

## DECISION OF THE EXECUTIVE BOARD

**Number** : 743 **Initial:**

**Subject** : **Complaints Regulation and Rules of Procedure on Complaints Committee**

**Decision** :

The Executive Board adopts the Complaints Regulation and Rules of Procedure on Complaints Committee. The Complaints Regulation forms part of the Students' Charter, Degree Programme Section. Both the Complaints Regulation and the Rules of Procedure on Complaints Committee take effect from 1 September 2015.

**Decision status** : Proposed dated 9 March 2015  
 : Adopted dated 14 April 2015

**Consequences for**

**Personnel** : n/a  
**Housing** : n/a  
**Financial aspects** : n/a

**chargeable to budget** :

**Responsible for implementation** : **Director of Support Services, division directors**

Central Participation Council (CPC)

**Submitted for** : approval dated 19 March 2015

**Approval** : obtained dated 13 April 2015

Communication	Decision text	Appendices	Date	By:
Directors	X	X	17 April 2015	Executive Board
Central Participation Council	X	X	17 April 2015	Executive Board
Internal Audit	X	X	17 April 2015	Executive Board
Post and Archive	X	X	17 April 2015	Executive Board
Marketing and Communication	X	X	17 April 2015	Executive Board
Board of Appeal for Examinations	X	X	17 April 2015	Executive Board

# **Complaints Regulation**

**Windesheim University of Applied Sciences**

*In the event of discrepancies or ambiguity between the original Dutch version of this document and the English translation presented here, the Dutch text shall prevail.*

## COMPLAINTS REGULATION

### **Article 1 – Institution of committee**

1. The division director institutes a complaints committee for the degree programme cluster under his/her responsibility.
2. The complaints committee consists of two or four ordinary members and a chair.
3. One or more student members are appointed as (an) ordinary member(s), on the understanding that the number of student members shall equal or exceed the number of other ordinary members.
4. The division director appoints a chair of the complaints committee who is not connected with the division.
5. The chair and members are appointed for a two-year term. The student member is appointed for a one-year term.
6. The chair and members are eligible for reappointment once, while the student members can be reappointed twice.
7. If the complaint concerns a decision or conduct involving a committee member, the division director appoints a deputy for the hearing of the complaint in question on behalf of said member.

### **Article 2 – Filing a complaint**

1. A complaint may concern a decision taken, a decision not taken upon the student's request to take a decision, or an actual action.
2. A student can file a complaint, if he is a directly interested party.
3. No complaint can be filed against a decision and/or conduct which can be appealed direct with the university's Board of Appeal for Examinations or with the university's Advisory Committee on Disputes, or against which a complaint can be lodged with the university's Harassment Complaints Committee.
4. Prior to filing a complaint, the complainant must first contact the individual who took or should have taken the decision in question or whose action the complaint concerns, in order to discuss the decision or action.
5. The complaint is filed confidentially either in writing or digitally in the form of an (electronic) letter to Windesheim's Complaints Service, not later than six weeks after the decision or action in question being taken. If the complaint concerns failure to take a decision, it shall be submitted within a reasonable term.
6. In special cases it is possible to deviate from the term stated in Section 5. In such instances, the reason for exceeding the stated term shall be explained in the complaint.
7. The complaint states at least:
  - (1) name, address and place of residence of the individual filing the complaint;
  - (2) the decision or the action against which the complaint is directed;
  - (3) the date of the decision or the date/period when the action(s) took place;
  - (4) a clear description of the decision and/or the action against which the complaint is directed, as well as the grounds (reasons) for the complaint;
  - (5) the preferred decision to settle the complaint;
8. The relevant documents are attached to the complaint if possible.
9. The complainant can contact the General Student Counsellor to request support in the complaint procedure.
10. The Complaints Service passes the complaint on to the division director.

11. The division director consults with the complainant to determine whether an amicable settlement is possible. If the option of amicable settlement is ruled out, the complaint is passed on to the complaints committee of the relevant division, which is requested to issue pertinent advice to the division director.
12. The filing of a complaint concerning a decision does not have suspensive effect.

### **Article 3 – Complaints Committee’s advice**

1. If the complaint is not in compliance with the provisions of Article 2 Sections 6, 7 and 8 of this regulation, the complainant is given the opportunity to supplement his complaint within a term to be set by the Complaints Committee’s chair.
2. If said supplementation fails to meet the specified requirements or is not received in due time, the chair may advise the division director to declare the complaint inadmissible.
3. After the complaint has been passed on to the Complaints Committee, the Committee issues advice within six weeks of receiving the complaint. This term may be extended by four weeks only once. If this extension occurs in the months of July or August, the maximum extension term is eight weeks.
4. The Complaints Committee hears the complaint in accordance with the Rules of Procedure on Complaints Committee.
5. The Committee’s advice can be to declare the complaint:
  - (1) inadmissible,
  - (2) valid, or
  - (3) unfounded.
6. If the Committee declares the complaint valid, it will advise the division director on subsequent settlement.
7. The division director decides on settlement of the complaint within two weeks of receiving the Complaints Committee’s advice.
8. If the division director’s complaint settlement deviates from the Complaints Committee’s advice, the division director shall explain his reason(s) for this deviation.

### **Article 4 – Provisional decision**

1. The student may request the Complaints Committee to take a provisional decision, if there is an urgent interest in a decision being taken.
2. The Complaints Committee’s chair will decide in this matter within three days, having heard the complainant and the staff member and/or body in question.
3. The chair’s decision is not open to appeal.

### **Article 5 – Appeal**

The Complaints Committee’s advice pursuant to Article 3 Section 5 of this regulation and/or the division director’s decision pursuant to Article 3.7 of this regulation is not open to appeal.

### **Article 6 – Final provision**

1. This Complaints Regulation takes effect from 1 September 2015 and was adopted by the Executive Board on 14 April 2015, after approval had been obtained from the Central Participation Council on 13 April 2015.
2. This Complaints Regulation replaces the previously adopted complaints regulation.
3. This Complaints Regulation forms part of –and is published in– the Students’ Charter, Degree Programme Section.

## **ARTICLE 1**

### **Objective of Complaints Committee**

- Investigating the cause of a complaint.
- Doing justice to the individual complainant.
- Complaint registration to gain a better insight into (potential) defects and using this insight to improve the quality and/or provision of the educational programmes.
- Issuing advice on a complaint's (lack of) validity. If a complaint is valid, issuing advice to the division director on how justice can be done to the complainant.

## **ARTICLE 2**

### **Principles of complaint handling**

Complainants, staff and management each have their own responsibility in dealing with complaints. Therefore, it is vitally important that they first try together to find a solution to a problem that has occurred. If they don't succeed in doing so, or if the complainant so prefers, he can turn to the complaints committee.

- Complaint handling shall be impartial and unbiased.
- The cause of the complaint shall be investigated based on the principle of hearing both parties' arguments. To this end, the complainant is invited to attend a hearing where he can explain his complaint in detail.
- A record shall be made of everything said during this hearing.
- The complaints committee shall ensure rapid resolution of each complaint. In any case, complaint handling shall never take more than 6 weeks.
- All parties' details are to be treated confidentially. All details pertaining to the complaint shall be regarded as confidential.
- The complaints committee is authorized to collect all information it deems necessary to perform its duty; it may decide to start its own investigation and consult and inspect relevant documents and files.
- A complaint submitted in writing is always followed by a written reply to the complainant.
- The complaints committee considers a complaint dealt with if it has found the complaint either inadmissible, valid or unfounded, and –for valid complaints– it has issued its written and reasoned advice to the division director. The complainant receives a copy of this advice.
- The division director considers a complaint dealt with if –with due observance of the complaints committee's advice– he has taken a decision pertaining to the complaint, whereupon this decision is communicated in writing to the student. The division director takes this decision within two weeks of the complaints committee's decision.

## **ARTICLE 3**

### **Appeal**

Decisions taken or advice issued by the complaints committee are not open to appeal or objection. Nor is a division director's decision following the complaints committee's decision or advice open to appeal or objection.

## **ARTICLE 4**

### **Institution and composition of complaints committee**

Apart from the provisions of the complaints regulation on the institution and composition of a complaints committee,

- The division director can assign an official secretary to the complaints committee.

- If no official secretary has been assigned, the members of the complaints committee shall appoint one from among their midst as secretary. The duties of the chair and the secretary are incompatible.
- A Windesheim legal staff member cannot be added to the complaints committee as an adviser entitled to vote.

## **ARTICLE 5**

### **Personal involvement**

A member of the complaints committee will be excluded from the handling of a complaint that relates directly or indirectly to his conduct.

## **ARTICLE 6**

### **Duty of the complaints committee**

The complaints committee performs the following duties:

- Hearing of the interested parties and issuing advice to the division director following the complaints submitted.
- Issuing advice to the division director following structural defects identified during complaint investigation.

## **ARTICLE 7**

### **Complaints committee activities**

For proper handling of complaints, the complaints committee is authorized to:

- Collect information necessary for complaint resolution.
- Consult and inspect documents and files.
- Summon and hear persons directly involved in the complaint submitted.

## **ARTICLE 8**

### **Complaints committee session**

- The complaints committee shall hold as many sessions as needed for proper performance of its duties. The chair and/or secretary are responsible for sending out invitations and overall organization of these sessions.
- Sessions are held with all committee members present.
- Decisions can be taken only if consensus has been reached.
- If no consensus can be reached, the complainant and the division director are notified thereof in writing. The difference of opinion is documented as accurately as possible.

## **ARTICLE 9**

### **Complaint-handling procedure**

The complaints committee handles complaints in accordance with the following procedure:

- The secretary sends copies of the complaint to the complaints committee members.
- If the complaint concerns a staff member's action or failure to act, the chair of the complaints committee verbally notifies the individual involved of the complaint submitted. This verbal notification is confirmed in writing.
- If in the opinion of the complaints committee insufficient information is provided with the complaint submitted, it will give the complainant an opportunity to complement the requested information in accordance with the pertinent provisions of the complaints regulation.
- The individual whom the complaint concerns is required to respond in writing to the complaint within two weeks.

- If there is still insufficient clarity, both the complainant and the individual whom the complaint concerns are invited to give their opinions, either in writing or verbally.
- The complaints committee summons the complainant, the individual whom the complaint concerns and others involved in the procedure to a hearing if the committee deems it necessary for them to be heard.
- The complainant and the staff member(s) involved may be assisted by an adviser if they wish. The complaints committee may decide to consult (external) experts.
- The secretary writes a report on the procedure observed and the statements made by the parties involved. Subsequently, the complaints committee forms an opinion about the complaint. The committee may decide to declare the complaint either inadmissible, valid or unfounded.
- As a rule, the complaints committee arrives at its decision on the complaint's validity within six weeks of starting the complaint-handling procedure.
- The complaints committee's decision, with a recommendation if the complaint is valid, is communicated in writing to the complainant, the individual whom the complaint concerns and the division director.

## **ARTICLE 10**

### **Duty of secrecy**

The members of the complaints committee have a duty of secrecy regarding information they receive in complaint handling.

## **ARTICLE 11**

### **Annual report**

The complaints committee composes an annual report on each year after it has ended. The annual report contains an overview of complaints received and resolved and recommendations and advice issued.

## **ARTICLE 12**

### **Amendment or repeal**

These rules of procedure may be amended or repealed by the Executive Board.

## **ARTICLE 13**

### **Adoption and duration**

These rules of procedure were adopted by the Executive Board on 14 April 2015, after approval had been obtained from the Central Participation Council on 13 April 2015. These rules of procedure take effect as from 1 September 2015.