

Regulations concerning the processing of individual complaints with regard to the service centres and the Maastricht University Office at Maastricht University<sup>1</sup>

## Section 1 Scope of the regulations

### Article 1

These regulations concern the processing of individual complaints with the exception of complaints regarding inappropriate behaviour. Complaints regarding inappropriate behaviour (sexual intimidation, aggression, violence and discrimination) fall within the scope of the Complaints and Disciplinary Procedures Regulations for Reporting and Processing Inappropriate Behaviour provided by the Executive Board on 19 September 2000 and the amendments made since.

### Article 2

The following definitions will apply throughout this document:

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|-------------------------|--|
| a. a complaint:         | an expression of dissatisfaction regarding the manner in which a university body, or an individual whose behaviour can be imputed to that body, has conducted itself in a certain situation towards the plaintiff.   |
| b. the service point:   | the Complaints Service Point (LRS): the facility referred to in article 7.59a of the Higher Education and Scientific Research Act.   |
| c. a student:           | an individual involved as outlined in article 7.59a of the Higher Education and Scientific Research Act: student, prospective student, former student, external student, prospective external student, former external student, non-degree seeking student, prospective non-degree seeking student, former non-degree seeking student. |
| d. an employee:         | the individual currently employed by the university.   |
| e. a third person:      | an individual other than a student or employee.  |
| f. the Executive Board: | the university's Executive Board.  |
| g. the university:      | Maastricht University.   |

## Section 2 Individual complaint

### Article 3

Individuals have the right to lodge a complaint with the Executive Board regarding the manner in which a central university body, or an individual whose behaviour can be imputed to that body, has conducted itself in a certain situation towards the plaintiff, insofar as those involved have not been able to reach a solution in joint consultation.

If the plaintiff is a student, s/he must lodge the complaint with the service point. The contact details of the service point are as follows:

- The postal address is Post Box 616, 6200 MD Maastricht
- The digital address is [complaintsservice@maastrichtuniversity.nl](mailto:complaintsservice@maastrichtuniversity.nl)
- The physical address is SSC, Bonnenfantenklooster 2, 6211 KL Maastricht
- The phone number is +31 43 388 5212
- The fax number is +31 43 388 5331

The service point will send the written complaint and all other documents pertaining to the complaint on to the committee, as outlined in section 3 of these regulations, as soon as possible for further processing.

The service point will record complaints that are submitted orally on a complaint form and sends this form as soon as possible on to the committee chair or replacement committee chair, as outlined in section 3 of these regulations, for further handling/processing.

If the plaintiff is an employee or a third person, s/he must lodge an oral complaint with the committee chair as outlined in article 7 paragraph 2 of these regulations and s/he must lodge a written complaint with the Executive Board.

#### Article 4

1. The person filing the complaint or the individual against whom the complaint is being filed is permitted to seek assistance or representation by an authorised representative.
2. The Executive Board may request a written consent from an authorised representative.
3. The Executive Board can refuse assistance or representation by an individual against whom there are serious objections. The plaintiff and the individual providing assistance or representation are immediately informed of this refusal in writing. Lawyers cannot be refused.
4. The stipulation in paragraph 3 does not apply to lawyers.

### Section 3 The committee

#### Article 5

1. An oral complaint, in which the individuals involved have not been able to reach a satisfying solution in joint consultation, will be processed and/or settled by the committee chair or replacement committee chair as outlined in section 7 of these regulations.
2. The committee chair or replacement committee chair is responsible for the appropriate processing of the complaint. Article 9; paragraph 1, subsections b, c and d of article 12; and article 14 of this section apply by analogy.
3. The committee chair or replacement committee chair can decide that the oral complaint be processed by the committee as outlined in article 7, and in accordance with articles 7 to 16.
4. The committee chair or replacement committee chair will inform the committee and, if the complaint was filed by a student, will also inform the service point about the manner in which the complaint has been processed.

#### Article 6

A written complaint will be processed by the committee in accordance with articles 7 to 16.

#### Article 7

1. The Executive Board will appoint a committee (from here on referred to as the committee) to process and advise on written complaints.
2. The committee will be made up of three members, one of which is the chair.
3. The Executive Board will appoint a chair, a replacement chair and all other members except student members for a period of two years. Student members will be appointed for a period of one year. Members may be reappointed.
4. The Executive Board can appoint a secretary to assist with the administrative support of the committee.

#### Article 8

1. If a complaint has been lodged against a member of the committee, this member will not be involved in processing or advising on the complaint. In this case, a replacement member will participate in processing and advising on the complaint.
2. If the complaint has been filed by a student of the university, the committee will strive to include a student member in the committee. This member will be responsible for processing and advising on the complaint.

#### Article 9

The committee will first endeavour to resolve the complaint through mediation. If the complaint is resolved through mediation, the obligation to further apply the stipulations of these regulations will cease to be applicable. The plaintiff and the individual against whose conduct the complaint was lodged will be notified of this in writing, as will the service point if the complaint was lodged by a student.

## Article 10

1. The official written complaint must at least contain the following details:
  - a. the name and address of the plaintiff
  - b. the date
  - c. a description of the behaviour that prompted the complaint and a statement naming the individual responsible for the behaviour
  - d. the plaintiff's signature.
2. If the complaint was written in a language other than Dutch or English and a translation is required for proper processing, the plaintiff will be responsible for this translation.
3. If the complaint does not meet the conditions as outlined in this article, the plaintiff will be given the opportunity to fulfil these conditions.

## Article 11

1. The committee will confirm receipt of the written complaint from an employee or a third person as soon as possible after the date of receipt has been noted on it.
2. The service point will confirm receipt of the written complaint from a student as soon as possible after the date of receipt has been noted on it.

## Article 12

1. The committee is not obligated to process the complaint if:
  - a. the written complaint, after applying paragraph 3 of article 10, does not comply with the requirements outlined in paragraphs 1 and 2 of article 10
  - b. the complaint has previously been processed in compliance with article 6 and further
  - c. the complaint concerns conduct that occurred more than one year before the complaint was filed
  - d. the plaintiff is someone other than the individual against whom the conduct was directed.
2. Furthermore, the committee is not obligated to process if there is an ongoing legal complaint, grievance or appeal procedure, or an ongoing complaint, grievance or appeal procedure within the university, against the conduct that is available to the plaintiff, or if there was such a procedure and the plaintiff did not make use of this.

## Article 13

1. If the decision is taken not to process the complaint, the plaintiff, and if relevant the service point, will receive written notification of this decision with substantiated reasons as soon as possible but no later than four weeks after receiving the complaint.
2. If there is another complaint, grievance or appeal option against the conduct pertaining to the complaint of the employee or third person, the committee will immediately inform the individual who filed the complaint, and the committee will immediately send the written complaint to the body that is authorised to process the complaint, and will simultaneously notify the individual who lodged the complaint.
3. If a complaint from a student has been addressed incorrectly, the complaint will, after the date of receipt has been noted on it by the unauthorised body, be forwarded to the service point as soon as possible together with the original envelope, with mention of the sender, and will simultaneously notify the individual who lodged the complaint.
4. The service point will immediately send documents regarding complaints that they are not authorised to process to the body that is authorised to process the complaint, and will simultaneously notify the individual who lodged the complaint.
5. If the service point has sent a complaint from a student to an unauthorised body, this body will return the relevant document to the service point as soon as possible.

## Article 14

1. As soon as the individual to whose conduct the complaint pertains has addressed the plaintiff's complaint to satisfaction, via mediation or by other means, the obligation to further apply the stipulations in these regulations will cease to be applicable.
2. The plaintiff and the individual against whose conduct the complaint was filed and, if the complaint concerns a student, the service point will be notified that the complaint will no longer be processed as outlined in this article.

## Section 4 Complaint procedure

### Article 15

1. A transcript of the written complaint as well as the documents filed with the complaint will be sent to the individual against whose conduct the complaint was lodged.
2. The secretary is responsible for concealing the 'AW' details in the written complaint before forwarding the written complaint.

### Article 16

1. The committee will give the plaintiff and the individual to whose conduct the complaint pertains the opportunity to be heard by the committee. The hearing will take place behind closed doors.
2. The plaintiff may not be given the opportunity to be heard if:
  - a. the committee judges the complaint to be unfounded
  - b. the plaintiff has waived the right to be heard.
3. A short report will be made of the hearing.

### Article 17

Within six weeks of receiving the complaint from the Executive Board or from the service point, the committee will send the Executive Board a report on the findings as well as advice and if necessary a recommendation regarding the settlement of the complaint. The report will contain an account of the hearing.

### Article 18

1. The Executive Board will process the complaint within ten weeks of receiving the written complaint.
2. The Executive Board can delay the process for a maximum of four weeks. If the complaint process is delayed, the plaintiff and the individual to whose conduct the complaint pertains will be notified in writing.
3. Further delay is possible if the plaintiff agrees to this in writing.

### Article 19

1. The Executive Board will inform the plaintiff and the individual to whose conduct the complaint pertains in writing and with substantiated reasons of the findings of the investigation into the complaint as outlined in article 17, as well as of any conclusions that they reach.
2. If the conclusions of the Executive Board with regard to the complaint process differ from the advice as outlined in article 17, the plaintiff and the individual to whose conduct the complaint pertains will be notified in writing and with substantiated reasons.
3. The Executive Board will then declare the complaint founded or unfounded.
4. If a further complaint can be lodged with an external institute, this will be mentioned in the written notification.

## Section 5: Additional stipulations

### Article 20

The Executive Board is responsible for the distributing these complaint regulations, as well as the composition of the committee.

#### Article 21

1. The service point is responsible for a good administration and registration of complaints lodged by students.
2. The committee is responsible for a good administration and registration of complaints lodged by employees and third persons.

#### Article 22

1. The service point is responsible for the annual publication of a report on complaints filed by students. This report lists the number of complaints, the nature and content of the complaints, the complaint process and any findings and conclusions. This report is anonymised.
2. The committee is responsible for the annual publication of a report on complaints filed by employees and third persons. This report lists the number of complaints, the nature and content of the complaints, the complaint process and any findings and conclusions. This report is anonymised.
3. The report will be sent to the Executive Board, who will distribute the report.

#### Article 23

1. The Executive Board has authorised the committee to exercise the powers as described in sections 3 and 5.
2. The Executive Board has authorised the chair/replacement chair to process oral complaints as described in section 3.

This regulation was adopted by the Executive Board on 19 Augustus 2002 and was amended on 16 June 2011.

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<sup>i</sup> This is a translation of the document 'Regeling ter behandeling van individuele klachten op het niveau van de Servicecentra en het Maastricht University Office van de Universiteit Maastricht' approved and adopted by the Maastricht University executive Board in its meeting of 16 June 2011. In the case of a difference of interpretation, this translation cannot be used for legal purpose and the Dutch text of this regulation will be binding.