

Complaints Committee regulations

Summa College



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Article 1. Definitions

Committee:	the Complaints Committee, as referred to in Article 7.4.8a of the Education and Vocational Education Act.
Powers of authority:	Executive Board of Summa College.
Director:	the director of one or more schools or of a department of Summa College.
Complaint: an	expression of dissatisfaction with the Summa Board or a person working under the responsibility of the Summa Board who is not subject to any other procedure of the Summa Board (Examination Appeals Committee, Whistleblower Regulation or Abuse of Power (SIDAG)) and for whom the complainant can demonstrate that his or her report has been insufficiently dealt with by the director concerned.
Complainant:	participants, prospective participants, former participants and exam participants, staff and other persons involved in the education or practical guidance of the institution.
Participant:	this refers to students in regular MBO education as well as students of Montessori College, as students in our adult education as participants in contract activities and as persons participating in an EVC-procedure.
School day:	Any day other than Saturday, Sunday, recognised public holiday or a day falling during the periods of school holidays fixed at Summa College.

Article 2. Establishment and composition of the Commission

- 1 The Committee bears the name Summa College Complaints Committee. It has been established and is maintained by the competent authority.
- 2 The Commission is composed of an external President and two members:
 - a member is appointed directly by the competent authority;
 - one member is appointed on the nomination of the Summa Board's works council; the external chairman is appointed on the nomination of the two members.
- 3 The President and the members of the Commission shall be appointed by the competent authority for a period of four years. They may be immediately reappointed for a similar period.
- 4 The Commission may decide to appoint a Secretary, from among its members or otherwise.
- 5 The chairman and the members of the Committee may not be part of a competent authority as referred to in the Education and Vocational Education Act, including a chairman who does not work for or with the competent authority of Summa College.

Article 3. Tasks and powers of the Commission

1. The Commission will not deal with the complaint if it relates to conduct:
 - a. in respect of examinations, serious wrongdoing or abuse of power;
 - b. which has not (yet) been decided on by or on behalf of the Principal at the highest school or departmental level;
 - c. about which a complaint has already been lodged that has already been dealt with by the committee;
 - d. which took place more than one year before the complaint was lodged;
 - e. who, by instituting proceedings, is or has been subject to the judgment of a court other than an administrative court.
2. If the situation referred to in subparagraph (a) of the previous paragraph arises, the Commission shall forward the relevant documents received directly to the competent body or director concerned.
3. The Commission has the power to take note of all documents relating, in substance and with regard to the procedure followed, to the (adoption of the) decision or conduct against which the complaint is directed.

4. The Commission shall examine whether the Director, having weighed up the interests involved, has reasonably been able to ensure that the report is properly dealt with.

Article 4. The notice of complaint

- 1 The complainant submits a complaint to the Commission signed by him/her using the complaint form published on www.summacollege.nl.
- 2 At least the complaint contains:
 - A description of the conduct against which the complaint is made;
 - Copies of the documents relating to the complaint;
 - A statement of the complainant's surname, forenames and address; The grounds on which the complaint is based; Date of the notice of complaint.
- 3 The Secretary shall note the date of receipt on the documents received, send a written acknowledgement of receipt to the sender, and send copies to the Director.
- 4 If the notice of complaint is in a foreign language and a translation is necessary for the proper handling of the complaint, the complainant must provide a translation.
- 5 If the complaint is not dealt with, the complainant will be notified in writing as soon as possible but no later than four weeks after receipt of the notice of complaint. 6 The submission of a notice of complaint does not have a suspensive effect.

Article 5 Defence

- 1 The school or department that is the subject of the complaint shall be given the opportunity to put forward a written defence. Responses must be provided to the Commission no later than two weeks prior to the hearing, unless the Commission decides otherwise. 2 Upon receipt of the defence, the Commission will send a copy to the complainant.

Article 6 Hearing of the complainant

- 1 The Commission shall give the complainant and the person whose conduct is the subject of the complaint the opportunity to be heard.
- 2 The hearing of the complainant may be waived if:
 - a. the complainant has declared that he or she does not wish to avail himself or herself of the right to be heard, or
 - b. the complainant does not declare within a reasonable period, set by the Commission, that he or she wishes to make use of the right to be heard.
- 3 A report will be made of the hearing.
4. The hearing shall be conducted by the Commission, which may delegate it to the President or to a member of the Commission.

Article 5. Oral treatment

- 1 The President of the Commission shall determine as soon as possible the place and time of the oral hearing of the complaint. The parties shall be notified in due time.
- 2 In doing so, the chairman may indicate that, in his/her opinion, there are important reasons to suspend the execution of the conduct or decision against which the complaint has been lodged. The complaint will be dealt with in a closed session of the Committee or in closed session by the member of the Committee appointed for this purpose.

Article 6. Mediation

Throughout the entire procedure, the Commission may propose to resolve the complaint by means of a mediation process. During this mediation process, the time limits as referred to in Article 9 shall be suspended.

Article 7. Deliberations and advice

- 1 The Commission shall deliberate and decide in closed session. It shall act by a majority of the votes cast in favour of the opinion to be delivered.
- 2 The Commission shall send a report of findings, together with the opinion and any recommendations, to the Director. The report shall include the report of the hearing.

Article 8. Conclusion

1. The director / Executive Board shall inform the complainant in writing, stating the reasons, of the findings of the investigation into the complaint, of its opinion thereon and of any conclusions it may draw therefrom.
2. If the conclusions of the Director / Executive Board diverge from the Commission's opinion, the conclusions shall state the reason for the divergence and the opinion shall be sent with the notification,

Article 9. Terms

1. The Commission shall deal with the complaint within ten weeks of receipt of the complaint.
2. The Commission may postpone processing for a maximum of four weeks. The complainant and the person to whom the complaint relates shall be notified in writing of the adjournment.
3. Further postponement is possible subject to the complainant's written consent.

Article 10. Confidentiality

Anyone who is involved in the handling of a complaint and in so doing has access to information of which he knows or should reasonably suspect to be confidential, and who is not already subject to an obligation of confidentiality in respect of that information by virtue of office, profession or statutory regulation, shall be obliged to keep that information confidential, except in so far as any statutory regulation obliges him to disclose it or in so far as the need for disclosure arises from his task.

Article 11. Publication

The Commission shall ensure that written complaints submitted to it are registered. Registered complaints shall be published annually.

Article 12. Final provision

In cases not provided for in these Rules, the President shall take a decision after hearing the other members of the Commission.