



University Council  
Attn. H. van den Berg

**Date**  
26 June 2020

**Subject**  
Incident in app groups

**Our reference**  
CvB/HS/rk/ra00284820

**Your reference**  
Your request for information

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**Enclosure**

**Department**  
Executive Board

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Dear members of the University Council,

With this letter, we would like to respond to your questions concerning the incidents in app groups in two programs. The Executive Board agrees with the UC that incidents like these are reprehensible and unacceptable. It violates the core values Erasmus University stands for and undermines the inclusiveness of our community for all students and staff. However, taking regulatory or legal action, as your questions sometimes suggest, is not exactly feasible. We will explain this more in detail, and offer insights on which actions we can, and will, take.

*Background of incidents and ways of handling them*

With respect to the two incidents mentioned in your questions, the main difference in context and content is that in the earlier (EUC) case, the university is in possession of all relevant facts and messages sent to the entire group of 220 students of various backgrounds, whereas in the later (ESSB) case, only fragments of an app conversation have been shared with us by one of the students in the app group. After that, the student in question did not respond to questions from the university. In the EUC case, students have provided us with the complete message history. That enabled the dean and the Executive Board to take more action, also in legal terms. At the moment, that is not yet possible in the latter case. For the record, in none of these cases formal complaints have been made, using the formal complaint procedures, by students. Students did report the incident to either the dean or a study advisor.

The status of the EUC case is that the perpetrators have been addressed both by their respective deans and by the Executive Board and have offered their written apology to all involved. Next week, this was not possible earlier due to capacity issues at the police in times of Corona, an appointment with the

police department takes place to explore the possibilities for a formal 'aangifte', although chances are there is not enough legal ground for such a course of action. The reason why in this case this course of action is explored, and in the latter case not yet, is because in this case we know all relevant facts and messages. In all other respects, these cases are treated similarly. The known perpetrators have been addressed, given a formal written reprimand as a final warning. If more information about the ESSB incident is provided, we will also present this to the police to explore possibilities for a formal 'aangifte'.

#### *Regulatory or legal (im)possibilities for action*

In both cases, the app groups were not initiated, managed, or controlled by the university, but by the students themselves. That makes this behavior, legally, to be part of their 'personal life' ('persoonlijke leefomgeving'). The university cannot and does not regulate students' behavior in private. If other private persons or the university feel that behavior violates their rights, or constitutes behavior punishable by criminal law, then a legal procedure could be initiated by themselves.

The fact that, legally speaking, this behavior takes place in private, also means that EUR-wide policies that are enforceable are not feasible. We do have the 'order regulation' ('ordereglement') which prescribes the rules and regulations on campus and clearly outlines possible implications when students or staff misbehave. This information is also included in the Student Charter, as far as it concerns prescriptions for student behavior on campus or in EUR-managed environments. However, this regulation cannot regulate private conversations. It does regulate conversation on EUR-platforms, such as Canvas. Some departments or programs do manage Facebook groups where students are members. If these kind of incidents would have occurred in such a group, action could, and would, be taken by the EUR based on the 'Ordereglement'.

Concerning your question whether EUR has defined what is viewed as racist or discriminatory behavior, we believe that this exercise is not be advisable since trying to define it would rather 'narrow' or limit the scope of possible transgressions (because making an exhaustive definition is almost impossible). However, together with our D&I Office, we have identified courses of action that are feasible. This especially important because we have learnt in our conversations about these incidents that behavior like this is widespread among highschool and university students, which increases our need to work towards more awareness and openness about this.

## *Courses of action planned*

Condemning racism and exclusion is a key responsibility of the EUR as a whole. Specifically, we have in the past established our Diversity & Inclusion Office (D&I), whose role is facilitating change by raising awareness, creating dialogue, and developing policies from a EUR-wide perspective. Following earlier incidents and developments, both within EUR and in society at large, D&I has initiated and planned the following actions or proposals:

### *1. Comprehensive Outreach Academic Advancement programme for underrepresented groups*

This strategic program will focus on activities that ensure equal educational opportunities, appropriate support for prospective and enrolled students from underrepresented groups. This programme will start in September 2020.

### *2. Student engagement*

D&I is increasing the engagement of students in this topic. Examples are the advisory role in setting up the Living Room among others together with Erasmus School of Colour (ESOC) with a focus on anti-racism/anti-discrimination, the connections with student initiatives focused on fighting racism/discrimination as well as initiatives focus on making the university more inclusive (ESOC, Us Space, DiversEUR, DISCO/EMC). We are developing more sustainable connections with groups like these, for instance by expanding the job position concerning student engagement from October onwards in the D&I Office.

### *3. Student advisory board & Student volunteer groups*

Concerning D&I issues, student voices need to be heard in a continuous, constructive manner. The needs and perspectives of a diverse group of students need to be incorporated into D&I policy and projects to make them (1) inclusive, (2) meeting the needs to the student community and (3) to foster impact in the student community. To make the relation with the greater student community more sustainable, we have plans in preparation to install:

- (a) Student advisory board for D&I related policies to involve students more (on content and processes).
- (b) Student volunteer group were students who want to act can, in such a way that it will contribute to actions lines coming from D&I Office (which are fed via student advisory board).

The proposal for this is being drafted, start is expected in October 2020.

#### *4. Working toward inclusive education*

The goal of this proposal is to increase individual awareness and adoption of inclusive attitudes and behaviours in our education methods and curriculum. This is done by promoting Erasmian Values of connecting, open minded, and engaged with society, by fostering EUR's commitment to being open-minded by building inclusive learning communities and encouraging "our community to take part in the academic debate based on their strengths, talents and background", and by creating and maintaining Inclusive Curriculum and pedagogic practices by contextualising knowledge across disciplines, cultural and societal contexts. This involves the expansion of the curriculum to include the voices of scholars from non-western backgrounds, racial/ethnic/gender/sexual minorities and diverse case studies/' wicked-problems'. The proposal for this is being drafted, decision-making is expected in September / October 2020.

#### *5. Communications Policy plan*

We aim to: Diversify the content of communications at EUR through greater understanding, make the communication of diversity, inclusion, and social equity more proactive, and broaden the approach to communications at EUR as to address this key societal challenge better. These aims are achieved in part by developing an understanding of equality dimensions and in promoting inclusive role models and leadership (for example by having a photos series of female professors, and also proactive communications that speak out against racism and display appropriate racial sensitivity (also by preventing dehumanising language in our communications). This is an ongoing action, as the D&I Communication Advisor already works with M&C and D&I, but an additional proposal is discussed before the Summer with M&C.

#### *6. D&I monitor*

We are further developing ways to monitor D&I related aspects, are currently hiring a new researcher for the D&I Office to start with qualitative research on D&I aspects, and will request information from the 'Culturele Barometer' which CBS will offer from 1 July on which will give us more insight into the diversity of our staff at different levels and will enable us to develop targeted policies.

#### *7. A central contact/reporting point.*

EUR has made some remedial strides in addressing social safety concerns. EUR has hired an ombudsperson, set up a network of confidentiality counsellor, provided training on (un)wanted behaviour for managers, as well as empanelling student deans, and developing a new student wellbeing

programme. Furthermore, the Chief Diversity Officer is also made aware of relevant grievances within the institution.

However, a recurring (anecdotal) comment is that it is hard to find the place where students and employees can go with their complaints. It is buried in the website, and different kind of complaints need to be filed at different locations. We would advise having one counter, with a fitted back office for handling the grievances. Having a visible access point (for instance digital at the home website) has several benefits: it would take away the barrier of starting a conversation about grievances, and it could create an overview of what is being experienced, the type (alarming behaviours, racism, discrimination, sexual intimidation etc.), magnitude, location. It would prevent handling recurring issues as 'incidents' and would enable us to uncover the elements in our institution that keep on producing grievances, and handle grievances outside the location if deemed beneficial. A proposal for this is being worked out at the moment with the departments involved. This is in line with the question in the UC's letter on reporting issues.

#### 8. HR

In the past years, we have developed several instruments/tools that are applicable to several equality dimensions (gender/ethnicity, etc.):

- 1) Equality proof recruitment and selection toolkit
- 2) Implicit bias training
- 3) 25/25 gender, but also open for women with ethnic/migration background, one can think of a round of this measure focusing on a certain element of diversity to have more diverse role models in professorial positions.
- 4) Panel conversations with EUR community on social safety
- 5) Network of Faculty Diversity Officers

We also consequently emphasise the importance of diversity that includes race, ethnicity and individuals from a migrant background, in all discussions at an internal or national level (e.g. LNVH, OCW, LANDO).

#### Conclusion

We hope to have answered your questions and concerns with this letter. We appreciate the Council's involvement and emphasis on this issue. We believe we are ALL responsible as EUR employees and students to make a difference. The higher our position, the more important it is to make it clear that we support initiatives that call-out and address structural racism, be it Black Lives Matter or beyond. Legal and regulatory options may be limited in cases like these incidents, but

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increasing awareness, understanding, reporting, and feedback on these matters will help make our university truly inclusive. We count on the support of your Council in this.

The Executive Board of Erasmus University Rotterdam,

A handwritten signature in blue ink, appearing to read 'H.N.J. Smits', with a long horizontal stroke underneath.

H.N.J. Smits MSc MBA  
President