

Wageningen University Complaints Procedure for Students

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Introduction

The Wageningen University Complaints Procedure for Students is designed to help students submit a complaint¹ and inform them how the complaint will be processed.

A complaint concerns the way in which the organisation/organisational component or a person working under the responsibility of the organisation has behaved towards the student (the complainant).

Students considering lodging a complaint must first discuss this with the help of a student counsellor. Together, they explore whether they can initially resolve the complaint by discussing it with the those to whom the complaint relates. If the complaint relates to a member of staff at Education & Student Affairs (ESA), the complaint can be discussed with the Dean of Education on behalf of the Executive Board. If the complaint relates to another organisational component, the complaint can be discussed with the relevant manager on behalf of the Executive Board. If the complaint is not resolved after this discussion, the student can then file an official complaint. The complaint has to be submitted to the Student Legal Protection Desk using the digital complaints form (link). The complaint will then be forwarded to the Complaints Committee, who will then process the complaint.

Article 1 Definitions

The following definitions apply to these Regulations:

- a. *The Accused*: the person, or party, about whose behaviour the complaint has been lodged. If the complaint relates to the central organisation, the Executive Board is the accused; if the complaint relates to an organisational component, the management team responsible for that component is the accused.
- b. *Executive Board*: the Executive Board of Wageningen University.
- c. *Complaint*: Complaint within the meaning of Section 7.59b of the Higher Education and Scientific Research Act (WHW, *Wet op het hoger onderwijs en wetenschappelijk onderzoek*). This refers to a written or digitally submitted complaint about the way in which Wageningen University, a component thereof, or a staff member or a body/administrative body working under the responsibility of Wageningen University, behaved on a particular occasion. Conduct/behaviour also includes failure to act and omission.
- d. *Complaints Committee*: a committee as referred to in Article 9:14 of the General Administrative Law Act (*Awb, Algemene wet bestuursrecht*), which has been appointed by the Executive Board and which advises the Executive Board on the complaint(s) submitted.
- e. *Complainant*: the submitter of a complaint who is a student, a prospective student, a former student, an external student, a prospective external student or a former external student.
- f. *Student Legal Protection Desk*: the central body at Wageningen University where the complainant submits a complaint.

¹ Complaints regarding undesirable behaviour and scientific integrity fall under different complaints regulations.

- g. *Staff member*: an individual working under the responsibility of Wageningen University.
- h. *Student*: an individual who wishes to be enrolled, is enrolled or has been enrolled as a student or external student at Wageningen University.
- i. *Student counsellor*: the student counsellor at Wageningen University
- j. *WU*: Wageningen University

Article 2 Student counsellors

1. A student considering lodging a complaint should first contact the [student counsellor](#) and try to resolve the complaint together with the accused.
2. The student counsellor can advise the student about the complaints procedure and can assist the student in submitting a complaint.
3. At the student's request: the student counsellor can help to contact the accused. The student counsellor can also, at the student's request, consult the parties involved to determine whether an informal solution is possible.
4. If the complaint relates to the student counsellor, the student may first contact the head of the [Student Service Centre](#) (SSC).

Article 3 Submitting a complaint

1. A complaint must be submitted in writing or electronically via the complaints form and contain at least:
 - a. The name, address and email address of the complainant;
 - b. The date of the complaint;
 - c. A description of the conduct that resulted in the complaint and, if applicable, the name of the accused;
 - d. The reason for the complaint;
 - e. A description of the activities undertaken by the complainant in order to resolve the complaint by mutual consultation.
2. If documents are written in a language other than Dutch or English and a translation is required in order to correctly deal with the complaint, the complainant is responsible for obtaining a translation.
3. The complaint must be addressed to the Executive Board and submitted to the Student Legal Protection Desk (by e-mail: legalprotection.students@wur.nl or by post: Wageningen University, attn. Legal Protection Students, Postbus 9101, 6700 HB Wageningen).
4. If a complaint is submitted to a person or body other than those mentioned in paragraph 3 of this Article, they will forward the complaint to the Student Legal Protection Desk as soon as possible.
5. Each complaint is registered at the Student Legal Protection Desk.
6. If the submitted complaint does not fulfil the requirements referred to in paragraphs 1 and 2, the complainant will be given the opportunity to rectify this shortcoming within two weeks. If all requirements are still not fulfilled, the Complaints Committee may declare the complaint inadmissible.

Article 4 Confirmation of receipt

1. The Student Legal Protection Desk will confirm receipt of the complaint by email.
2. The chair of the Complaints Committee determines how and within which timeframe the complaint will be dealt with, and informs the complainant accordingly.

3. The Complaints Committee sends a copy of the letter of complaint and any appendices to the accused, stating how and the timeframe within which the complaint will be dealt with.

Article 5 Complaints Committee

1. The Executive Board entrusts the Complaints Committee with the task of handling and providing advice regarding complaints.
2. The Complaints Committee informs and advises the Executive Board on:
 - a. The nature of the complaint;
 - b. Who has/have been affected by the undesirable behaviour;
 - c. The justification or otherwise of the complaint;
 - d. The measures to be taken;
 - e. Any other decisions to be taken by the Executive Board with respect to the complaint.
3. The Complaints Committee consists of three members, including the chair.
4. The chair is not a member of the university community and preferably meets the requirements for appointment as a judicial officer, as referred to in Article 5 of the Judicial Officers (Legal Status) Act (*Wet rechtspositie rechterlijke ambtenaren*).
5. In addition to the chair, the Complaints Committee has one member who is a member of the WU academic staff body, and one member registered at WU as a student.
6. The Executive Board appoints a chair, a deputy chair and other members for a maximum period of four years, on the understanding that student members are appointed for a maximum period of two years. Reappointment is permitted.
7. Members of the Complaints Committee are appointed based on their expertise.
8. The Executive Board appoints an official secretary to support the Complaints Committee.
9. The chair and members of the Complaints Committee will not take part in the handling of a complaint if their impartiality could be compromised.
10. At the request of either the complainant or the accused, the chair and/or a member of the Complaints Committee handling the complaint can be challenged on the grounds of facts and circumstances that could compromise the impartial handling of a complaint.
11. The Complaints Committee will exercise its work with the greatest possible care. Members of the Complaints Committee are obliged to treat as confidential any matter brought to their attention in their capacity.
12. The Complaints Committee will try to address the complaint through mediation where possible.

Article 6 Non-handling of complaints

1. The Executive Board may, on the advice of the Complaints Committee or otherwise, decide that the complaint will not be handled if:
 - a. The complainant has not contacted the student counsellor and has not investigated whether the complaint can be resolved by discussion;
 - b. The complaint relates to behaviour that took place more than a year before the complaint was filed;
 - c. The complaint has already been dealt with in a previous complaints procedure;

- d. The complainant can or could have lodged an objection;
 - e. The complainant can or could have lodged an appeal;
 - f. The complaint relates to a case that is currently being dealt with or has been dealt with by the court, or is the subject of a criminal investigation or prosecution;
 - g. The complainant's interests or the seriousness of the conduct to which the complaint relates is insufficient;
 - h. Other WU complaints regulations apply, such as the complaints regulations regarding undesirable behaviour or the complaints regulations regarding scientific integrity. In that case, the Complaints Committee will explain how the complainant can make use of these other complaints regulations.
2. If the Executive Board decides not to handle the complaint (see paragraph 1), the complainant will be informed of this decision as soon as possible and no later than four weeks after receipt of the complaint.

Article 7 Investigations

1. The chair of the Complaints Committee can, in cases that in opinion of the chair lend themselves thereto, decide to deal with the complaint without involving the other members of the Complaints Committee. In these cases, the term 'Complaints Committee' is to be replaced by 'chair of the Complaints Committee' when applying these Regulations.
2. The Complaints Committee will start its investigation immediately on receiving the complaint. For the purpose of the investigation, the Complaints Committee is authorised to gather information within the organisation, orally and in writing, which it considers necessary to fulfil its duties. The Complaints Committee then will provide the complainant and the accused with this additional information.
3. All staff members involved and/or heard in a complaints procedure are required to maintain confidentiality regarding any information they learn in connection with the handling of the complaint.

Article 8 Convening a hearing, hearing the complainant and the accused, the rejection and recusal of committee members

1. The Complaints Committee will give the complainant and the accused the opportunity to be heard.
2. If the complainant and the accused are heard by the Complaints Committee, the hearing is conducted by the chair and at least one member in the presence of the official secretary. In cases referred to in Article 7, paragraph 1, the complainant and accused may be heard by the chair in the presence of the official secretary.
3. The official secretary will notify the parties of the hearing in good time and inform the complainant and the accused by whom they will be heard.
4. If one of the parties believes, based on certain facts or circumstances, that the impartial judgement of a member of the Complaints Committee is compromised, this party may reject the member in question. A member of the Complaints Committee may also make a personal recusal on the basis of such facts or circumstances.
5. A request to reject or a request for recusal must be made within three working days after receipt of the notification for the hearing. The other members of the Complaints Committee will decide whether the request can

be upheld, unless the conditions of Article 7, paragraph 1 apply. In the latter case, the deputy chair will decide.

6. The complainant and the accused are heard in each other's presence, unless the Complaints Committee decides otherwise, stating reasons. The hearing is not public.
7. The complainant may be represented or assisted by another person. If this person appears at the hearing on behalf of the complainant, they must be able to produce written authorisation from the complainant.
8. The accused may be assisted.
9. The Complaints Committee is authorised to hear third parties.
10. A report of the hearing shall be drawn up.
11. If the complainant, the accused and any third parties are heard separately, the Complaints Committee will give the complainant and the accused the opportunity to present their views on the contents of the reports.
12. The complainant need not be heard if:
 - a. The complaint is manifestly unfounded;
 - b. The complainant has stated not to wish to make use of the right to be heard;
 - c. The complainant fails to state whether they wish to make use of the right to be heard, within the reasonable period set by the Executive Board.

Article 9 Withdrawing a complaint

The complaint may be withdrawn in writing by the complainant. The complaint may also be withdrawn verbally during the hearing. The accused will be notified of the withdrawal of the complaint by the Complaints Committee.

Article 10 Dealing with the complaint

Once the Executive Board has dealt with the complaint, through mediation or otherwise, to the satisfaction of the complainant, there is no further obligation to apply the provisions of these Regulations. The complainant and the accused will be informed of this in writing by the Complaints Committee as soon as possible.

Article 11 Periods

1. The Complaints Committee will handle the complaint and issue its opinion within six weeks of receiving the complaint.
2. The Executive Board will settle the complaint within ten weeks of receiving the complaint. This term can be extended for a period of no more than four weeks. The delay will be communicated to the complainant and the accused in writing.
3. A further postponement is possible insofar as the complainant agrees to this in writing.

Article 12 Advice

1. The Complaints Committee will send a report of its findings to the Executive Board accompanied by its advice and any recommendations. The report will contain an account of the hearing.
2. If the complaint concerns (a member of) the Executive Board, the Complaints Committee will send the report of its findings, accompanied by its advice and any recommendations, to the Supervisory Board. The Supervisory Board will handle the complaint in accordance with the periods specified in Article 11.

Article 13 Processing the complaint

1. After receiving the Complaints Committee's report, the Executive Board will inform the complainant and the accused of the conclusion reached by the Executive Board. The notification shall also indicate the ombudsman to whom the complainant may subsequently submit a petition and the period within which this must be done. The Complaints Committee will receive a copy of this notification.
2. If the conclusions of the Executive Board deviate from the Complaints Committee's advice, the reasons for this deviation shall be stated in the conclusions.

Article 14 Sanctions and measures

1. The Executive Board may decide to take measures on the basis of the complaints procedure. These may consist of disciplinary measures or the imposition of a sanction.
2. If a complaint was deliberately submitted in a false or incorrect manner, the Executive Board may decide to take disciplinary action against the complainant.

Article 15 Registration and the annual report

The Complaints Committee will notify the Student Legal Protection Desk of the processing of a complaint. The Desk then registers the processing of the complaint and archives the complaint files. The annual report documents the processing of complaints submitted in the year under review.

Article 17 Final provisions

1. These Regulations may be cited as: Wageningen University Complaints Procedure for Students.
2. These Regulations were adopted by the Executive Board of Wageningen University on 12 April 2021 and take effect from that date.
3. In cases not covered by these Regulations, the chair of the Complaints Committee will have the final say.