

REGULATIONS FOR JOB APPLICANT COMPLAINTS AT THE UNIVERSITY OF AMSTERDAM*

I. GENERAL PROVISIONS

Article 1: Terms and definitions

In these Regulations, the following terms and definitions will apply:

- a. job applicant: the person who – whether or not employed by the University of Amsterdam (UvA) – has declared in writing that he or she wishes to be considered for a vacancy at the UvA;
- b. complaint: an expression of dissatisfaction or criticism described as such and sent to the competent authority by a job applicant that relates to the selection procedure and/or to the way in which he/she was treated in this connection;
- c. complainant: the job applicant who has submitted a complaint in accordance with these Regulations;
- d. defendant: the person whose behaviour or mode of action is the subject of the complaint;
- e. vacancy: an open employment position that has been released so that it can be filled;
- f. selection committee: those appointed to make a proposal for the filling of a vacancy;
- g. complaint case officer: the person assigned the task of handling and resolving the complaint.

Article 2: The person to whom the complaint is submitted

1. The complaint case officer will be the dean of the faculty or the head of the department that is responsible for the vacancy respectively.
2. If a complaint is addressed to the wrong person, the recipient will ensure that it is forwarded to or referred on to the complaint case officer.

Article 3: Procedure for submitting complaints

1. A complaint may be submitted either verbally – by phone or in person – or in writing.¹
2. Within the context of these Regulations, anonymous complaints will be excluded from the definition of a complaint.

Article 4: Deadline for submitting complaints

A complaint must be submitted as soon as possible after the alleged misbehaviour or maltreatment occurred or as soon as possible after the complainant became aware of it, but in any case within one year. In principle, complaints submitted after this deadline will not be handled.²

Article 5: Deadline for resolving a complaint

1. A complaint will be resolved no later than six weeks after it was submitted to the competent authority in the prescribed way.³
2. Should it prove impossible to resolve the complaint within the prescribed period, this period may be extended by a maximum of four weeks. The complainant will be notified of this in writing.⁴

Article 6: Informing the defendant(s)

1. If the complaint concerns the behaviour of or treatment by one or more persons, this person / these persons will be informed of the content of the complaint immediately.
2. The complaint case officer will also immediately inform the (chair of the) relevant selection committee of the content of the complaint, in so far as this has not already been done by reason of the previous provision.

Article 7: Handling the complaint, and the obligation to do so

1. The administrative body is not obliged to handle a complaint if:
 - a. it has already been resolved in line with this procedure
 - b. the complaint is submitted more than one year after the alleged misbehaviour or maltreatment occurred.
2. In principle, behaviour or a procedural decision about which the complainant could have submitted a notice of objection will not be handled as a complaint.⁵

*Disclaimer: This translation is provided for information purposes only. In the event of a difference of interpretation, the original Dutch version of this text is binding.

3. In principle, behaviour or a procedural decision that is being or has been appealed against will not be handled as a complaint.⁶ The complainant will be informed as quickly as possible of a decision not to proceed with a complaint, but in any case within four weeks of its receipt.⁷

Article 8: Privacy and confidentiality

The complaint case officer and the (chair of the) selection committee will protect the privacy of both complainant and defendant and are obliged to maintain confidentiality in so far as it follows from the nature of the case.⁸

II. HANDLING VERBAL COMPLAINTS

Article 9: Notification of the complaint

1. A verbal complaint will be registered by the person to whom the complaint is made. The following details will be recorded here:
 - a. the complainant's personal details (name, address, town/city);
 - b. a description of the behaviour or procedural treatment that is the subject of the complaint;
 - c. an indication of the time when the alleged event(s) occurred;
 - d. the person(s) or body that is/are the subject of the complaint;
 - e. the date on which the complaint was made.
2. The complaint case officer appointed will be informed about the complaint without delay.

Article 10: Degree of clarity of the complaint

1. If the complaint case officer feels that the complaint has not been specified clearly enough, he will ask the complainant for a verbal clarification.
2. Should the complainant prefer to put the complaint in writing after all, the complaint will be handled according to the provisions of Section III: Handling notices of complaint.

Article 11: Informal mediation

1. If the complainant and defendant have not already discussed the content of the complaint, the complaint case officer will provide the opportunity to do this.
2. The complaint case officer will organise this discussion and will attend should the complainant and/or defendant so request.
3. If after the discussion the complainant comes to the conclusion that the complaint has been resolved to his/her satisfaction, he/she should inform the complaint case officer accordingly, who will then inform the defendant or the chair of the selection committee. In that case the complaint does not need to be handled any further.⁹

Article 12: Resolving the complaint

1. If the discussion referred to in Article 11 does not lead to a result satisfactory to the complainant or does not take place, the complainant will then be given the opportunity to submit his/her complaint in writing.
2. If the complainant wishes to submit his initial verbal complaint in writing, the complaint will then be handled in line with the provisions of Section III - Handling notices of complaint.
3. Should the complainant wish to maintain his verbal complaint, the complaint case officer will ensure that the complaint is resolved properly.
4. The complainant and defendant or the (chair of the) selection committee will be informed in writing about the resolution of the complaint.

III. HANDLING NOTICES OF COMPLAINT (*KLAAGSCHRIFTEN*)

Article 13: Requirements that a notice of complaint must comply with

1. The notice of complaint (*klaagschrift*) must contain at least the following information:¹⁰
 - a. name and address of the complainant;
 - b. the date;
 - c. a description of the behaviour or procedural treatment to which the complaint relates;
 - d. the name of the authority or person(s) being complained about;
 - e. an indication of the time when these alleged events occurred;
 - f. the complainant's signature.
2. If the complaint has been drawn up in a language other than Dutch and a translation is required to ensure the proper handling of the notice of complaint, the complainant must provide a translation.¹¹

Article 14: Confirmation of receipt of a notice of complaint

The complaint case officer will confirm the receipt of a notice of complaint in writing and will send a copy of that confirmation to the defendant or to the (chair of the) selection committee.¹²

Article 15: Degree of clarity of the complaint

1. If the complaint case officer feels that the complaint has not been specified clearly enough, he will ask the complainant for a written clarification.
2. The complaint case officer will send a copy of the complainant's clarification to the defendant or the (chair of the) selection committee.

Article 16: Informal mediation

1. If the complainant and defendant have not already discussed the content of the complaint, the complaint case officer will provide the opportunity to do this.
2. The complaint case officer will organise this discussion and will attend should the complainant and/or defendant so request.
3. If during or after the discussion the complainant comes to the conclusion that the complaint has been resolved to his/her satisfaction, he/she should inform the complaint case officer accordingly, who will then inform the defendant or the chair of the selection committee. In that case the complaint does not need to be handled any further.¹³

Article 17: The hearings

1. If the discussion fails to produce a result satisfactory to the complainant, the complaint case officer will proceed to investigate the complaint.
2. The complaint case officer will give the complainant the opportunity to be heard, unless the complainant has stated that he/she does not wish to exercise this right.
3. The complaint case officer will act as the chair of the hearing, in which the complainant will be given the opportunity to clarify the complaint in the presence of the defendant and the defendant will be given the opportunity to respond to it.
4. Minutes of the hearing will be taken.

Article 18: Further investigation

1. If the complaint case officer deems it necessary in the context of the investigation, he will obtain further information from the appropriate persons and bodies.
2. The complaint case officer will draft a written record of his findings.
3. If the complaint case officer deems it desirable in the context of forming an opinion about the complaint, before proceeding to resolve the complaint he will submit his findings to the complainant and the defendant for their comments.

Article 19: Evaluation of the complaint

1. The complaint case officer will inform the complainant in writing, with reasons, about his evaluation of the complaint and about any conclusions he draws from it.
2. In all cases, the defendant or the (chair of the) selection committee will be sent a copy of the letter to the complainant.

Article 20: Resolution of the complaint not open to objection or appeal

No appeal may be made against a decision on the handling or resolution of a complaint.

Article 21: Follow-up procedure

1. If the complainant does not agree with the way in which his complaint was resolved and his complaint relates to behaviour, he or she may submit a petition to the National Ombudsman to have the complaint investigated further.
2. The notification containing the complaint case officer's evaluation of the complaint will also note that a petition may be submitted to the National Ombudsman.¹⁴

Article 22: Effective date and official title

These Regulations, which were adopted by the Board of the University on 6 June 2000, come into force on 15 June 2000 and may be cited as 'Regulations for Job Applicant Complaints at the UvA'.

¹ See Section 9.2 Awb (General Administrative Law Act)

² See Section 9.8 paragraph I under b Awb Act

³ See Section 9.11 paragraph 1 Awb Act

⁴ Section 9.11 paragraph 2 Awb Act

⁵ Section 9.8 paragraph I under c Awb Act

⁶ Section 9.8 paragraph 1 under d Awb Act

⁷ Section 9.8 Awb Act

⁸ Section 2.7 paragraph 1 CAO (collective bargaining agreement)

⁹ Section 9.5 Awb Act

¹⁰ Section 9.4 Awb Act

¹¹ Section 9.4 paragraph 3 in conjunction with Section 6:5 paragraph 3 Awb Act

¹² Section 9.6 Awb Act

¹³ Section 9.5 Awb Act

¹⁴ Section 9.12 Awb Act