



Regulations for Employee and Student Complaints Procedures at the University of Amsterdam

Disclaimer. This translation is provided for information purposes only. In the event of a difference of interpretation, the original Dutch version of this document is binding.

Individual right of complaint

General provisions

right of complaint

Article 1

1. Every employee and every student of the UvA has the right to submit a complaint to an administrative body of the University in relation to the conduct of that body towards the employee or student in any particular situation.
2. Complaints are dealt with in accordance with Chapter 9 of the General Administrative Law Act.
3. The submission of a complaint to an administrative body may not cause that administrative body to treat the complainant unfavourably.
4. All conduct of any person who is employed under the responsibility of an administrative body is considered as conduct of that administrative body.
5. For the purposes of these regulations, the administrative bodies of the university are:
 - a. the Executive Board
 - b. the dean of any faculty.

Article 2

1. The administrative body will ensure that written and verbal complaints relating to its conduct and the conduct of administrative bodies that fall under its responsibility are dealt with fairly and thoroughly.
2. In the event that the administrative body manifestly acts in contravention of the provisions of the present Regulations and as a result the complainant is denied fair treatment of his/her complaint, the complainant may raise the matter with the National Ombudsman.

Article 3

1. After consultations with the Central Works Council and the Central Student Council, the administrative body will charge a committee with the task of dealing with and advising on complaints.
2. The committee referred to in paragraph 1 will consist of the following members:
 - a. an external Chairperson;
 - b. a member and a deputy member on behalf of the Executive Board;
 - c. a member and a deputy member on behalf of the Central Works Council;
 - d. a member and a deputy member on behalf of the Central Student Council.
3. The administrative body may give instructions only of a general nature to the committee referred to in paragraph 1.

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Article 4

1. Complaints will be dealt with by a committee that is not and has not been involved with the conduct to which the complaint in question relates.
2. As far as the formal process of settling the complaint is concerned, the first paragraph will not apply if the complaint relates to the conduct of the administrative body itself or to its Chairperson or a member of said body.

mediation

Article 5

The committee referred to in Article 3 will attempt to resolve complaints by mediation if possible.

Complaints submitted in writing

Article 6

If a written complaint meets the conditions stipulated in Article 7, then Articles 8 to 22 inclusive will apply.

requirements that a notice of complaint must meet

Article 7

1. A notice of complaint should include at least the following:
 - a. the name and address of the complainant;
 - b. the date;
 - c. a description of the conduct against which the complaint is directed, and the name of the body or person responsible for said conduct;
 - d. the reason why the complainant objects to the conduct;
 - e. the signature of the complainant.
2. If the notice of complaint is written in a language other than Dutch and a translation is required in order for the complaint to be dealt with properly, the submitter of the complaint must provide a translation.
3. If the notice of complaint does not meet the requirements stipulated in this article, the complainant will be given another opportunity to amend his/her complaint so that it does.

confirmation of receipt

Article 8

1. The committee referred to in Article 3 will confirm receipt of the notice of complaint within seven days in writing.
2. The notice of confirmation will state who will be dealing with the complaint.

handling of complaints

Article 9

The committee referred to in Article 3 will not be obliged to process with a complaint if:

- a. the notice of complaint does not meet the requirements laid down in Article 7, paragraphs 1 and 2;
- b. the complaint has already been dealt with in accordance with Article 6 *et seq*;

- c. the complaint concerns conduct that took place more than twelve months before the complaint was submitted;
- d. the complainant is not the person against whom the conduct to which the complaint relates was directed;
- e. the significance to the complainant or the seriousness of the complaint is clearly lacking;
- f. the complainant could have objected to the conduct;
- g. it is being, or has been, assessed by a legal body other than an administrative court, following the launch of a procedure;
- h. it is currently the subject of a criminal investigation by order of the Public Prosecutor or of criminal proceedings, or if the conduct forms part of an ongoing investigation or proceedings in relation to a criminal act, and if in relation to that act a criminal investigation or proceedings are taking place.

Article 10

The committee referred to in Article 3 will not deal with a complaint if there is another complaints procedure at the UvA that is more suited to dealing with the complaint. In this case, the complainant will be referred to the relevant complaints procedure.

Article 11

1. Any decision not to deal with a complaint will be communicated as soon as possible in writing to the complainant, together with the reasons, but no later than four weeks after receipt of the notice of complaint.
2. If another complaint, objection or appeal procedure exists in relation to the conduct to which the complaint relates, the committee referred to in Article 3 will immediately inform the complainant of same.

Article 12

1. As soon as the administrative body has resolved the complaint to the satisfaction of the complainant, whether through mediation or not, the obligation to apply the provisions of these regulations will lapse.
2. The complainant and the party against whom the complaint was directed will be informed in writing of the decision not to continue dealing with the complaint as referred to in this article.

Settling complaints

**sending of
copy**

Article 13

A copy of the notice of complaint, together with any documents accompanying it, will be sent to the party to whose conduct the complaint relates.

**hearing both
sides**

Article 14

1. The administrative body will give the complainant and the party to whose conduct the complaint relates the opportunity to be heard.

2. During the hearing, the complainant may have someone assist him/her, or have someone represent him/her in his/her absence. The administrative body is entitled to require written authorisation from any such representative.
3. The hearing will be held by the committee charged with dealing with and advising on complaints as referred to in Article 3. In the event that the administrative body has set up a committee, the committee may assign the holding of the hearing to the Chairperson or a member of the committee.
4. The holding of a hearing for the complainant may be dispensed with if the complaint is clearly unfounded, or if the complainant has stated he/she has no wish to have a hearing.
5. A report of the hearing will be made.

report of findings

Article 15

The committee charged with dealing with and advising on complaints will send a report of its findings, together with its advice and any recommendations to the administrative body. The report will contain an account of the hearing. The complainant will receive a copy of the report.

Article 16

1. The administrative body will settle the complaint within ten weeks of receiving the notice of complaint.
2. The period referred to in paragraph 1 will commence as soon as the notice of complaint meets the conditions referred to in Article 7, paragraphs 1 and 2.
3. The administrative body may defer settling a complaint by a maximum of four weeks. The complainant and the party to whose conduct the complaint relates will be informed of the deferment.
4. Further deferment (that is, of more than four weeks) is possible if the complainant so consents in writing.

reasoned decision

Article 17

1. The administrative body will inform in writing the complainant and the party to whose conduct the complaint relates of the findings of the investigation into the complaint, stating its reasons, as well as any conclusions it has drawn from the findings.
2. If the conclusions of the administrative body differ from the recommendations of the committee referred to in Article 3, the reasons for said differences will be stated in the conclusions.
3. If the option exists for subsequently submitting another complaint to a person or body authorised to deal with complaints about an administrative body of the University, this will be communicated along with the decision.

Article 18

1. No appeal is possible against a decision regarding the treatment of a complaint about the conduct of an administrative body.
2. No appeal is possible against the decision on a complaint and the conclusions that accompany it.

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Other provisions

Article 19

The administrative bodies referred to in Article 1, paragraph 3, will ensure publication of these Regulations for Complaints.

Article 20

The administrative body will ensure that the verbal and written complaints that have been submitted are registered accurately.

public report Article 21

1. Every year, the administrative body will publish a report covering every calendar year. The report will include the number of complaints that have been dealt with, as well as the nature and content of the complaints, and the findings and any conclusions.
2. The report will be sent to the Executive Board, and to the central and faculty advisory councils.

Article 22

These Regulations will enter into force on 1 March 2012.