



## **Complaints & Disputes Committee Regulations**

## Article 1 Definitions

The following definitions are used in these Complaints and Disputes Committee Regulations:

- **complaint**  
a complaint related to an instance of unacceptable treatment, submitted in writing to the Complaints and Disputes Committee. This includes instances such as:
  - inappropriate behaviour
  - a complaint about a formal decision made by a superior and/or the Board of Directors, other than a complaint about a decision made by the Examinations Appeal Board (CBE)
  - a complaint about how a formal decision made by a superior and/or the Board of Directors has been dealt with, other than a complaint about a decision made by the Examinations Appeal Board (CBE)
- **inappropriate behaviour**  
any direct or indirect comments or behaviour directed towards an individual who perceives this as inappropriate and undesirable and which violates their person, e.g. sexual harassment, discrimination, aggression, violence and bullying
- **complainant**  
an individual who experiences inappropriate behaviour and turns to the Complaints & Disputes Committee and/or an individual who has a complaint related to a formal decision or how it was dealt with
- **accused**  
the individual about whose behaviour a complaint has been submitted to the Complaints and Disputes Committee
- **the committee**  
a Complaints & Disputes Committee as described in these Regulations, articles 4 and 5. This does **not** refer to:
  - the Faculty Dismissals Committee, as described in Article S-1 of the Collective Labour Agreement for Universities of Applied Sciences (CAO HBO) and the Collective Labour Agreement for HAS Training and Consultancy (CAO HKT)
  - The Appeals Committee, as described in Article S-2 of the CAO HBO and the CAO HKT
  - The Interpretation Committee, as described in Article S-6 of the CAO HBO
  - The Dutch National Appeals Committee for Job Classification, as described in Appendix V of the CAO HBO
  - The Examinations Appeal Board (CBE), as described in the Examinations Appeal Board Regulations
- **Collective Labour Agreement (CAO)**  
the Collective Labour Agreement for Universities of Applied Sciences (CAO HBO) and the Collective Labour Agreement for HAS Training & Consultancy (CAO HKT)

- **Board of Directors**  
the institution's Board of Directors
- **institution**  
HAS University of Applied Sciences
- **whistle-blower**  
an individual who challenges injustices or unethical behaviour within the institution
- **Whistle-blower Advisory Service**  
an independent body providing advice and support to potential and actual whistle-blowers regarding the steps they can take to report an injustice. The Whistle-blower Advisory Service does not investigate alleged injustices itself, but provides completely confidential advice to whistle-blowers.

### **Article 2 Scope of the regulations**

These Complaints & Disputes Regulations apply to all employees of HAS University of Applied Sciences, irrespective of their position, the type of work involved, which sort of contract they have (salary, via payroll services, on secondment, etc.) and irrespective of the location of their work. These regulations also apply to all students of HAS University of Applied Sciences and those taking courses through HAS Training and Consultancy. During processing of the complaint or dispute, there will be equal attention for both the complainant and the accused.

### **Article 3 Confidentiality**

All those who have been informed of facts or who have come into possession of written documents related to a complaint are bound to maintain confidentiality and to ensure that such facts or documents are not disclosed to third parties. Failure to comply with this duty of confidentiality will be classed as breach of the obligations described in Article E-2 of the CAO HBO and CAO HKT.

### **Article 4 Membership of the committee**

1. The committee consists of three members:
  - a lawyer who is not employed by the institution, who also acts as chairperson of the committee
  - two of the institution's members of staff, one man and one woman
2. The committee can seek the advice of external experts.
3. Any individual who fulfils the role of confidential adviser or vitality coach may not be appointed as a committee member. Members of staff of the HR department as well as members of the management team or the University Council are also not allowed to belong to the committee.
4. For each committee member, a deputy can be appointed.
5. The members of the committee are listed on intranet.

### **Article 5 Appointment of the Complaints and Disputes Committee**

1. The Board of Directors sets up and appoints the members of the Complaints and Disputes Committee after obtaining approval from the University Council.
2. The members and deputy members of the committee are appointed for a period of three years. They may subsequently be appointed for a further period of three years immediately following this period.

### **Article 6 Submitting a complaint**

1. Each complainant may submit one complaint to the committee.

2. This complaint must fulfil the following requirements:
  - the complaint is submitted in writing and signed by the complainant
  - the complaint relates to an instance of unacceptable treatment
  - the complaint refers to the approximate time, place and description of the instance of unacceptable treatment
  - the complaint is submitted within six weeks of the time at which the unacceptable treatment occurred
  - if applicable, a copy of the disputed decision will be attached to the written complaint
3. The committee will send a confirmation in writing of their receipt of the complaint, both to the complainant and to the Board of Directors.
4. If the committee agrees that the complaint does not comply with the requirements as set out in Article 6, section 2, the committee will make this immediately known to the complainant, giving them the opportunity to resubmit the complaint, if applicable.

#### **Article 7 Tasks and procedures**

1. As soon as the committee agrees that the complaint complies with the requirements as set out in Article 6, section 2, it will launch an investigation into the complaint.
2. The committee will interview the complainant and the accused separately.
3. Both the complainant and the accused are permitted the support of an adviser.
4. During the investigation, witnesses, experts or other involved parties who are able to provide information may be called to give evidence to the committee.
5. The committee's meetings are held in private.
6. Throughout the procedure, the committee will keep both complainant and the accused informed of how the procedure is progressing.
7. Whilst the complaint is being dealt with, a confidential case file will be compiled that is only available to be viewed by the complainant, the accused and their advisers.
8. A report of the committee's investigation and of each session of the hearing will be made as well as an official report of every statement, signed for approval by those involved. If the person involved is not willing to sign for approval, it is possible for them to add written comments to the official report. These documents are added to the case file.
9. On completion of the investigation, the committee will provide a reasoned decision about whether the complaint is justified and if measures need to be taken as a result of this.
10. If one of the committee members is absent, their deputy will take their place.
11. In exceptional circumstances, at the request of the complainant or otherwise, the committee may decide that one of the committee members will be replaced by their deputy during the complaints process.

#### **Article 8 Decision**

1. The committee will reach a decision within 30 days of receiving the written complaint. This term can be extended by a maximum of 30 days, informing the complainant of this in writing.
2. If the committee declares that the complaint is inadmissible or unjustified, a reasoned explanation will be provided to both complainant and the accused.
3. If the committee finds that the complaint is justified, it will give the Board of Directors written recommendations about taking appropriate action. The

complainant and the accused will be informed as soon as possible about the contents of these recommendations.

4. The committee can advise the Board of Directors to provide professional help or take any of the actions below:
  - for students/course members:
    - official warning
    - reprimand
    - partial or total denial of access to the buildings and grounds belonging to the institution, or to termination of registration
  - for members of staff:  
One of the disciplinary measures described in Articles P-1 to P-4 of the Collective Labour Agreement, i.e.:
    - official warning
    - suspension
    - dismissal
    - reprimand
    - transfer
  - for third parties:
    - termination of contact
5. The committee can advise the Board of Directors to take actions for the benefit of the complainant, for example:
  - for members of staff:
    - transfer
  - for students/course members:
    - appointing another supervisor
    - postponing an assessment
    - a re-assessment
6. If required, based on an interim recommendation, the committee can request the Board of Directors to instigate temporary measures.

#### **Article 9 Decision by the Board of Directors**

1. The Board of Directors will provide a reasoned decision as soon as possible after receiving the committee's recommendation, but in any case, within 15 days after the date of receipt of the recommendation. This term can be extended by a maximum of 15 days, informing the complainant of this in writing.
2. If the decision of the Board of Directors differs from the committee's recommendation, the reason for this will be described in the decision.
3. The Board of Directors will inform the complainant, the accused and the committee in writing of their decision.

#### **Article 10 Urgent cases**

1. In urgent cases, the complainant can apply to the committee for provisional measures, while awaiting the final decision of the Board of Directors.
2. The committee will decide within a week after receiving the complaint if urgent action is justified and will inform the Board of Directors of this.

#### **Article 11 Archiving case files and accountability**

1. The committee complaints files are archived by the committee. Only members of the committee have access to this archive.
2. Complaints files are destroyed 5 years after the complaint was submitted.

3. The committee reports annually to the Board of Directors on the number and nature of the complaints submitted and the details of the recommendations supplied.
4. The Board of Directors brings the annual report of the committee to the attention of the confidential advisers.

#### **Article 12 Whistle-blower Regulations**

1. A whistle-blower has the possibility to report any suspicion of injustice or unethical behaviour to the Complaints and Disputes Committee.
2. A whistle-blower may also report reasonable suspicions of injustice to the Board of Directors. If this suspicion is related to injustice by the Board of Directors or by one or more members of the Board of Directors, this can be reported to the Board of Trustees.
3. The whistle-blower can request that their report is treated confidentially.
4. If the report is made in person, the person to whom this report is made will record this immediately in writing, asking the whistle-blower to sign a copy of the report. The whistle-blower will be given a copy of the report.
5. A whistle-blower who acts in good faith, with careful consideration, basing their suspicions on reasonable evidence and facts, may be in no way disadvantaged in their legal position with regards to the institution.
6. Whistle-blowers can seek advice from the Whistle-blower Advisory Service.
7. Articles 2, 3, 7, 8, 9 and 10 of these Complaints & Disputes Regulations also apply to the Whistle-blower Regulations.

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