them for.
5. Make sure that FAQs and route maps containing information about contact points, reporting and complaint regulations remain up to date. Make videos/infographics and publicise them widely, for example via the policy pages on integrity on the TU Delft website.
6. Also make communication capacity available to the team to produce videos and content to keep the issue alive, increase the ease with which people can be found in the healthcare system and lower the barrier to reporting.
7. Update the internal work description for the team of confidential advisors every year.

Appendix A: Background data to figures in chapter 3

The data below is from both internal and external confidential advisors.

| Psychosocial workload reports (figure 1B) | | | | |
|--|------|------|------|------|
| Year | 2020 | 2021 | 2022 | 2023 |
| Harassment | 22 | 22 | 38 | 61 |
| Discrimination | 3 | 6 | 9 | 22 |
| Sexual harassment | 4 | 3 | 24 | 24 |
| Bullying | 3 | 4 | 19 | 70 |
| Aggression & violence | 4 | 0 | 5 | 22 |
| | | | | |
| Reporters (figure 1A) | | | | |
| Reporters | 36 | 35. | 95 | 199 |
| | | | | |
| | | | | |
| Nationality, association with TU and gender (figure 2) | | | | |
| NL | | | 30 | 104 |
| International | | | 65 | 95 |
| | | | | |
| Male | | | 68 | 75 |
| Female | | | 114 | 119 |
| Unknown | | | 12 | 5 |
| | | | | |
| Members of staff | | | 50 | 112 |
| Doctoral student | | | 26 | 44 |
| Student | | | 19 | 43 |
| | | | | |
| Distribution of reporters by faculty (figure 3) | | | | |
| A+BE | | | 9 | 21 |
| AE | | | 9 | 3 |
| AS | | | 9 | 14 |
| CEG | | | 6 | 15 |
| EEMCS | | | 23 | 35. |
| IDE | | | 6 | 10 |
| ME | | | 12 | 7 |
| TPM | | | 4 | 5 |
| US | | | 13 | 20 |
| Ext | | | 4 | 2 |
| Unregistered | | | 0 | 67 |

Appendix B: Sectoral developments

Social integrity

In May 2023 the government commissioner for sexually transgressive behaviour and sexual violence, Mariëtte Hamer, published a guide for organisations on how to tackle sexually transgressive behaviour in the workplace in which the focus is on developing a strategy aimed at prevention and cultural change.

In a letter to parliament in June 2023, the Minister of Education, Culture and Science (*Onderwijs, Cultuur en Wetenschap*, OCW) indicated that Dutch universities are working on an integrated approach to improve social safety for students and staff. The executive boards of institutions are responsible for a socially safe learning and working environment. The minister expects supervisory boards to look into social safety and to support the executive boards with advice as necessary. The minister intends to include a duty of care for students' social safety in the Higher Education and Scientific Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW), with the aim being to improve external supervision of social safety.

The integrated approach to universities is, in any event, intended to address three issues: (1) the organisational structure of institutions should not put pressure on social safety; (2) the culture in the workplace should include a focus on discussions of behaviour; (3) the integrity system should include not only the handling of reports/complaints, but explicitly also prevention.

Organisational integrity

Ancillary activities

A new 'Dutch Universities Sector Regulations on Secondary Employment Activities' (*Sectorregeling Nevenwerkzaamheden*) was adopted in December 2023. TU Delft is now assessing how to bring its implementing regulations in line with these sector regulations. The obvious thing to do is to include the outcomes of reports which Internal Audit complies on this topic.

Ancillary activities have already been published on TU Delft's own TU Delft People Pages. In addition, HR published an overview of the ancillary activities of the professors (ordinary, visiting and endowed professors) on TU Delft's website in January 2024. From now on this list will be updated every quarter.

New whistleblower regulations

In the Universities of the Netherlands (UNL) context, a start was made in 2023 on drafting a new model or sector regulations for reporting misconduct, in line with the new Whistleblowers

Protection Act (*Wet bescherming klokkenluiders*, Wbk). Opting for sectoral regulations would allow for the establishment of a national commission of enquiry. If model regulations are chosen, universities will retain the option of tailoring the reporting scheme within their own integrity system.

In both scenarios it is advisable to keep a close watch on how the new whistleblower regulations will relate to TU Delft's (evolving) integrity system, which includes not only reports of suspected misconduct, but also complaints procedures and reports of possible integrity violations that do not qualify as misconduct.

It is also important to note that – unlike TU Delft's current Regulations for Reporting Misconduct (*Regeling melding onregelmatigheden*) – the new model or sector regulations are very likely to cover a wider area than organisational integrity alone. Indeed, the definition of 'misconduct' in the Whistleblowers Protection Act also applies to the domains of social and research integrity.

Collaborative partnerships

A theme that attracted strong interest within universities and elsewhere in 2023 and will continue to be important in the coming period is engaging in collaborative partnerships with third parties.

- Within TU Delft and also in the UNL context, work was and is being done on frameworks and instruments to ensure knowledge security in a broad sense. This must also include compliance with legislation and regulations (including enforcement) and risk management, as well as careful, transparent decision-making.
- In Q2 of 2024 TU Delft expects the results to become available of three dialogue initiatives on cooperation with partners in the fossil fuel industry, which were initiated in Q4 of 2023. These initiatives are being led by the Climate Action Programme and the Integrity Office on the basis of a TU-wide approach and include a Populytics survey, open dialogue sessions and a Moral Debating Chamber.
- During 2024 and beyond, a decision by the Executive Board from 2023 will be implemented in more detail in order to roll out the moral debating method more broadly within the organisation, not only by setting up committees, but also in a manner which is more relevant in the workplace.

Research integrity

The currently applicable Dutch Code of Conduct on Research Integrity 2018 (*Nederlandse Gedragscode Wetenschappelijke Integriteit*, NGWI) was drawn up by the Royal Netherlands Academy of Arts and Sciences (*Koninklijke Nederlandse Akademie van Wetenschappen*, KNAW), the Universities of the Netherlands (UNL), the Netherlands Association of Universities of Applied Sciences (*Vereniging Hogescholen*, VH), the Royal Netherlands Academy of Arts and Sciences (*Koninklijke Nederlandse Akademie van Wetenschappen*, NWO), the Netherlands Federation of University Medical Centres (*Nederlandse Federatie van Universitair Medische Centra*, NFU) and TO2 Federation.

In 2023, the KNAW set up a Dutch Code of Conduct on Research Integrity advisory committee to advise all the parties involved in drafting the code on the extent to which the current code of conduct meets the requirements currently imposed on it by science and society.

The advisory committee was established partly at the request of the Minister of Education, Culture and Science, who specifically asked for attention to be paid to the standards and duties of care regarding transparency about, among other things, ancillary activities and external funding and independence, and to the question of to what extent the code of conduct helps prevent any unwanted influence by commissioning parties or third parties.

The advisory committee subsequently organised consultation sessions in 2023 for, among others, board members, administrators of educational institutions, confidential advisors, members of the National Research Institute for Mathematics and Computer Science in the Netherlands (*Centrum Wiskunde & Informatica, CWI*), policy officers and researchers, in order to generate input. Input was also provided from TU Delft. The advisory committee's report is due in 2024.