



International Opera Academy

Policy on Transgressive Behaviour

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International Opera Academy: Policy on Transgressive Behaviour (TB)

Introduction

The International Opera Academy (IOA) aims to create a caring learning-and-working environment for students, staff (= team, lecturers and others in permanent and temporary positions) and externals (all apart from the aforementioned who visit the IOA infrastructure and/or come into contact with students and staff of the IOA in a professional context). In this environment, the core values of safety and mutual respect prevail - so that everyone can give their best in all areas.

The 'Grenswijs' website and oKo's 'Toolbox and Policy Framework against Transgressive Behaviour in the Arts' form the basis of this policy around setting and monitoring boundaries. The IOA has internally trained confidential counsellors and can call on the external prevention service of its partner Securex.

Here, the 'policy triangle' is essential. This starts from the idea that a sound policy consists of three levels:

- The response level: knowing how to react to an incident when it occurs.
- The prevention level: knowing how to prevent transgressive behaviour (TB).
- The quality level, the basics: creating a climate where you can have okay, fine coexistence, or if sexual, where fine, okay sexual behaviour can be stated.

Forms of TB can violate the caring context of the IOA. The school is committed to open communication regarding confidential and safe reporting of TB.

TB can occur in school or in contexts linked to school (e.g.: during internships, online appointments and appointments outside school walls).

This policy was drafted 2023 and approved by the IOA's Governing Body on 4 /7 /2023. The TB policy can be found on the Student Platform and on the IOA's shared Sharepoint in Dutch and English. The policy is reviewed annually by the IOA team and adjusted if necessary .

The IOA signed the **Charter** '*Transgressive behaviour: ten generic instructions to strengthen the policy of Flemish universities and colleges*'.

The Charter uses a definition of transgressive behaviour that is broader than just sexually transgressive behaviour, but also recommends specifically naming the issues surrounding sexually transgressive behaviour. By sexually transgressive behaviour, the Charter means any form of verbal, non-verbal or physical behaviour with sexual connotations that has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, offensive, humiliating or offensive environment. The Charter states that transgressive behaviour cannot always be determined according to objective and/or legal criteria. Therefore, the subjective perception of the reporter is the starting point: if a person experiences a behaviour as transgressive, it should be taken seriously.

The full Charter can be accessed [here](#).

The IOA further follows **Belgian anti-discrimination legislation**. This consists of three laws: the Gender Law, the Anti-Racism Law and the Anti-Discrimination Law. Together, they distinguish 19 protective discrimination criteria. Discrimination based on each of these criteria or personal characteristics is prohibited and punishable.

Definitions and terms¹

Transgressive behaviour (TB)

TB is any behaviour that violates personal or generally applicable values and norms, crosses boundaries and (un)consciously causes or threatens to cause harm to others, the environment or oneself. The reporter's subjective perception of TB is the underlying measure: only the reporter himself can judge whether certain behaviour is undesirable or transgressive. Behaviour that is acceptable to one person may not be acceptable to others. TB is a collective term and includes bullying, unwanted sexual behaviour, violence, sexism, racism, discrimination and stalking, among others. TB can take various forms. Here are some examples.

Bullying

Bullying is transgressive behaviour that you can recognise like this: it happens repeatedly, there is an intention to harm, there is a negative impact. The presence of an unequal power relationship between bully and victim is an element that can be aggravating.

Forms of bullying

- Physical physical bullying involving violence. Think kicking, hitting, pushing, etc.
- Physical material bullying: taking away, hiding or damaging stuff from the bullied person.
- Verbal bullying: insulting, threatening and/or negative comments, ...
- Non-verbal bullying: offensive gestures, ...
- Relational bullying: rejecting someone, ignoring them, spreading rumours, gossiping, ...

Difference between teasing and arguing

Teasing is short-lived and takes place between equals. Because there is no power difference, the other person can easily tease back. This is not to say that teasing cannot be hurtful. The term 'teasing' is sometimes used to justify or minimise bullying. Conversely, the term bullying may be used too quickly when talking about teasing, arguing or other disruptive behaviour. In arguments, there is not necessarily an unequal balance of power, so the people involved can usually resolve it themselves.

Cyberbullying: wider reach, including at home

Cyberbullying has the same characteristics as offline bullying, but happens through digital channels such as social media, apps and messages. Because it happens online, cyberbullying can go on day in day out. It also leaves the victim vulnerable at home. By bullying digitally, the perpetrator can engage a larger 'audience' which increases the impact on the victim. It requires less daring from the bully.

¹ Sources: Grenswijs: <https://www.grenswijs.be/> and Unia: <https://www.unia.be/>

Sexual transgressive behaviour²

Sexually transgressive behaviour means behaviour that may harm one's own integrity or that of another person. This includes not only sexual intercourse but also kissing, touching and making sexual comments.

If any of the following conditions are *not* met, we are talking about sexually transgressive or inappropriate sexual behaviour: mutual consent, voluntariness, equivalence, behaviour in accordance with sexual developmental stage or functioning level, behaviour with a positive impact on oneself or on the other person, behaviour that takes into account the context.

There are different forms of transgressive sexual behaviour, including:

- Physical behaviour such as unwanted touching, ogling or lewd looks, beatings and injuries, rape, ...
- Verbal behaviour (both written and spoken, both individual and collective) such as compromising proposals, mocking remarks of a sexual nature about appearance and/or dress, insisting on sexual contacts, telling about one's own sex life, calling and declaring love, telling racy jokes, (un)ambiguous remarks or innuendo, ...
- Non-verbal behaviour such as unlawfully collecting or distributing images, displaying pornographic material, ...

Aggression/ aggressive behaviour

When aggression manifests itself in behaviour where a person oversteps boundaries and causes harm to others, themselves or the environment, it is aggressive behaviour. In doing so, the person is not necessarily aware of the consequences and effects of their own behaviour.

Aggressive behaviour is any verbal, non-verbal or physical behaviour that violates personal or commonly held values and norms, crosses boundaries and (un)consciously causes or threatens to cause harm to others, the environment or oneself. Regular contact with aggressive behaviour can be very straining and stressful.

There are different forms of aggression or violence including:

- Physical aggression such as hitting, kicking, spitting, ...
- Verbal aggression (both written and spoken) such as swearing, shouting, ranting, threatening, stalking, intimidating, ...
- Material aggression such as destruction of equipment, vandalism, ...
- Non-verbal aggression such as threatening gestures, ...
- Disrespectful behaviour in language or actions, ...

² Sexual Transgressive Behaviour is defined using Sensoa's flag system: <https://www.sensoa.be/>

Discrimination

Discrimination is the unequal or unfair treatment of a person based on personal characteristics. Under the law, discrimination, harassment, hate messages and hate crimes against a person or a group of persons because of specific personal characteristics are punishable. The following discrimination criteria were included in the Belgian anti-discrimination law:

- Gender, gender expression and gender identity (the Gender Act)
- Nationality, national or ethnic origin, so-called race, skin colour and descent (the Anti-Racism Act)
- Disability, religion or belief, sexual orientation, age, ability, marital status, political opinion, trade union membership, health condition, physical or genetic characteristic, birth, social origin and language (the Anti-Discrimination Act)

The impact of intimate relationships within the IOA

Staff members deal with students in a professional manner and are aware that the relationship with the student always implies a power differential. This is certainly the case when a staff member teaches a student. Staff members do not abuse this power differential, any close personal partnerships or the trust students place in them.

Although the IOA does not want to or cannot regulate the private lives of its staff, the school strongly advises staff against entering into a close personal or intimate relationship with a student and points out the complexities and issues that such a relationship may entail, especially in the case of a direct hierarchical or educational relationship. When an intimate relationship develops between a staff member and a student, the school demands immediate reporting.

An intimate relationship between a staff member and a student in a directly hierarchical or educational relationship may additionally lead to (the impression of) bias in a teaching or evaluation context. The school prohibits official evaluations between the staff member and the student once the intimate relationship is reported.

If an intimate relationship develops between a staff member and a student, there must be no coercion, (sexual) intimidation, blackmail or abuse of (power) positions. It must therefore be a voluntary relationship on an equal basis. At the same time, the parties must ask themselves to what extent voluntariness and equivalence can exist when there is asymmetrical dependence in the pedagogical relationship. In these cases, private life can interfere with the pedagogical situation.

Relationships between managers and trainees **are not allowed**. Trainees fall under the concept of vulnerable persons under the **Penal Code** and the legislator envisages increased care for them by responsible persons.

If relationship conflicts arise, if one of the parties involved no longer feels safe in the relationship and/or if coercion, (sexual) intimidation or blackmail, or abuse of (power) positions do occur, the parties involved can always invoke the procedures below.

TB report

We aim to create a safe environment at the IOA where transgressive behaviour (TB) will not be tolerated. We aim for students and staff to be able to assess and discuss risks. Every report is taken seriously. Better one conversation too many than too few. The focus is always on accommodating, listening and informing the person who comes to report TB, not judging or trying to find out the facts.

As soon as a student or staff member indicates that they wish to officially lodge a complaint with the Police, the IOA will provide the necessary information and guidance.

Possible situations

- We encourage students or staff members who witness a situation that they interpret as transgressive to engage in conversation with the parties involved. Is one party indeed crossing a boundary? Can the other party involved be directly addressed about the behaviour? Witnesses can advise the affected party to report the situation to the confidential counsellor. The witness may also be able to accompany the appointment or make a separate appointment with the confidential counsellor.
- It is possible for a student or staff member to experience TB by a person not directly connected to the IOA. After notification, the IOA may decide not to enter into any more contract with a service provider who engages in harassment or sexual harassment. It may also be necessary to take individual preventive measures against employees of a third company. In this case, the IOA contacts the other employer involved so that it can take necessary measures.
- If you as a staff member experience TB by a student, confidants from the IOA's governing body can be contacted. The **Education and Examination Regulations** will then apply.
- If you as a staff member experience TB by a staff member, confidential counsellors from the governing body of the IOA can be contacted. The IOA's **Labour Regulations** will then apply.

Procedures

Engage with the other affected person(s)

Individuals who commit TB are not always aware of the impact of that behaviour. The IOA encourages the person(s) involved to listen to the reporter's experience, take it seriously, reflect on how their behaviour affects the reporter and think about other ways of coping.

Talk to one of the Confidential Counsellors within the IOA

The Confidential Counsellor

The knowledge and skills of the Confidential Counsellor were legally defined in 2014 (Reference: K.B. of 10 April 2014).

The confidential counsellor works with multilateral bias and is therefore neutral and independent. The confidential counsellor is bound by professional secrecy by virtue of the position. Confidential counsellors may consult among themselves within the shared professional secrecy. Deontologically, the confidential counsellor has an obligation to speak in the event of great danger, a situation involving minors or when he/she witnesses the facts. When the confidential counsellor feels in any way involved in what is reported, he or she refers the reporter to another confidential counsellor.

The confidential counsellor notes each conversation (without the name of the reporter) in a fact register. The aim is to detect problematic patterns from which preventive measures can emerge. Conversations with the confidential counsellor are conducted in confidence and data is handled with the utmost care. Steps are taken by the confidential counsellor only when the reporter so wishes. The notifier retains all control. The reporter can also withdraw the report - unless the facts are such that disciplinary proceedings are unavoidable.

If the person(s) concerned does not want to talk or if the reporter does not feel safe and/or the facts are too serious, this can be reported (anonymously) to the IOA's confidential counsellors. These persons are available for a confidential discussion. They will actively listen, help, refer if necessary and inform about what additional steps can be taken. People can contact them by phone, mail, Teams. The first conversation with a confidential counsellor will take place within **ten** calendar days of the request (when the request is received during a holiday period, we use the five calendar days after that holiday). Victims in need of urgent intervention are referred to the various hotlines (see 'contact external organisation' at the bottom of this document).

Possible roadmap

The steps below need not be taken in chronological order. Each situation has its own approach.

The first interview

The confidential counsellor listens to the reporter without judging. In this way, he or she tries to get the best possible picture of the content and context of the report and of the reporter's needs. Together with the reporter, the confidential counsellor examines how best to deal with the report. In doing so, the confidential counsellor gives tips and advice, and informs about possible next steps or referral.

If the reporter wishes, he/she can bring someone along (e.g. a fellow student, a witness or a colleague) to be assisted in this conversation.

After the first interview

After the initial discussion, several avenues are possible. A constructive solution is always sought for all parties. Different situations require different approaches.

- The confidential counsellor supports the reporter to deal with the situation himself or herself or to take action:
 - o When the facts/circumstances lend themselves to this, the confidential counsellor can guide the reporter to enter into the conversation with the person stating the unwanted behaviour.
 - o The confidential counsellor refers the reporter to possible assistance services. If the reporter so wishes, the confidential counsellor can guide the reporter in making an appointment with the desired assistance service (see list at the bottom of this document).
- At the request or with the approval of the reporter, the confidential counsellor organises mediation between the reporter and the other person directly involved.
 - o This is an **informal** mediation process consisting of separate interviews with the parties involved and/or one or more joint interviews, with the aim of reaching a reconciliation or workable agreements. This is always done with the agreement of all parties (the reporter and the other person directly involved).
- At the request of or with the approval of the reporter, the confidential counsellor organises a meeting with a third party, such as an immediate supervisor. This person is not involved in the situation, but may have an impact on the situation.
- At the request of the reporter or the other person involved or the confidential counsellor, mediation with an external mediator is organised.
 - o This is a **formal** mediation process supervised by an accredited mediator appointed by the school. This is always done with the agreement of all parties (the reporter and the other person directly involved).
 - o In case of a mediation interview, registration by an external mediator is mandatory. The mediator draws up a mediation report with the result of the mediation, including an agreement on the arrangements made, which is sent to the managing director.

Aftercare

After completing the necessary steps, the confidential counsellor may contact the reporter and the other person involved to inquire about the general state of mind. If desired, a follow-up meeting can be requested with the confidential counsellor.

Do you think you have crossed someone else's boundaries yourself?

Although the definition of transgressive behaviour starts from one party's subjective experience, it is possible that students and/or staff members may assess that they have crossed someone else's boundaries at some point. A confidential discussion with the confidential counsellor is also possible in this context.

Talk to someone outside the IOA

If the reporter wants to report TB (anonymously) and outside the context of the school, this can be done with several specialised organisations. (See the flow chart attached or the list at the end of this document). One can also consult the external prevention advisers psychosocial aspects of Securex (the external prevention service of the IOA).

Disciplinary procedure

All TB criminal offences, independently of any court proceedings, give rise to disciplinary proceedings within the IOA.

The disciplinary procedure is confidential. The members of the disciplinary committee have professional secrecy. The hearing(s) take place behind closed doors.

Disciplinary Committee

Structure

At the start of the academic year, the IOA disciplinary committee is constituted and announced to the students and staff. The disciplinary committee consists of the following people:

- Artistic Pedagogical Manager IOA (chairman)
- Teacher
- Alumnus

This committee is convened in writing (by e-mail) by the chairman at least one week before the hearing.

The person concerned (further also: the accused) must be summoned by the chairman of the Disciplinary Committee by registered letter at least 10 calendar days before the hearing. This letter shall mention:

- all charges;
- the fact that a disciplinary sanction can be imposed and a file is created;
- place, day and hour of the hearing;
- the right of the accused to be assisted or represented by counsel;
- the place where the file can be viewed;
- the right to request the examination of witnesses;
- The list of witnesses called by the Disciplinary Committee;
- The list of members of the Disciplinary Committee.

The accused and/or the counsel has/have the right from the summons to appear before the disciplinary body until the day before the hearing to inspect the file and request a copy of the file.

At the latest the day before the hearing, the defendant provides a list of witnesses he wishes to call. The defendant himself ensures that these witnesses are present at the hearing.

The accused may be assisted by counsel at the hearing(s).

Minutes of the hearing and, where appropriate, of the examination of witnesses shall be drawn up and signed by the members of the disciplinary body.

After the hearing(s) at which the accused and any witnesses were heard, the Disciplinary Committee decides on a disciplinary sanction. The disciplinary committee's reasoned decision is communicated to the accused by registered letter.

Disciplinary procedure in appeal

Within 10 calendar days from the day after notification of the Disciplinary Committee's decision, the accused may submit a reasoned appeal to the Appeals Committee by registered letter.

Appeals Committee

Structure

- Artistic Educational Manager IOA (secretary)
- Teacher
- Alumnus
- Delegate from Governing Body (chairman)

This committee will be notified by email by the secretary at least one week before the hearing of the appeals committee.

The reasoned appeal shall be heard by the Appeals Committee within one month of receiving the petition. The accused shall be heard by the Appeals Committee. He must be notified of the hearing and the list of members of the Appeals Committee by registered letter at least 10 calendar days before the hearing. The accused has the right to be assisted by counsel at the hearing(s).

The appeal to the Appeals Committee suspends the enforceability of the contested decision.

After the hearing, the Appeals Committee gives its decision. The Appeal Committee's reasoned decision is communicated to the accused by registered letter.

Disciplinary sanctions

General

These sanctions relate to the Disciplinary Procedure as described in the IOA Policy on Transgressive Behaviour.

It belongs solely to the Disciplinary Committee to impose these sanctions.

Appeals against these sanctions are possible. Only the Appeals Committee is authorised to do so.

Sanctions

1. A written reprimand
2. The temporary ban on using certain services or participating in certain (educational) activities for a specified period not exceeding three months
3. A permanent exclusion resulting in the immediate loss of the status of student or employee (teacher) and for the student also the prohibition to re-enrol at the IOA.

A repetition of the facts or an infringement against the sanction imposed 1 or 2 automatically leads to the final exclusion as described in 3 above.

The reasoned decision is communicated by the Artistic Pedagogical Manager of the IOA to the person concerned by registered letter.

Contact external organisations

1. Care centre after sexual violence: Victims of sexual violence, such as rape or sexual assault, can visit the Care Centre after Sexual Violence (ZSG) of Ghent University Hospital day and night. The centre offers victims all possible assistance in one location: medical and psychological care, an initial trace investigation and, for those who want it, help with the police report.
Tel 09 332 80 80
zsg@uzgent.be
UZ Gent, C. Heymanslaan 10, 9000 Ghent, entrance 47 - route 515
<https://www.uzgent.be/nl/zorgaanbod/mdspecialismen/zorgcentrum-na-seksueel-geweld/Paginas/default.aspx>
2. **chsbelgium.org/en:**
24/7 anonymous and confidential helpline with English speaking volunteers + Mental Health Services Centre.
Call: 0032 2.648.40.14
3. Ghent police - Social Care Department
Antonius Triestlaan 12, 9000 Ghent
09 266 67 53
PZ.Gent.DMZ.PolitioneleZorg@police.belgium.eu
4. Start to talk: a project focusing on mental wellbeing in students. It is a project by students for students. Through a discussion group, it talks about issues students are struggling with. starttotalk@bemsa-gent.be <https://bemsa-gent.be/scoph/start-to-talk/>
5. WHAT WHAT: is there for all young people who just don't know anymore. At both exciting and difficult moments. www.watwat.be
6. Unia: Anyone who feels discriminated against within Belgium or witnesses discrimination can turn to Unia. Unia will inform you of your rights and help you find a solution. Free number 0800 12 800 or www.unia.be
7. Cohezio: As an External Service for Prevention and Protection at Work, Cohezio's mission is to ensure the health, safety and well-being of staff members at work. www.cohezio.be
8. Institute for the Equality of Men and Women: The Institute is divided into several cells that work around various fields of action, e.g. gender mainstreaming, labour, the fight against partner violence, research, ... The Institute's legal cell deals with info questions and complaints from victims of gender discrimination. <https://igvm-iefh.belgium.be/nl>
9. Engagement: is an artistic movement that aims to tackle sexually transgressive behaviour, as well as sexism and abuse of power in the Belgian artistic field. Engagement provides peer-to-peer support by organising open meetings and offering conversations with freelance confidants working in the art field. www.engagementarts.be

10. The Flemish Ombuds Service: Anyone experiencing cross-border behaviour, discriminatory harassment, violence or bullying within the cultural or audiovisual sector can call on two psychologists from the Flemish Ombuds Service. Initially, they are student confidants and therefore do not offer therapy. However, they can provide psychological guidance to reporters.

Nina Callens: nina.callens@vlaamseombudsdienst.be

Viktor Van der Veken: viktor.vanderveken@vlaamseombudsdienst.be

Or by phone at 1712

11. CAW: victim support

Prinsenhof

56

9000

Ghent

slachtofferhulp.gent@cawoostvlaanderen.be

0800 13 500

<https://www.caw.be/locaties/slachtofferhulp-gent-2/>