

General Complaints Procedure for Students

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Introduction

The Students' Charter and a number of other procedures, e.g. the Education and Examination Regulations, set out the rights and obligations of students and staff towards one another and how they must behave towards one another at the University of Applied Sciences.

Despite all efforts to ensure that these regulations are applied properly, to reach effective agreements with one another and to behave properly towards one another, problems may occasionally arise and students may wish to make comments or remarks about the teaching in general, a specific service or the way in which a staff member or fellow student is behaving towards them.

The basic principle is that any such comments, remarks, or feelings of dissatisfaction should be resolved where they arise in the first instance, in other words: by the individuals concerned, preferably within the space of students' own study programme department. This department is responsible for the quality of teaching in general and specifically for ensuring that an adequate response is forthcoming in the event of any problems or remarks. Establishing personal contact with the main individual or individuals concerned is often preferable in the first place, and in many cases this can immediately resolve a problem or a feeling of dissatisfaction.

However if this is impossible, for whatever reason, the student can consider lodging a complaint in accordance with the procedure set out in this Complaints Procedure.¹

Pursuant to Section 7.59a(1) of the WHW, this procedure forms part of Avans University of Applied Sciences Administrative and Management Regulations (*Bestuurs- en beheersreglement*).

¹ Complaints relating to undesirable behaviour, in the sense of sexual intimidation, aggression or violence, fall outside of the scope of this procedure. A separate Undesirable Behaviour Complaints Procedure has been adopted for the handling of these types of complaints, and can be downloaded via the intranet.

1 Definitions

Article 1. Definitions

The following definitions are applied in these regulations:

1. **WHW:** the Dutch Higher Education and Research Act (Wet op het Hoger onderwijs en Wetenschappelijk Onderzoek).
2. **Avans University of Applied Sciences:** the institution (university of applied sciences) based on the Foundation that upholds it.
3. **The Executive Board:** the Board of the Avans Foundation, pursuant to Section 1.1 under y of the WHW also the Board of the Avans University of Applied Sciences institution.
4. **Supervisory Board:** the Supervisory Board within the meaning of Section 10.3d of the WHW.
5. **Division:** an organisational unit in the sense of Section 10.3b(3) of the WHW, broken down into 'School' and 'Unit'.
6. **Body:** the staff as well as the student body.
7. **Students:** anyone enrolled on a study programme as a student in accordance with Section 7.32 et seq. of the WHW, including external students, prospective students and other course participants and contract students concerned, except where explicitly stated otherwise.
8. **Member of staff:** a person who, on the basis of an employment contract under civil law, is employed by the Avans Foundation. Persons who are positioned at the institution on the basis of a temporary, work placement or secondment agreement, contract for services, or otherwise, are given the same rights as a member of staff.
9. **School Dean:** the person who is ultimately responsible for a school, who manages the school and is responsible for the school's organisation, structure and operations in as far as the Executive Board has delegated the executive powers to this end.
10. **Student Information Desk:** a facility that students can contact if they have any questions or wish to obtain information about subsequent education, transfer options, regular and accelerated university programmes, studies and work placements abroad, financial aid for studying, cultural activities and so on. Avans University of Applied Sciences has a Student Information Desk on each campus.
11. **Complaints Office:** on [Studentinfo.avans.nl](https://www.avans.nl/studentinfo) a digital complaints form is available that can be used to submit a complaint.
12. **Individual concerned:** a prospective, current or former student or a prospective, current or former external student.
13. **CAO:** the most recently adopted version of the Higher Professional Education Collective Labour Agreement.
14. **Admissibility:** the assessment as to whether a complaint meets the formal conditions for processing of the complaint. If the requirements that apply to the submission of complaints have not been met, the complaint may be declared inadmissible. This means no substantive ruling will be made.

2 Objective and scope of the procedure

Article 2. Objective

The objective of the Complaints Procedure is to implement the general right of complaint by providing a complaints procedure for students enrolled at Avans University of Applied Sciences.

Article 3. Scope

Every individual concerned is entitled to file a complaint regarding a specific course of events within Avans University of Applied Sciences, the conduct of a staff member or of a fellow student of the University of Applied Sciences (see Appendix 1).

Article 4. Submission of complaints

1. A complaints form for the submission of complaints is available on Studentinfo.avans.nl.
2. The complaints form (see Appendix 2) must include the following as a minimum:
 - a. the name and address of the individual concerned,
 - b. the date,
 - c. a description of the behaviour to which the complaint relates,
 - d. the school or programme department at which the individual concerned studies,
 - e. the campus to which the complaint relates.
3. If a complaint does not meet the requirements stated in paragraph 2, the individual concerned will be given the opportunity to add information to their complaint within the deadline specified by the Complaints Office.

Article 5. Handling of complaints

1. The Complaints Office may attempt to resolve the complaint through discussions or mediation. An officer of this body may contact the individual concerned and the accused for this purpose. If required, the Office can launch an investigation and has access to all information that is relevant in the context of the complaint.
2. Staff and students are expected to cooperate in the Complaints Office's investigation.
3. Once an investigation has been concluded, the matter can be presented to the relevant managing director, dean or the Executive Board for final settlement in accordance with the provisions of Article 12.

Article 6. No obligation to handle a complaint

1. Avans University of Applied Sciences does not handle a complaint if:
 - a. more than 1 year² has passed since the behaviour to which the complaint relates took place,
 - b. the individual concerned could have objected against the behaviour to which the complaint relates,
 - c. the individual concerned can or could have filed an appeal against the behaviour to which the complaint relates,
 - d. the Undesirable Behaviour Complaints Procedure applies,
 - e. the complaint relates to a matter that is or has been handled by the administrative court,
 - f. the complaint relates to an actual or suspected criminal offence and a criminal investigation or proceedings are underway in respect of this offence,
 - g. the complaint must otherwise clearly be declared inadmissible.
2. Avans University of Applied Sciences is not obliged to handle the complaint if the interests of the individual concerned or the severity of the behaviour are clearly insufficient.
3. If the decision is taken not to handle a complaint, the person who submitted the complaint will be notified, supported by reasons, as soon as possible but no later than 2 weeks after receipt of the complaint.

3 Complaints procedure

Article 7. Receipt of the complaint

1. The complaint will be handled by the Complaints Office as referred to in Article 5.
2. If a complaint is submitted using the complaints form designed for this purpose, a written confirmation of receipt will be issued within 1 week.

Article 8. Handling

1. The person to whose behaviour the complaint relates will be sent a copy of the complaint together with any attachments.
This person will then be given the opportunity to respond to the complaint.
2. The Complaints Office has the authority to immediately notify the individual concerned of its findings, if the nature of the complaint gives reason to do so. If the individual concerned is satisfied with these findings, the obligation to follow the remaining steps in the procedure as described in the following Articles no longer applies.

² The period of 1 year is pursuant to Section 7.59b of the WHW in conjunction with Section 9:8(1b) of the General Administrative Law Act.

Article 9. Investigation

1. An investigation is launched immediately on receipt of the complaint.
2. The Complaints Office is free to request information verbally and in writing within the organisation for the purpose of carrying out the investigation. [The period of 1 year is pursuant to Section 7.59b of the WHW in conjunction with Section 9:8(1b) of the General Administrative Law Act.]
3. If the complaint is resolved to the satisfaction of the individual concerned, the Complaints Office will confirm this to the person in question in writing. This confirmation will include a brief description of the complaint and how it has been handled.

Article 10. Hearing

1. The Complaints Office will give the individual concerned and the person to whose behaviour the complaint relates the opportunity to be heard.
2. No hearing may be required if the complaint is clearly unfounded, or if the individual concerned has declared that they do not want to take advantage of the right to be heard.
3. A report will be drawn up of the hearing.

Article 11. Deadlines

1. The complaint will be handled within 6 weeks of its receipt.
2. The handling of the complaint may be postponed for up to 4 weeks if there are urgent reasons to do so.
3. The individual concerned and the person to whose behaviour the complaint relates will be notified of any postponement in writing.

Article 12. Settlement

1. Once an investigation has been concluded, the Complaints Office will draw up a report stating its findings and the decision reached.
2. The Complaints Office will send the substantiated report to the individual concerned and the person to whose behaviour the complaint relates and notifies them, in writing, of the findings made and any action it believes should be taken.

3. The Complaints Office will also send the report to the relevant managing director, dean or, where appropriate, to the Executive Board³, accompanied by advice or a strong recommendation regarding the action to be taken in response to a complaint that has been handled. If the managing director, dean or the Board decide not to follow the advice, they must notify the Complaints Office within 4 weeks, stating reasons.
4. The managing director or dean or, where appropriate, the Executive Board will decide what action will be taken in response to the complaint within 4 weeks, taking into consideration the advice or recommendation as referred to in paragraph 3.

Article 13. Objection and appeal

No objection or appeal may be filed against the report regarding the handling of a complaint.

4 Final provisions

Article 14. Registration of complaints

The Complaints Office is responsible for ensuring that a proper record is kept of complaints.

Article 15. Effective date

This Complaints Procedure has been adopted by the Executive Board and will be reviewed annually.

³ If the student's complaint relates to behaviour of a managing director or dean of Avans University of Applied Sciences.

Appendix 1. Complaints Office for students*

A Complaints Office has been set up for students of Avans University of Applied Sciences, which can be contacted via Studentinfo.avans.nl. The purpose of the Complaints Office is to handle complaints that can relate to all aspects of the provision of education and services to students, the building, facilities or environmental factors.

The following rules apply to the submission of complaints:

- the complaint must be substantiated and submitted in writing, and only filed with the Complaints Office if the following actions have not led to a solution:
 1. discussion with the directly responsible lecturer, mentor, student counsellor or support staff (for example: complaints about ICT must first be reported to the Service Line via +31 088 525 8888),
 2. complaints about teaching: following the action referred to under 1, discussion with the responsible study programme coordinator.
- the actions referred to under 1 and 2 and the results of these actions must be described in the complaint,
- differences of opinion regarding the curriculum itself should not be submitted to the Complaints Office. In this case, the student is referred to the objections and appeals procedures set out in the Students' Charter and the Education and Examination Regulations,
- complaints regarding undesirable behaviour also should not be submitted to the Complaints Office. In this case, students are referred to the confidential counsellor and to the Undesirable Behaviour Complaints Procedure,
- problems arising from the student's private situation generally also should not be submitted to the Complaints Office. In this case, students should request a meeting with the student counsellor.

Complaints handling process

The Complaints Office is responsible for assessing the complaint, conducting further investigations where necessary, attempting to reach a solution through discussions with the individuals concerned if desired and reporting back on the progress of and/or action taken in response to the complaint to the parties concerned. Where appropriate, every effort is made to maintain confidentiality.

Complaints filed may also be used as a basis for proposals for improvement.

The person submitting the complaint in no way surrenders their entitlement to assert their rights in another way, for instance by legal means.

Registration of complaints

The Complaints Office is responsible for keeping a record of the complaints submitted, and must submit an annual report on this to the Executive Board.

*** To file a complaint, you must submit the Complaints Form (see Appendix 2).**

Appendix 2

Sample form for submitting a digital or paper-based written complaint.
The form can be downloaded from Studentinfo.avans.nl.

To

The Complaints Office

Campus: Breda/'s-Hertogenbosch/Tilburg*

Date: / /

Re: submission of complaint

Dear Sir/Madam,

I am enrolled for the 20.../20 academic year

at Avans University of Applied Sciences, within the School
for the study programme Bachelor of/Master of/Associate degree*

and wish to inform you by means of this complaint that:
[you must provide written reasons for the complaint]

The following document is/documents are attached:

- 1.
- 2.
- 3.

[signature]

[date]

[first name + surname]

[address]

[telephone number and email]

* Delete where not applicable