

Complaints procedure for students regarding inappropriate behavior at University College Roosevelt

Preamble

The Executive Board expects everyone within University College Roosevelt, both staff and students, to treat each other with respect and integrity and to be able to work or study in a pleasant and safe environment. The general framework for everyone's behavior is laid down in University College Roosevelt's *Code of Conduct, Rules of Behavior*.

If the learning or working environment is adversely affected by the behavior of these others (fellow students, lecturers, colleagues, supervisors), it is important to discuss this with them. If this does not help or if students feel unable to address the other directly students can go to the Confidential Advisor for Students for advice and support. The Confidential Advisor will discuss the problem with the student and look for possible solutions. The Confidential Advisor can also mediate to either reach a solution or speed up the process.

If the student feels that the complaint is severe, or if it is difficult to discuss or if the problem was not solved informally, the student can file a complaint. The procedure for filing a complaint is described in this document.

I. General provisions

Article 1

In these regulations, the terms below have the following meanings:

The accused:	The employee or student to whose behavior the complaint relates;
Aggression, violence:	To harass, threat or attack an employee or student psychologically, physically or verbally;
Board of Trustees:	The Board of Trustees of University College Roosevelt (UCR); it is the legally required monitoring body of UCR.
Bullying:	Intimidating behavior of a structural character by one or more employees or against one or more employees or students;
Chair:	Chair of the Complaints Committee. The Student Complaints Coordinator acts as Chair of the committee.
Complainant:	The student who submits a complaint about inappropriate behavior;
Complaint:	A document written by a student making the complaint about perceived inappropriate behavior;
Complaints Committee:	The Committee composed by the Student Complaints Coordinator to deal with and advise on a specific written complaint on inappropriate behavior.
Confidential Advisor for Students:	The independent officer (student counselor) appointed by the Executive Board to whom the student confronted with inappropriate behavior or the accused can turn for advice and support;
Discrimination:	To discriminate without justification, insult or act violently against staff or students on the grounds of religion, personal beliefs, political opinion, race, sex, gender identity, sexual orientation, nationality, civil status, age, disability or chronic illness or for any other reason;
Employee:	A person employed by UCR or working under the responsibility of UCR as a temporary employee, interim worker or trainee;
Executive Board:	The Executive Board of UCR;
Inappropriate behavior:	Any conduct, act or omission of an act, the physical, mental or social consequences of which are perceived as negative. This includes in any case intimidation, sexual harassment, discrimination, aggression, violence and bullying in the workplace and UCR campus;

Intimidation:	Any form of verbal, non-verbal or physical conduct with the purpose or effect of violating a person's dignity, adversely affecting work or study performance or creating an unsafe working or study environment;
Sexual harassment:	Any form of verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating a person's dignity, adversely affecting work or creating an unsafe working environment;
Student:	A person enrolled at UCR as a student, <i>extraneous</i> or course participant;
Student Complaints Coordinator:	The person appointed by the Executive Board who receives and processes complaints and acts as Chair of the Complaints Committee;
UCR:	University College Roosevelt.

Article 2

A student at UCR who experiences inappropriate behavior by an employee or student of UCR may, for a period of three years thereafter, turn to the Confidential Advisor for Students for support and advice. The Confidential Advisor is bound to professional confidentiality. The Confidential Advisor will discuss the problem with the student and look for possible solutions. If appreciated and wanted the Confidential Advisor can mediate to either reach a solution or speed up the process. If the student feels that the complaint is severe, or if it is difficult to discuss or if the problem was not solved informally, the student can file a complaint to the Student Complaints Coordinator (SCC). The Confidential Advisor for Students can (if needed) support the student in reporting the complaint. If the complaint involves an employee of UCR the Confidential Advisor for Students can, depending on the nature of the complaint and only with permission of the student, contact the external Confidential Advisor for advice on handling the complaint.

Article 3

- a. The Executive Board will appoint a Student Complaints Coordinator who receives the complaint, coordinates the complaints procedure and composes the Complaints Committee.
- b. The Student Complaints Coordinator will not deal with anonymous complaints.
- c. Complaints submitted more than three years after the event occurred to which the complaint relates will not be considered, unless the Student Complaints Coordinator sees reason to make an exception in a particular case.
- d. A students who wants to file a complaint against the Student Complaints Coordinator should contact the confidential advisor for employees.

II. The Complaints Committee

Composition: Depending on the parties involved in the complaint.

Article 4

The Student Complaints Coordinator is Chair of the Complaints Committee and will appoint an ad hoc Complaints Committee to deal with and advise on a specific written complaint on inappropriate behavior. The ad hoc Complaints Committee consists of:

- a. the Student Complaints Coordinator who will also act as Chair;
- b. one member to be appointed from among UCR's academic staff;
- c. head of Student & Education Office.

Article 5

The members of the committee may not have any personal interest in dealing with the complaint and may not be involved in the complaint.

Task

Article 6

The task of the Complaints Committee is to

- a. investigate the complaint about inappropriate behavior;
- b. advise the Executive Board on the admissibility and merits of a complaint.

If the complaint concerns a member of the Executive Board, the committee will advise the Board of Trustees. The Board of Trustees then takes over the duties from article 17 from the Executive Board;

Powers

Article 7

- a. To the extent necessary for performing its task, the Complaints Committee has access to all organizational units and all relevant files, in compliance with privacy legislation. In this context, the Complaints Committee is entitled to hold discussions with all staff members or students.
- b. The Complaints Committee may consult experts, whether or not employed at UCR. A report will be made of the consultation.

III. The complaints procedure

Article 8

A complaint must be submitted in writing with or without the help of the Confidential Adviser and must state the following:

- a. the description of the inappropriate behavior;
- b. the name of the accused;
- c. the steps taken by the person making the complaint in this respect and any written documents relating thereto. These documents will be submitted to the Complaints Committee.

The complaint must be sent via e-mail to the Student Complaints Coordinator,
studentcomplaintscoordinator@ucr.nl

Article 9

As soon as the Student Complaints Coordinator has received a complaint, it will confirm receipt of the complaint via e-mail and inform the person making the complaint whether the complaint is admissible. A complaint is not admissible

- if it does not comply with the definitions of this procedure;
- if it has been submitted after the term specified in Article 2 and the Complaints Committee sees no reason to make an exception in the particular case;
- if it is submitted anonymously;
- if it has already been dealt with by the Complaints Committee earlier, unless new facts or circumstances have come to light;
- if there is a concurrence with objection proceedings, legal proceedings or a criminal investigation;
- if the interest of the person making the complaint or the severity of the inappropriate behavior described is manifestly insufficient.

Article 10

If the complaint does not yet meet the requirements of Article 8, the committee may give the person making the complaint the opportunity to supplement the complaint.

Article 11

If the Student Complaints Coordinator considers the complaint inadmissible, the coordinator will immediately advise the Executive Board of this.

Article 12

If the Student Complaints Coordinator considers the complaint admissible, the coordinator will:

- a. inform the person making the complaint that the substance of the complaint will be assessed and that in principle the maximum duration of processing is six weeks, calculated from the date of receiving the full complaint;
- b. inform the accused of the complaint by sending the complaint (including the name(s) of the complainant(s)) and related documents, information about the further procedure;
- c. give the accused the opportunity to respond in writing to the complaint within a specified time limit, and
- d. immediately upon receipt, forward the accused's written response to the person making the complaint.

Article 13

- a. As part its investigation, the committee will give the person making the complaint and the accused the opportunity to be heard, unless they state in writing that they waive their right to be heard.
- b. In principle, the person making the complaint and the accused will be heard in each other's presence, but this can be deviated from if a joint hearing impedes the careful handling of the complaint or if the committee expects facts or circumstances to emerge which should not be disclosed to the other party for compelling reasons.
- b. The committee may - whether or not at the request of the person making the complaint or the accused - also hear other persons as witnesses or experts.

Article 14

During the investigation the person making the complaint and the accused may be assisted by a counsellor of their own choice, from within or outside UCR.

Article 15

The hearings of the committee are not public.

Article 16

Within six weeks of receiving the full complaint, the committee will draw up an advise in writing for the Executive Board on the merits of the complaint.

If the six-week period is not feasible, delivering the opinion may be postponed by two weeks. Longer postponement is only possible with the written consent of the person making the complaint.

Article 17

- a. Within four weeks of receiving the committee's advice on the admissibility or merits of the complaint, the Executive Board will take a decision on the complaint and on any measures or sanctions to be taken. If the Executive Board deviates from the advice, it will explain why.
- b. The Executive Board will send the person making the complaint and the accused its decision in writing, together with the committee's advice.
- c. The Executive Board will inform the committee of its decision.

IV. Final provisions

Article 18

The Executive Board will ensure that this procedure is sufficiently communicated.

Article 19

This procedure can be cited as the 'Complaints procedure for inappropriate behavior'. The procedure has been adopted by the Executive Board in accordance with the UCR Council, on June 10, 2020