

# Code of conduct and protocol

## BAK, basis voor actuele kunst

V4.1– March 2023

### 1. Introduction

BAK, basis voor actuele kunst, strives to be a space that is free from all forms of structural oppression, including racism, sexism, ableism, homophobia, transphobia, xenophobia and ageism. Within this context, we take responsibility for providing a safe working environment for everyone involved with the organization. No physical or verbal violence will be tolerated, nor will any other form of undesirable, inappropriate behaviour, sexual or otherwise.

A safe working environment results from a healthy organization in which everyone involved performs their tasks and contributes to the goals of the organization, with room for the development of employees and others associated with the organization. A healthy organization offers a clear vision and clear job descriptions.

BAK recognises that this policy requires an ongoing collective effort, and we ask everyone, from employees to visitors, to actively support it. We expect everyone, whether staff or not, to behave collegially and respectfully in their dealings with others in the workplace and to avoid inappropriate conduct regardless of the presence or absence of any hierarchical difference in duties or position. We also expect everyone in the workplace to be alert to inappropriate conduct by others.

This means that:

- BAK is an inclusive space;
- we treat each other with respect;
- opinions can differ;
- arguments are resolved through dialogue;
- physical or verbal violence will not be tolerated.

This code of conduct applies to everyone working for BAK (employees, freelancers, interns and volunteers), Supervisory Board, BAK Fellows, BAK Associates, guests, contractors, researchers, artists, and all other parties we work with. We do not make distinctions on the basis of employment terms or the nature of the relationship.

The code of conduct will be posted at the entrance to BAK and on our website in the following abbreviated form:

BAK strives to be a space that is free from all forms of structural oppression, including racism, sexism, ableism, homophobia, transphobia, xenophobia and ageism. BAK recognises that this policy requires an ongoing collective effort, and we ask for your help. During your visit to BAK you are agreeing to actively support this goal.

### 2. Sector-specific factors

The nature of our work is characterised by certain factors, some of them sector-specific, that we must remain aware of. These include the following:

- working in a context with a tight job market;

- working in a relatively small team, with the occasional blurred line between work and private lives (e.g. openings/overtime);
- pressure to create programming under strict deadlines;
- irregular working hours;
- intrinsic motivation to create valuable, socially relevant programming;
- pressure (internal and external) to operate as an internationally leading institute in the fields of research and art;
- social pressure (external and internal) to operate in accordance with the institute's stated ethical and social objectives.

### 3. What is inappropriate conduct?

#### General

As a starting point, we consider the stipulations laid out in the following Dutch laws:

- the Civil Code;
- the Equal Treatment Act (Awgb);
- the Equal Treatment of Men and Women Act (Wgbm/v);
- the Dutch Working Conditions Act (Arbo);
- Risk Inventory & Evaluation and Action Plan

For more information about inappropriate behaviour in the workplace, see [www.szw.nl](http://www.szw.nl), where you can choose a topic by clicking on aggression and violence, bullying or sexual intimidation.

By “inappropriate conduct” we mean behaviour that – whether or not a hierarchical difference in duties or position exists between the parties – creates a psychosocial burden (apart from work-related stress) in the meaning of Article 3 Paragraph 2 of the Dutch Arbeidsomstandighedenwet (Working Conditions Act) with respect to any of the following:

- Harassment in the meaning of Article 1a Paragraph 2 of the Equal Treatment of Men and Women Act and Article 7:646 Paragraph 7 of the Dutch Civil Code: i.e., conduct that is related to the sex of a person and occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- Sexual harassment in the meaning of Article 1a Paragraph 3 of the Equal Treatment of Men and Women Act and Article 7:646 Paragraph 8 of the Dutch Civil Code: i.e., any form of verbal, nonverbal or physical conduct of a sexual nature that occurs with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Examples of sexual harassment include: making suggestive remarks, boasting about sexual behaviour, telling dirty jokes, unnecessarily touching a person or blocking their path, making written contact with sexual connotations, showing offensive images in the workplace, assault and rape.
- Bullying: i.e., any form of intimidating behaviour that is regular in nature, by one or more employees (colleagues or managers) against an employee or group of employees who is/are unable to defend themselves against this behaviour.
- Aggression and use of violence: i.e., incidents where an employee is mentally or physically harassed, threatened or assaulted under circumstances directly related to carrying out work.
- Discrimination: i.e., statements, actions or decisions that are insulting or demeaning due to discrimination on the grounds of physical or mental disability, race or appearance, origins, religion, political persuasion, age, civil status, chronic disease, gender, beliefs or sexual orientation.

\*While the laws cited mention only men and women, at BAK the above of course applies to all gender identities.

#### 4. Procedure

Everyone who works for BAK (as an employee, freelancer or volunteer), takes part in our programmes, visits us, or provides us with a service shares responsibility for maintaining a safe environment. If you experience inappropriate behaviour, you can voice, raise for discussion, or report your concerns and/or experiences in the following ways:

If you work for BAK (as an employee, freelancer, intern or volunteer) or are a BAK Fellow:

- To your manager (for employees, interns and volunteers), the person who commissioned/hired you (for freelancers); or the coordinator of the post-academic program (for BAK Fellows);
- if for any reason the preceding is not possible or desirable, to BAK's management board;
- if for any reason the preceding is not possible or desirable, to two confidential advisers on the supervisory board: Martyn Top and Saskia Mangoendinomo. They may be reached by email at [top@potjonker.nl](mailto:top@potjonker.nl) and [saskia.mangoendinomo@uwv.nl](mailto:saskia.mangoendinomo@uwv.nl);
- To an independent, certified external confidential adviser. BAK has a contract with the Landelijk Buro Integriteit & Vertrouwenspersoon ([www.lbiv.nl](http://www.lbiv.nl)). The external confidential adviser for BAK is Mariëlle Visser. She can be reached during office hours (9:00 – 17:00) by calling the general number of the LBIV: 085-1307814. Your report will then be forwarded to the confidential adviser who will contact you as soon as possible.

The external confidential adviser:

- is completely independent in their support and guidance;
- has a duty of confidentiality, which can only be lifted with the consent of the person reporting;
- does not deal with anonymous, written complaints;
- does not handle complaints via third parties;
- does not mediate.

The most important tasks of the confidential adviser are:

- listening to the employee;
- analysing the situation with the employee;
- advising the employee on what to do next;
- guide and support the employee in the mediation procedure and/or the complaints procedure.

If you are a visitor, guest or other external party with no direct relationship to BAK (e.g. employment):

- To a BAK staff member or by email to [lodewijk@bakonline.org](mailto:lodewijk@bakonline.org).

If you are a service provider:

- To the person who commissioned your work, or, if this is not possible, by email to [lodewijk@bakonline.org](mailto:lodewijk@bakonline.org).

Your experience will be taken seriously and treated in confidence. If the BAK team lacks the necessary expertise, we will, in consultation with you, obtain professional help in supporting you further.

**Please note:** The management has a duty to ensure a safe working environment, and the supervisory board is obliged to monitor the organization. We may therefore be compelled to take action in response to a report, for example because the inappropriate behaviour also affects or could potentially affect others. For this reason, although we will of course proceed carefully, we cannot always guarantee complete confidentiality. The external confidential adviser treats reports in full confidence.

Although every case will of course be handled with care, complete confidentiality cannot always be guaranteed. Employees against whom a complaint is filed will be treated with care. In principle, complete secrecy exists for all involved. It may be necessary to deviate from this principle if it is in the public interest. In that case, the privacy of the people involved will be protected as much as possible. Clear agreements about next steps are made with the consent of all parties.

## 5. What we'll do

If we receive a report of unacceptable behaviour, in general, we will take the following steps:

- We will listen to the person making the report.
- If the person making the report has witnessed the behaviour:
  - o We will discuss the report with the involved parties.
  - o See below for further actions.

If the person making the report has experienced the behaviour themselves:

- o We will support them in accordance with their wishes.
- o We will discuss the available options, such as:
  - talking with the involved party/parties;
  - talking with the external confidential adviser;
  - involving police and/or victim support services;
  - doing nothing/waiting, unless the safety of BAK staff or others is at risk.
- If the necessary expertise is lacking within BAK, we will seek the advice of independent experts.
- Where necessary and applicable, cases will be discussed by the supervisory board.
- Where necessary, appropriate sanctions will be imposed, depending on BAK's relationship with the perpetrator and the severity of the behaviour. These can vary and may take the form of a formal warning, denial of access to the building, termination of the relationship, cancellation of the contract, termination of the employment or partnership agreement, etc.

At every stage, we will respect the confidentiality and privacy of the person making the report and give them as much say as possible in the steps taken, unless the safety of another is at risk or a serious criminal offence compels us to do otherwise, and requires us to inform the police and/or social care. In that case, the privacy of those involved will be protected as much as possible.

Clear agreements about next steps are made with the consent of all parties. All cases will be assessed on an individual basis.

## 6. Complaints procedure

The complaints procedure is available for reference in the internal documents. For others this can be requested via [info@bakonline.org](mailto:info@bakonline.org).