

APPENDIX 3 SCHOOL REGULATIONS ESE-EUR

INDIVIDUAL COMPLAINTS PROCEDURE AS REFERRED TO IN ARTICLE 33 OF THE REGULATIONS

Article 1 - Scope of the procedure

1. This procedure sets out how individual, written complaints by and against a member of the university community will be dealt with, in so far as other measures for this purpose have not already been taken by EUR.
2. The complaints procedure provides the opportunity to submit, investigate and deal with complaints, and also protects the interests of the complainant and the party against whom a complaint is made while the complaint is being investigated and dealt with.
3. Each member of the university community has the right to submit a complaint to the dean, provided that this concerns the way in which a body of the ESE or a person whose actions can be attributed to the ESE has conducted itself/himself towards him in a particular situation, and in so far as the parties involved have not succeeded in reaching a solution by mutual agreement.
4. No member of the ESE may be compromised in his position and/or interests in the ESE through the fact that, as a complainant, counsellor or confidential adviser or a person interviewed by the complaints committee, has been or is involved in a complaints procedure as described in this appendix.
5. Complaints directed against the dean or the vice-dean of the ESE will be submitted to the central Advisory Committee for Objections and Appeals or the body that has been set up at university level to deal with the complaint concerned.
6. If the complaint is 'minor' in the opinion of the complainant, it may be submitted to the 'minor complaints committee' which will give a decision on the complaint. The committee will comprise a study adviser, a staff member responsible for teaching and study affairs, and a student member of the Education Management who will be appointed as such by the dean. The complainant, the dean and – in so far as applicable – the person whose conduct the complaint refers to, will be informed of the outcome of the complaint. The fact that this committee will deal with the complaint does not exclude the possibility that a complaint may be submitted to the complaints committee after all, in accordance with the rules set out in these regulations.

Article 2 - Complaints Committee

The dean will order the complaints committee (hereinafter referred to as the committee) to deal with and advise on the complaints submitted to him. The committee may advise the dean, both on request and unrequested, on how to tackle undesirable behaviour.

The committee comprises three members and also has substitute members, and will be advised by the Head of P&O of the Administration Office of the ESE. A student will also be a member of the committee if a complaint is directed or partly directed against a student of the ESE.

A member of the committee may be excused if that member forms part of the same organisational unit against which the complaint is directed, or if there is a link between the complainant or party against whom the complaint is made such that the objectivity of the member may be compromised.

The members and substitute members of the committee will be appointed by the dean for a period of four years and may be reappointed.

The committee will be assisted by a secretary to be appointed by the dean.

Before proceeding to appoint the members of the committee, the dean will seek advice from the School Council.

If a complaint is directed or partly directed against a member of the committee, this member will not participate in dealing with and advising on the complaint. In that case, a substitute member will participate in dealing with and advising on the complaint.

The committee has the powers:

- a. to interview academic and support staff, students and other relevant persons of the university;
- b. to consult experts;
- c. to request to inspect all relevant documents;
- d. to suspend dealing with the complaint for urgent reasons¹;
- e. to consider complaints together, if two or more complaints have been submitted against the same party and concern the same incidents.

Anyone who is part of the ESE and is called upon by the committee to be interviewed is required to appear and provide the information requested of him.

Article 3 - Notice of complaint

1. The notice of complaint must contain the following information as a minimum:
 - a. the name and address of the complainant;
 - b. the date;
 - c. the identity of the person against whom the complaint is being made;
 - d. a clear description of the conduct to which the complaint refers, as well as the place, date and if possible the time at which such conduct took place;
 - e. the reasons why the complainant is complaining about the conduct;
 - f. the signature of the complainant.
2. The notice of complaint must be written in either Dutch or English and sent to the postal address of the committee secretary's office. The complainant will receive confirmation of receipt of the notice of complaint on behalf of the committee.
3. If the notice of complaint does not comply with the requirements, or does not comply with them in full, as referred to in this article, the complainant will be informed of this by the committee secretary and will be given seven days in order to rectify any omissions. The chairman of the committee may allow the complainant to deviate from this deadline.

Article 4 - Inadmissibility of complaints

1. The committee will not deal with the complaint if:
 - a. the notice of complaint does not comply with the requirements of Article 3;
 - b. the complaint has already been dealt with earlier by the committee;
 - c. the complaint concerns conduct that occurred more than one year before the complaint was submitted;
 - d. the complainant is not the person against whom the conduct took place;
 - e. in respect of the conduct a legal option or an option provided for in the complaints, objections or appeal procedure laid down by Erasmus University is or was available to the complainant and the complainant did not avail himself of such an option.
2. If the complaint is not to be dealt with, the complainant will be informed in writing as soon as possible, but no later than four weeks after receipt of the complaint, stating the reasons. If the person against whom the complaint was made has been notified of the complaint, he will also be informed of this decision by the committee.
3. The complainant may submit a decision as referred to in the preceding paragraph to the dean, with the request that the complaint nevertheless be investigated. Based on this request, the dean may decide to ask the committee to deal with the complaint after all.

¹ Serious illness of a party against whom a complaint is made may be an urgent reason, as also a legal investigation into the conduct to which the complaint refers.

4. If another option exists to submit a complaint about, objection to or appeal against the conduct to which the complaint refers, the committee will inform the complainant of this immediately.

Article 5 - Mediation

1. The committee will first endeavour to solve the complaint through mediation.
2. As soon as the person whose conduct is the subject of the complaint has responded to the complaint to the satisfaction of the complainant, whether or not through mediation, the obligation to continue to apply the provisions of these regulations will be cancelled.
3. A written statement that the complaint will not be taken further as referred to in this article will be made to the complainant and to the person whose conduct is the subject of the complaint.

Article 6 - Dealing with the complaint by the committee

1. The committee will begin dealing with the case as soon as possible after receiving the notice of complaint, focusing on investigating the actual course of events and other relevant circumstances.
2. The committee will send a copy of the notice of complaint, as well as the documents sent with it, to the person whose conduct is the subject of the complaint and, if applicable², to the management of the organisational unit involved.
3. The committee will give the person whose conduct is the subject of the complaint the opportunity to draw up a statement of defence within a period of time to be determined by the chairman. A statement of defence will also be made available to the complainant.
4. The parties will be called up in writing at an agreed time to appear before the committee and be interviewed.
5. The interview will be held in private. The parties will be interviewed separately, unless the committee sees reason to deviate from this principle.
6. The committee may, whether or not on request, interview witnesses or other persons involved and ask for additional information.
7. The parties may be assisted by an adviser, confidential adviser, witness or expert. Any costs of this assistance will be paid for by the party who has chosen to avail himself of this support.
8. A short report will be drawn up of the interview, containing the names of those present and a concise description of the course of events during the interview.
9. The complainant will not be interviewed if:
 - a. in the opinion of the committee the complaint is evidently unfounded;
 - b. the complainant has declared he does not wish to exercise his right to be interviewed.
10. The committee will deliberate and reach a decision behind closed doors and will decide by a majority of votes. It will take its decisions exclusively on the basis of the information given to it within the context of the complaint.
11. The committee will declare the complaint inadmissible, well-founded or unfounded. In its statement the committee will state the reasons underlying its decision.
12. The committee will provide the dean with a report of its findings as soon as possible, however no later than six weeks after the parties have been interviewed, and will also put forward recommendations to settle the complaint. The report will contain a report of the interview. The committee will make its decision known to the complainant, the person against whom the complaint is made, the management of the organisational unit if applicable, and other parties involved.

² If the complaint is directed against a member of the ESE, the person with whom the person against whom the complaint is made has a consultative relationship will always be notified.

Article 7 - Dealing with the complaint by the dean

1. The dean will deal with the complaint within four weeks of receiving the findings from the committee.
2. The dean may postpone dealing with the complaint for up to a maximum of four weeks. The complainant and the person whose conduct is the subject of the complaint will be informed of the postponement in writing.
3. The dean will inform the complainant and the person whose conduct is the subject of the complaint of the findings of the investigation in respect of the complaint as referred to in Article 6, giving reasons, as well as any conclusions he may draw from them. A copy of his decision will be sent to the chairman of the committee and, if applicable, to the management of the organisational unit.
4. If the conclusions of the dean in respect of settling the complaint deviate from the recommendation as referred to in Article 6, this will be notified to the complainant, the person whose conduct is the subject of the complaint, and to the chairman of the committee, giving reasons.
5. The dean will declare the complaint inadmissible, well-founded or unfounded.
6. If the decision of the complaints committee is open to appeal or objection, this will be notified together with the decision to all persons involved.

Article 8 - Other provisions

1. A complainant may withdraw his complaint at any time during the procedure by informing the complaints committee. In the case that this announcement is not made during an interview, the withdrawal must be made in writing. The committee will inform all the parties concerned in writing.
2. All parties concerned will give due care to the confidentiality of information made known to them.
3. The dean will ensure that this complaints procedure is published, as also the composition of the committee.
4. The committee will be responsible for the proper administration and recording of written complaints received.
5. The committee will publish a report each year in the month of September, stating the number of complaints dealt with, as well as the nature and contents of the complaints, the findings and any conclusions. The report will be anonymised.
6. The report will be sent by the dean to the School Council. The dean will publish the report.
7. If circumstances arise that are not provided for in these regulations, the dean will decide, having heard the chairman of the complaints committee.