



**Hogeschool
der Kunsten
Den Haag**

**University
of the Arts
The Hague**

**Koninklijk
Conservatorium
Royal Conservatoire**

**Koninklijke Academie
van Beeldende Kunsten
Royal Academy of Art**

DISPUTES PROCEDURE

University of the Arts The Hague



Introduction

The University of the Arts The Hague uses several procedures to solve complaints, objections and appeals:

- (a) the Code of Integrity or Code of Conduct on Standards of Behaviour
- (b) the Procedure for dealing with complaints of inappropriate behaviour,
- (c) the Whistleblowing Regulation, containing rules of conduct specifically designed to promote a safe environment for the employees and students of the university, and
- (d) the Rules of Procedure of the Board of Appeal for Examination, with information about lodging an appeal in case direct interests have been affected by the decision of the Examination Board.

In line with article 7.63a of the WHW this *Disputes procedure* is drawn up for other issues that can arise and which affect the interests of staff members or students. This procedure describes how staff members or students can lodge objections to decisions of bodies of the university insofar as no other procedure is available by virtue of the law, the collective agreement for Universities of Applied Sciences (cao-hbo) or the above-mentioned regulations.

Definitions

within the meaning of the General Administrative Law Act

Respondent:	the body whose conduct the complaint pertains to (such as Executive Board, faculty management, management of a department)
Interested party:	a natural person – a staff member or student – who has a personal and objectively verifiable interest in a decision or action
Complainant:	a staff member or student who has given notice of a complaint in accordance with the relevant procedures, primarily against decisions or actions considered to be prejudicial to him or her

Article 1 Scope of the disputes procedure

1. On the basis of this procedure, interested parties can lodge an objection against decisions of bodies of the University of the Arts The Hague insofar as no other procedure is available by virtue of the law, the collective agreement for Universities of Applied Sciences (cao-hbo) or any other of the university's complaints procedures.
2. An interested party is any staff member or student who feels that his or her interests are directly affected by a decision.

Article 2 Objection

1. An interested party can lodge an objection with the Executive Board against a decision by a body of the university, in writing, within six weeks of being notified of the decision.
2. The refusal to make a decision shall be regarded as equivalent to making a decision. The failure to make a decision within the prescribed period or, in the absence of such a period, within a reasonable period, shall be regarded as equivalent to a refusal to make a decision.



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3. The notice of objection must at least include:
 - a. the name and address of the complainant; a student must also provide his or her student number and the name of the course;
 - b. the name of the body against whose decision or action the objection is directed;
 - c. a copy or – if there is none – a description of the decision against which the objection is directed;
 - d. a description of the grounds of the objection;
 - e. the complainant's signature.
4. The objection should be sent to the Executive Board (P.O. Box 11670, 2502 AR The Hague) or to klachtenloket@hdkdenhaag.nl.
5. If the objection is directed at the Executive Board or any of its members, the complainant must send the objection to the Board of Governors (P.O. Box 11670, 2502 AR The Hague) or to klachtenloket@hdkdenhaag.nl, with a copy to the Executive Board. The Board of Governors will decide how the dispute is to be handled in line with article 3 of this procedure, in which case should be read 'Board of Governors' instead of 'Executive Board'.
6. If the objection is not submitted on time or is incomplete and would be inadmissible for that reason, the complainant will be given three weeks to explain why the objection was submitted too late or to provide the missing information.

Article 3 Handling of the objection

1. Before making a decision on the objection, the Executive Board will secure the advice of the disputes committee. In addition to the notice of objection, the Executive Board will also provide the committee with all relevant documents relating to the objection.
2. The Executive Board can make an immediate decision on an objection if it considers that the Board manifestly does not have jurisdiction or that further handling of the objection does not appear necessary because:
 - a. the decision against which the objection is directed will manifestly not be upheld, or
 - b. the decision against which the objection is directed has been withdrawn or amended by the competent body and that body has manifestly addressed the complainant's objections.
3. The Executive Board will ensure that the position of a staff member or student who reports a dispute is not prejudiced in relation to the university.
4. The disputes committee will investigate whether the parties can reach an amicable solution.
5. Before publishing its advice, the disputes committee will give the complainant and the respondent the opportunity to be heard.
6. The complainant and/or the respondent will be allowed to submit further documents until 10 days before the hearing.
7. After the hearing the committee will present its advice to the Executive Board.
8. The disputes committee can recommend:
 - a. declaring the objection inadmissible;
 - b. declaring the objection unfounded;
 - c. declaring the objection well-foundedand will give reasons for its advice.
9. The committee will present its advice to the Executive Board within six weeks of receiving the request for advice.

Article 4 Decision



1. The Executive Board will make a decision within 10 weeks of receipt of the notice of objection on the basis of the advice of the disputes committee.
2. The Executive Board will notify the complainant and the respondent of its decision in writing and with a statement of the reasons, including the advice of the disputes committee.
3. If the decision on the complaint departs from the advice of the disputes committee, the decision will state the reasons for departing from that advice and the advice will be enclosed with the decision.
4. Appeals against a decision made by the Executive Board can be made by staff members to Stichting Onderwijsgeschillen (www.onderwijsgeschillen.nl) and by students to the Appeals Tribunal for Higher Education (www.cbho.nl).

Article 5 The disputes committee

1. The disputes committee will consist of an independent chairperson and two members.
 - a. the chairperson must meet the criteria for appointment as an officer of the court and will be independent of the university;
 - b. one of the members will be a staff member of the university;
 - c. one of the members will be a student enrolled in the university.Deputies will be appointed for the chairperson and the two members.
2. The chairperson and members of the disputes committee and their deputies will be appointed by the Executive Board.
3. Before appointment the Central Participation Council has an introductory meeting with the candidate-chairperson and -deputy chairperson.
4. The Executive Board will appoint the staff member, the student member and their deputies on the nomination of the Central Participation Council.
5. The maximum term of office of the independent chairperson and the staff member and their deputies is five years; that of the student member and his/her deputy is three years.
6. The chairperson, deputy chairperson, members and deputy members will be relieved of their duties by the Executive Board at their own request. They will also be relieved of their duties if they no longer possess the capacity which formed the basis of their appointment.
7. Secretarial support for the disputes committee will be provided by the university's central office.

Chapter 7 of the General Administrative Law Act will apply to all matters not provided for in this disputes procedure.

So adopted by the Executive Board on the 8th of October 2018, with the approval of the Central Participation Council on the 1st of October 2018.