

# Student Complaint Statutes

Aeres University of Applied Sciences

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Version 2.0  
Final version



**Executive Office**

# Version management

| Version management |            |                 |  |
|--------------------|------------|-----------------|--|
| Version            | Date       | Author          | Explanation  |
| 2.0                | 08-04-2016 | Mirjam Kooistra | Preliminary determination Board of Governors on 25-04-2016 |

## General provisions

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| <b>WHW:</b>                                  | Higher Education and Scientific Research Act  |
| <b>Aeres University of Applied Sciences:</b> | Institution (university of applied sciences) that is initiated and maintained by the Aeres Group Foundation   |
| <b>Board of Governors:</b>                   | the institutional Board of Aeres University of Applied Sciences, also Board of the Aeres Group  |
| <b>Institutional director:</b>               | director of Aeres University of Applied Sciences  |
| <b>Faculty director:</b>                     | director of one of the faculties of Aeres University of Applied Sciences  |
| <b>Person involved:</b>                      | the person as referred to in Title 4 (Legal Protection) of the WHW, namely: a student, prospective student, former student, external student, future or former external student.  |
| <b>Student:</b>                              | the person who, in accordance with Article 7.32 et seq. of the WHW, is enrolled as a student in a study programme and trainees or contract students who are otherwise involved in the study programme, unless expressly provided otherwise. |
| <b>Employee:</b>                             | a person who works for the organisation on the basis of an employment contract with the Aeres Group Foundation.   |

## Complaints

### Article 1 Complaints

Every (prospective) student and (prospective) external student at Aeres University of Applied Sciences has the right to submit a complaint to the Office for the Legal Protection of Students. A complaint within the meaning of these statutes is a manifestation of dissatisfaction with a conduct, action or situation which the complainant has experienced during contact with his faculty. The conduct of an employee working under the responsibility of the faculty, is classed as the conduct of the Faculty itself. 'Conduct' also includes failure to act.

### Article 2 Filing a complaint

1. Complaints must be submitted in writing. For this purpose, the complainant must use the form provided by the Office for the Legal Protection of Students [\[link\]](#). The complaint must contain at least:
  - a. the name and address of the complainant
  - b. the date
  - c. a description of the conduct, act or situation to which the complaint relates
  - d. the reason why the complainant submits a complaint against the conduct, act or situation

- e. a description of action already taken by the complainant to facilitate a discussion with the person against whom the complaint is directed or, if this is not possible, with the Faculty Board.
2. If the complaint is made in a foreign language and a translation is required for the proper handling of the complaint, the complainant must provide a translation.

### **Article 3 Confirmation of receipt**

1. The Office for the Legal Protection of Students will confirm receipt of the complaint in writing within 3 working days of receipt.
2. After confirmation of receipt, the Office for the Legal Protection of Students will forward the complaint to the Board of Governors for processing.
3. On behalf of the Executive Board, the complaints coordinator confirms receipt of the complaint. If the requirements referred to in Article 2 or any other requirements for dealing with the complaint are not met, the Board of Governors will inform the complainant of this and invite him/her to rectify the complaint within a period set for this purpose. If the petitioner has not remedied his/her failure to do so within the prescribed period, he may be declared inadmissible.

### **Article 4 Admissibility**

1. The Board of Governors will not deal with the complaint if:
  - a. the complaint does not meet the requirements of Article 2 sub 1 or 2
  - b. more than one year has elapsed since the facts or circumstances to which the complaint relates took place
  - c. the complaint is manifestly unfounded
  - d. the Board of Governors has already issued a judgment on the complaint
  - e. the complaint falls within the competence of another body, such as the complaints committee for undesirable behaviour, Cobex or the dispute advisory committee.
  - f. the complainant's interest or the weight of the conduct is manifestly insufficient.

### **Article 5 Confirmation**

If the Board of Governors decides not to handle the complaint, it will notify the complainant in writing as soon as possible, but no later than four weeks after receipt of the complaint, stating the reasons. The Office for the Legal Protection of Students will receive a copy of this notification.

## **Complaint handling**

### **Article 6 Hearing**

1. The Board of Governors will give the institutional body and/or the staff member to whom the complaint –also–relates and the complainant the opportunity to explain

their position in writing or orally. In doing so, or in addition, the Board of Governors will explicitly investigate whether an amicable settlement of the complaint is possible.

2. The hearing of the complainant may be dispensed with if:
  - a. The complainant has stated not to wish to exercise their right to be heard, or;
  - b. The complainant does not declare within a reasonable period set by the Board of Governors that he wishes to exercise the right to be heard.
3. The Board of Governors may, if it deems this necessary in order to assess the complaint, also give other parties the opportunity to take cognizance of the complaint and to make statements in this respect orally or in writing.
4. Institutional bodies and staff are obliged to comply with a request as referred to in the previous paragraphs of this article within the period indicated by the Board of Governors.
5. A report shall be made of the hearing.

#### **Article 7 Provision of information**

1. The Board of Governors is authorised to request information from institutional bodies and employees of Aeres University of Applied Sciences or to request and inspect documents relating to the matter to which the investigation relates.
2. Institutional bodies and staff are obliged to comply with a request as referred to in the previous paragraph within the period indicated by the Board of Governors.
3. If the complainant grants written permission to do so, the Board of Governors may inspect personal data relating to the complainant.

#### **Article 8 Experts**

1. The Board of Governors may, if in its opinion this is necessary for the purpose of the investigation, call in experts.
2. If in the opinion of the Board of Governors this is necessary for the purpose of the investigation, the Board of Governors may enter any location where the institution or employee whose conduct is being investigated performs their duties, without prior permission.

#### **Article 9 Confidentiality of third parties**

All third parties involved in the investigation shall be bound by a duty of confidentiality with regard to any information that becomes known to them as a result of their involvement in the investigation.

## **Complaint handling**

#### **Article 10 Grounds of review**

The Board of Governors assesses complaints it investigates in light of the applicable legislation and regulations and the adopted Aeres and Aeres University of Applied Sciences policies.

**Article 11 Time limit**

1. The complaint will be dealt with within six weeks of receipt of the notice of complaint.
2. The Board of Governors may postpone processing for a maximum of four weeks. The complainant and the person to whose conduct the complaint applies will be notified in writing of any postponement.

**Article 12 Judgment**

1. As a result of the investigation, the Board of Governors informs the complainant and the institutional body or staff member against whom the complaint is directed of its findings from the investigation into the complaint, its judgment thereof and any consequences that may be drawn from this. The Board of Governors does this by means of a well-founded written judgment and advice.
2. The Board of Governors will also send its written judgment and advice to the institution's director.
3. Within one month of receiving the written judgment referred to in the previous paragraph, the institution's director will inform the Board of Governors and the complainant of the manner in which the advice will be followed.
4. If, for serious policy reasons, the institution's director is considering not following the recommendation, she will inform the Board of Governors and the complainant of this, stating the reasons.

**Article 13 Appeals**

Judgements concerning complaints for the purposes of this regulation, are not open to appeal.

**Article 14 Unforeseen cases**

In all cases not provided for in these statutes, the Board of Governors' decision is final.

**Article 15 Reference title**

These statutes may be referred to as the Student Complaints Statutes of Aeres University of Applied Sciences

**Article 16 Entry into force**

1. These statutes came into force on 1 September 2016 and were adopted by the Executive Board by a decision of 25 April 2016.

Klik hier als u tekst wilt invoeren.