

REGULATIONS FOR COMPLAINTS ABOUT UNACCEPTABLE BEHAVIOUR¹

for HAN University of Applied Sciences

<i>Subject</i>	<i>Regulations for Complaints about Unacceptable Behaviour</i>
<i>Executive Board decision no.</i>	2020/1698
<i>Participation Council consent</i>	10-7-2020
<i>Adopted on</i>	10-7-2020

Preamble

The complaints regulations concerning sexual harassment, aggression and violence, bullying and discrimination ('Regulations for Complaints about Unacceptable Behaviour') form part of HAN's policy on preventing and dealing with cases of unacceptable behaviour, aggression and violence, bullying and discrimination.

These regulations apply to HAN employees and HAN students. A safe learning and working environment is an essential precondition for the proper functioning of the educational institution. The aim of this policy is to reduce psychosocial work stress at HAN. It is based on the definition of psychosocial work stress set out in article 1.3e of the Working Conditions Act (in Dutch: *Arbeidsomstandighedenwet*): "The factors of direct or indirect discrimination, including sexual harassment, aggression and violence, bullying and work pressure, which cause stress in the work situation."

These elements undermine the ability of staff and students to work and learn freely, and thereby harm HAN. These regulations set out the legal procedures for reporting and handling cases of sexual harassment, aggression and violence, bullying and discrimination. The procedures described in these regulations ensure that the interests of all those concerned are respected, and that reports or complaints are handled with due care. These regulations are regulations as referred to in article 7.57h of the Higher Education and Research Act (in Dutch: *WHW*), chapter U of the current Collective Agreement for Universities of Applied Sciences (in Dutch: *CAO-HBO*), and article 3 paragraph 2 of the Working Conditions Act.

Chapter 1 General

Article 1 Terms and definitions

These regulations use the following terms and definitions:

- a. the defendant:* the person about whose behaviour a complaint has been made to the confidential counsellor or submitted to the Complaints Committee.
- b. school:* an organisational unit at HAN comprising one or more degree courses and research activities in the field of higher education and related support.
- c. dean:* the director of a school.
- d. school manager* a manager of a school.
- e. aggression and violence:* incidents in which an employee or student is mentally or physically harassed, threatened or attacked in circumstances that are directly related to the performance of work or study.²
- f. CAO-HBO:* Collective Agreement for Universities of Applied Sciences.
- g. CPD:* The Central Policy Department at HAN, which provides policy support services to the Executive Board, the schools and other organisational units at HAN.
- h. Executive Board:* the Executive Board of HAN.
- i. Director of Services:* the director of the Services department.

¹ Students with a complaint or dispute should contact the Complaints and Disputes Office: email address: Bureau.klachtengeschild@han.nl.

² Aggression and violence include verbally violent behaviour (abuse, insults) and physical violence (kicking, hitting, threatening with a weapon and/or assault). It can also involve psychological violence: threats, intimidation, pressure, threats to someone's home situation and damage to property.

- j. discrimination:* direct or indirect discrimination,³ including sexual harassment. Direct discrimination is understood to mean that a person is, has been or would be treated differently from another person in a similar situation, on the basis of religion, belief, political affiliation, race, gender, nationality, heterosexual or homosexual orientation, marital status, age, disability or chronic illness. Indirect discrimination is understood to mean that an apparently neutral provision, criterion or course of action particularly affects persons of a particular religion, belief, political opinion, gender, nationality, marital status, age, or homosexual or heterosexual orientation or with a disability or chronic illness.
- l. head of Services* head of an organisational unit of the Services Department
- m. HAN* HAN University of Applied Sciences, located in Arnhem and Nijmegen; specifically, the schools, the CPD and Services and any new similar units, such as legal entities or partnerships that are in a parent-subsidiary relationship and under the management of the Executive Board of HAN.
- n. complaint:* any statement by a student or employee about alleged unacceptable behaviour to the Complaints Committee, as described in article 18 of these regulations.
- o. Complaints Committee:* the Complaints Committee as referred to in chapter 4 of these regulations, with the tasks and powers described in articles 16 and 17.
- p. the complainant:* a HAN student or HAN employee who has experienced unacceptable behaviour, and has reported this to the confidential counsellor and/or submitted a complaint to the Complaints Committee.
- p. HAN member:* a student, an employee, a member of the Executive Board or a member of the Supervisory Board.
- r. employee:* a person who is employed by HAN on the basis of an employment agreement under civil law. For the purposes of these regulations, the term employee also covers persons who are made available to HAN by means of temporary employment, an internship or a secondment agreement, as well as those who are active within HAN on the basis of a volunteer agreement or otherwise.⁴
- s. report:* a statement by a student or employee about the alleged unacceptable behaviour to the confidential counsellor, as described in article 12 of these regulations.
- t. unacceptable behaviour:* psychosocial work stress as referred to in the Working Conditions Act. This is understood to mean factors in the work situation that cause stress, namely sexual harassment, aggression and violence, bullying and discrimination.
- u. bullying:* all forms of intimidation of a structural nature on the part of one or more employees (colleagues, managers) and students, directed against an employee or a group of employees, or a student or a group of students, who cannot defend themselves against this behaviour⁵.
- v. Supervisory Board:* The Supervisory Board of HAN.
- w. sexual harassment:* any form of verbal, non-verbal or physical behaviour of a sexual nature that has the purpose or the effect of violating a person's dignity, in particular when a threatening, hostile, degrading, humiliating or injurious situation is created.⁶
- x. Services* HAN's central services department, which provides generic support services to the Executive Board, the schools, the CPD and other

³ The term discrimination is not used in the definition, but it is related to the existing terms <direct and indirect discrimination> as referred to in the Equal Treatment Acts (source: Explanatory Memorandum Amendment to the Working Conditions Act).

⁴ Persons in extracurricular situations (especially internship locations) about whom a complaint or report is submitted are not covered by these regulations. Where appropriate, the confidential counsellor may help direct the person concerned to the applicable regulations at that location.

⁵ An important element of bullying in the workplace and study contexts is the repetition of this behaviour over time. In other words, bullying is not one-time behaviour. This behaviour manifests itself in different ways, particularly in words, gestures, actions or threats. This is not an exhaustive list.

⁶ Sexual harassment can take a number of forms. These can include suggestive remarks, unnecessary touching, leering, the display of pornographic images at work or in study contexts, but also assault and rape. The definition of sexual harassment likewise indicates that it should also be understood to include cases of sexual blackmail, in such a way that promotion opportunities and decisions relating to work and study are dependent on the performance of sexual services.

	organisational units at HAN relating to (i) operational management, (ii) location services, and (iii) educational and research support and student affairs.
<i>y. CPD director</i>	a director of an organisational unit of the Central Policy Department.
<i>z. CPD head</i>	a head of an organisational unit of the Central Policy Department.
<i>aa. student:</i>	someone who is enrolled at HAN as a student or external student within the meaning of the WHW, or a person who makes use of education at HAN on the grounds of any other kind of agreement.
<i>ab. excusal:</i>	the right of the confidential counsellor (article 9) and member of the Complaints Committee (article 15) to be excused, because they could not otherwise sufficiently guarantee their impartiality.
<i>ac. confidential counsellor:</i>	the person appointed by the Executive Board who functions as a point of contact for all HAN students and HAN employees who have experienced unacceptable behaviour, with the tasks and powers described in articles 10 and 11.
<i>ad. WHW:</i>	the Higher Education and Research Act (in Dutch: wet op het hoger onderwijs en wetenschappelijk onderzoek).
<i>ae. challenge:</i>	the right of a complainant or defendant, in accordance with article 15, to claim, on the basis of facts and/or other circumstances, that an impartial verdict by a member or chair of the Complaints Committee may be impeded, with the aim of having this member or chair replaced.

Article 2 Announcement and availability

1. The Executive Board will publish these regulations in the customary manner at HAN, to ensure that all participating parties can make use of them and that those without access to the standard information channels can be informed accordingly.
2. These regulations are recorded in a public document that is available to and retrievable by all members of the HAN community, and is available for inspection by student deans and confidential counsellors, and by the Central Policy Department and Human Resources (HR). The document can also be consulted on the HAN website and on the HAN Insite at the CPD HR.

Chapter 2 Special provisions

Article 3 Position of HAN members

1. No HAN member may be harmed in their position and/or interests by their making a report or submitting a complaint, or by their having been involved in complaints proceedings as a legal counsel, confidential counsellor or person heard by the Complaints Committee, as set out in these regulations. A defendant's position and/or interests at HAN may not be harmed, unless the Executive Board decides to impose a measure as referred to in articles 33 and 34.
2. Anyone who, pursuant to these regulations, has knowledge of or is in possession of written information about a (potential) case of unacceptable behaviour is obliged to keep these documents confidential from third parties and to ensure that they are not disclosed to third parties.
3. Infringement of paragraph 2 of this article may result in the imposition of a disciplinary measure as referred to in articles 33 and 34 of these regulations.

Article 4 Opportunity to undertake tasks properly

The Executive Board enables the confidential counsellors and members of the Complaints Committee to undertake their tasks properly.

Article 5 Confidentiality

All parties concerned take the utmost care to protect the confidentiality of any information that comes to their knowledge. Names and persons will only be mentioned in reports or otherwise if this is considered necessary by the Complaints Committee. Correspondence will be labelled 'Personal and confidential.'

Article 6 Adoption and effective date

These regulations will be adopted by the Executive Board. The Participation Council has the right to consent to the intended decision by the Executive Board to adopt or amend the regulations. The regulations will come into force on the date specified in article 39.

Article 7 Citation of the regulations

These regulations can be cited as “Regulations for Complaints about Unacceptable Behaviour”.

Chapter 3 Confidential counsellors and reporting procedure

Article 8 Confidential counsellors

1. The confidential counsellors are put forward by the dean and the director of Services. The Executive Board subsequently appoints the confidential counsellors.
2. The Executive Board ensures that there is an even spread of confidential counsellors across the different HAN locations.
3. The internal confidential counsellors are HAN employees.
4. The following may not be appointed as confidential counsellors: members of the Supervisory Board, members of the Executive Board, deans and school managers, CPD directors and CPD heads, the director of Services, heads of Services and the staff of the Central Policy Department HR.
5. The appointment of confidential counsellors is based on the principle that at least half of the total number of confidential counsellors should be female, and there must be at least one male confidential counsellor.
6. The Executive Board obtains advice from a representative of the confidential counsellors on the decisions to be taken based on paragraphs 1, 2 and 4 of this article.
7. When a vacancy for a confidential counsellor is announced, the Executive Board informs the Participation Council about the filling of the vacancy based on the following characteristics: male-female, Arnhem-Nijmegen, which building, which department of the Central Policy Department or functional Services area, general-specialist (for English or German-speaking people, people with/without a migration background), and the recruitment method (“open” application, approaching suitable candidate who is already known).
8. After their appointment, the newly-appointed confidential counsellor will be trained as a certified confidential counsellor.

Article 9 Excusal

1. A confidential counsellor is excused if:
 - a. they are functionally involved in a report as referred to in article 12 or the submission of a complaint as referred to in article 18; or
 - b. there is a family relationship between the defendant and the confidential counsellor.
2. A confidential counsellor may be excused on grounds that imply that the confidential counsellor cannot reasonably be required, or can no longer be required, to act as the complainant’s confidential counsellor.

Article 10 Tasks

1. The tasks of the confidential counsellor include:
 - a. recording the number and sort of reports as referred to in article 12;
 - b. receiving, assisting, guiding and advising the complainant;
 - c. at the complainant’s request, providing support in submitting a complaint as referred to in article 18;
 - d. at the request of the complainant, examining possibilities for mediation between the complainant and the defendant;
 - e. at the request of the complainant, helping them identify possibilities for making a report or submitting a complaint at an external location for study or work activities;
 - f. where necessary and appropriate, referring the complaint to specialised support agencies;
 - g. identifying (structural) problems at HAN that promote unacceptable behaviour in HAN; and
 - h. sharing responsibility for a safe working and learning environment, and promoting this by providing solicited or unsolicited advice and recommendations relating to preventing and combatting unacceptable behaviour.
2. The confidential counsellor can draw the complainant’s attention to and help them to make a report to the police and the judiciary.
3. If the defendant also applies to the confidential counsellor advising the complainant, this confidential counsellor cannot be at the disposal of both the complainant and the defendant.
4. At least twice a year, the confidential counsellor initiates a meeting with the dean and/or school manager, or the education manager, about the problems identified, trends observed or other

dilemmas relating to unacceptable behaviour.

Article 11 Powers

The confidential counsellor is authorised to:

1. consult (one of) the other confidential counsellors;
2. gain access to all schools, the CPD, Services and other departments at HAN and converse with students and employees and obtain information;
3. access relevant documents, such as sick leave registration;
4. provide aftercare for the complainant; and
5. make recommendations and advise the Executive Board, the deans and the Services director.⁷

Article 12 Reporting procedure

1. A report is submitted to the confidential counsellor as soon as possible after the (most recent) incident to which it relates, in any case within a period of one year after the (most recent) incident to which the report relates.
2. A report is submitted orally or in writing. If submitted in writing, the report at least states the content, the time and place of the confrontation, as well as the name of the complainant and the name of the defendant.
3. Anonymous reports will not be processed.
4. Should the complainant or the defendant have left HAN, the report will not be dealt with or the proceedings will be terminated, unless the confidential counsellor believes that both HAN and the complainant have a compelling interest in coming to another decision.

Article 13 Registration and annual report

1. The confidential counsellor keeps an anonymous record of the number, nature and scope of the cases they are handling or have handled, and the results of the mediation.
2. The data referred to in paragraph 1, as well as observed trends and changes in the nature of the reports, are included in the annual report, in accordance with the agreed annual report format.
3. Every year, the confidential counsellor discusses the data in the annual report with the dean.
4. In April of each year, the confidential counsellor discusses the data in the annual report with the Executive Board, specifically the recommendations that contribute to promoting a safe working and learning environment. In October of each year, the confidential counsellor and the Executive Board discuss the current state of affairs in relation to the recommendations made.

Chapter 4 The Complaints Committee

Article 14 Composition

1. The Complaints Committee consists of two members and deputy members and a chair and deputy chair. The Complaints Committee is supported by an official secretary, who is not a member of the Complaints Committee.
2. The Executive Board appoints the chair, deputy chair and the members for a period of three years. They are eligible for reappointment.
3. Members are appointed on the recommendation of the Participation Council.
4. The chair and deputy chair do not form part of the HAN community. The chair and deputy chair must meet the requirements for eligibility as judicial officials and must have experience in the handling of complaints. The other members and deputy members are from the HAN community.
5. These individuals may not be appointed as members of the Complaints Committee: members of the Supervisory Board, members of the Executive Board, the deans, the school managers, the CPD directors and CPD heads, the director of Services and the heads of Services.

Article 15 Right to challenge and be excused

1. The chairman informs the complainant and the defendant of the composition of the Complaints Committee.
2. If one of the parties is of the opinion that, on the basis of facts or circumstances, the impartiality of a member or chair of the Complaints Committee is hampered, this party may challenge the inclusion of the member or chair concerned. A member or chair of the Complaints Committee may also be excused based on such facts and circumstances. A member or chair of the

⁷ Other functions were erroneously added here in the previous version of the Student Charter.

Complaints Committee will in any case be excused if they belong to the same school, department of the CPD or functional area within Services to which the complainant and/or defendant belong, or if they are otherwise functionally involved, or if there is a family relationship between that member or chair and the complainant and/or defendant.

3. A request to challenge or be excused must be made within three working days of the receipt of notification of the composition of the Complaints Committee. The other members of the Complaints Committee decide on the request to challenge or be excused within five working days. In the event of a tie, the request will be granted.
4. If a request as referred to in paragraph 3 is granted, the chair designates a replacement for the member concerned, subject to the provisions of article 14. Should the challenge or excusal concern the chair, they will be replaced by the deputy chair.
5. Immediately after the final decision on the composition of the Complaints Committee, the chair will determine whether, and if so when, the Complaints Committee will start the preparatory investigation as referred to in article 23.

Article 16 Tasks

The Complaints Committee has the following tasks:

1. investigating the complaints submitted as referred to in article 18, and reporting to and advising the Executive Board in relation to them;
2. the annual submission to the Executive Board of an anonymised report on the work performed by the committee. Part of this report is an overview of the number, nature and handling of the cases submitted to the Complaints Committee. This information is included in the annual report.

Article 17 Powers

The Complaints Committee has the following powers:

1. the right to hear HAN employees, students and others concerned;
2. the right to consult experts;
3. right of access to all schools, the Central Policy Department, Services and other HAN departments; and
4. right of access to relevant documents. Access to the personnel file requires the permission of the CPD head of HR.

Chapter 5 The complaints procedure

Article 18 Submission of a complaint: formal requirements

1. The complaint should preferably be sent by email to Bureau.klachtengeschild@han.nl or in writing in a closed envelope by an individual complainant, marked 'confidential', submitted to:

Complaints and Disputes Office
Att. Chair of the Complaints Committee for Unacceptable Behaviour
PO Box 6960
6503 GL Nijmegen

The receipt of the complaint will be confirmed in writing. The official secretary will note the date of receipt of the complaint notice and send a copy to the chair of the Complaints Committee.

2. The complaint signed by the complainant contains at least the following:
 - a. the date;
 - b. the name, address, phone number and email address of the complainant;
 - c. the identity of the defendant and their capacity as a student, employee or other;
 - d. a clear description of the subject of the complaint, including the place, date and, if possible, the time; and
 - e. If applicable, the names of witnesses.
3. If a complaint does not or does not entirely meet the requirements referred to in paragraph 2 of this article, the chair of the Complaints Committee will inform the submitter of this and give them the opportunity to rectify this omission within a term to be set by the chair.

Article 19 Submission of a complaint: material requirement

1. The complaint is to be submitted no later than one year after the (most recent) incident to which the complaint relates.

2. If the incident to which the complaint relates is being handled by the confidential counsellor, the chair may, at the reasoned request of the complainant or defendant, extend the submission period once by a maximum of three months.

Article 20 Inadmissibility

1. The chair of the Complaints Committee can immediately declare a complaint inadmissible if it does not meet the definition in article 1 under n (complaint) and t (unacceptable behaviour) and/or if it does not meet the requirements of articles 18 and 19, or if it is reasonably inadmissible on other grounds.
2. If the complainant or defendant leaves or has left HAN, the complaint will be declared inadmissible. The chair of the Complaints Committee may however decide, stating their reasons, to handle the complaint or to continue with proceedings that have already started, if they believe that it is in the interest of HAN and/or the complainant to investigate for the future whether or not the behaviour forming the subject of the complaint is appropriate in the higher education community.
3. The decision will be communicated to the complainant as well as to the Executive Board, and, insofar as applicable, to the dean and/or the director of Services, within two weeks of the submission of the complaint, or, if article 18 paragraph 3 was applicable, no later than two weeks after the expiry of the period. If the defendant has been notified of the complaint, they will also be informed of the decision.
4. The complainant may submit the decision referred to in paragraph 1 of this article to the Executive Board via cvb@han.nl within 10 working days, requesting that the Complaints Committee still handle the complaint. The Executive Board will decide on this no later than 15 working days after receiving the request.
5. In the event that the Executive Board decides that the Complaints Committee should still handle the complaint, the deputy chair will take the place of the chair.

Article 21 Merging of complaints

When two or more complaints are submitted against the same defendant and relate to the same set of facts, the chair may decide to handle the complaints jointly. One or more complainants may object within three working days to the merging of complaints, on privacy grounds. The chair decides within five working days of receipt of such written objections.

Article 22 Forwarding of complaint; statement of defence

1. Upon receipt of a complaint, a copy of the complaint is sent directly to the defendant and to the Executive Board and, where applicable, to the dean and/or the director of Services.
2. The defendant has the opportunity to send a statement of defence to the Complaints Committee within a term set by the chair, which is at least three weeks. After the Complaints Committee has received the statement of defence, a copy of this will be made available to the complainant.

Article 23 Investigation

1. The Complaints Committee will start its investigation into the factual circumstances of the complaint and the relevant circumstances as soon as possible, and in any event no later than six weeks of receipt of the complaint, unless the complaint is immediately declared inadmissible in accordance with article 20, there is an urgent reason as referred to in article 25, or the Complaints Committee decides otherwise on other grounds.
2. Additional documents may be submitted for up to five working days before the hearing. The Complaints Committee will ensure that the parties can take note of the documents submitted by the other party in a timely manner.
3. The parties will be summoned in writing to appear at the hearing.
4. The investigation will take place at a closed hearing, where the parties will be heard in each other's presence, unless the Complaints Committee decides to hear the parties separately at the express request of the complainant or defendant, stating the reasons for this, or based on the circumstances of the case.
5. The Complaints Committee may, whether or not at the substantiated request of the complainant and/or defendant, hear one or more witnesses and informants and may order the submission of certain documents. A request to hear witnesses and/or informants will be submitted in writing to the Complaints Committee no later than one week before the hearing. Any costs of hearing witnesses and/or informants will be borne by the Complaints Committee.
6. Witnesses who wish to remain anonymous, because of a well-founded fear of threats or because

of one of the parties, may submit a written request to the Complaints Committee, up to one week before the hearing, for protection of data relating to their identity. If this request is granted, the witness concerned will be heard in a separate hearing by the chair of the Complaints Committee and at least one other member, in the presence of the official secretary.

7. Parties may be assisted by a legal counsel.
8. The Complaints Committee may determine, whether or not at the complainant's request, that their confidential counsellor will attend the hearing.
9. The official secretary makes a written report on the hearing on behalf of the Complaints Committee. It contains the names and positions of the attendees and a concise account of the proceedings.
10. Where paragraph 6 of this article applies and contrary to the provisions of paragraph 9, the report on the hearing will not contain any information that reveals the identity of the witness.
11. If the parties or witnesses and/or people concerned are heard separately, the report referred to in paragraphs 9 and 10 of this article will be submitted within one week of the hearing to those who were heard. By signing this report, they declare that the report accurately reflects the interrogation of the signatory. If an interviewee does not agree with the report, they are entitled to add written comments to the report. The report, including any comments made, will then be forwarded to the other party.
12. If the parties, or the witnesses and/or persons concerned have been heard separately, after the end of the hearing a concise account of the hearing will be shared with the party/parties and, where applicable, with the legal advisers and confidential counsellors who were not present at the interrogation.

Article 24 Obligation to appear

1. Anyone, including at least the complainant, the defendant and witnesses, who falls under these regulations and who is summoned for questioning by the Complaints Committee, is obliged to appear before the Complaints Committee and to provide the information requested.
2. If a student does not comply with a summons from the Complaints Committee, the Complaints Committee may request the Executive Board to impose a measure in accordance with article 11, paragraph 3 of the Student Code of Conduct. Paragraphs 4 and 5 of article 11 of the Student Code of Conduct will apply *mutatis mutandis*.
3. If an employee does not respond to a summons from the Complaints Committee, the latter can request the Executive Board to impose a disciplinary measure in accordance with chapter P of the CAO-HBO.

Article 25 Suspension of complaints proceedings for urgent reasons

The Complaints Committee is authorised to suspend the complaints proceedings for urgent reasons. A judicial inquiry into the behaviour to which the complaint relates may be an urgent reason.

Article 26 Withdrawal of a complaint

1. The complainant may withdraw the complaint while proceedings are ongoing. This decision will be communicated to the Complaints Committee in writing. The decision may also be communicated orally during the hearing, in which case a report will be drawn up immediately and signed by the complainant.
2. After the withdrawal of a complaint, the Complaints Committee will not handle the complaint further and will notify the parties of this in writing, with copies to the confidential counsellor(s) involved, the Executive Board and, insofar as applicable, the dean and/or the director of Services. The Complaints Committee may advise the Executive Board on promoting the rehabilitation of the defendant.

Article 27 Deliberation and decision-making

1. The Complaints Committee deliberates and makes a decision in chambers. The Complaints Committee bases its verdict exclusively on the documents provided for inspection, as well as what has been put forward at the hearing or, without prejudice to the other party, has been submitted at the hearing.
2. The Complaints Committee decides by a simple majority of votes.

Article 28 Term for verdict

1. The Complaints Committee will make its verdict no later than six weeks after the parties have been heard. If witnesses have been heard after the hearing, this period will commence on the

- day after the day on which the (last) witness or witnesses were heard.
2. The period laid down in paragraph 1 of this article will not include the period of suspension on grounds of urgency, as referred to in article 25.
 3. The Complaints Committee can extend the term referred to in paragraph 1 by a maximum of four weeks. The Complaints Committee will notify the parties of this extension.

Article 29 Content of verdict

1. In its verdict, the Complaints Committee advises on the complaint. This could be that:
 - a. the complaint is wholly or partially inadmissible, or wholly or partially admissible and/or;
 - b. the complaint is wholly or partially unfounded, or it is wholly or partially founded.
2. The verdict includes the grounds on which it is based.
3. The anonymity of a witness as referred to in article 23, paragraph 6, must be guaranteed in the verdict.

Article 30 Advice

1. If the verdict advises that the complaint is wholly or partially founded, the Complaints Committee may in its verdict advise the Executive Board to take one (or more) disciplinary measure(s) against the defendant.
2. If the verdict advises that the complaint is wholly or partially unfounded, the Complaints Committee may in its verdict advise the Executive Board to promote the rehabilitation of the defendant.
3. If the Complaints Committee considers the complaint to be wholly or partially founded, it may in its verdict advise the Executive Board on other measures to be taken that the Executive Board is authorised to take.
4. If so desired, the Complaints Committee may advise the Executive Board on taking (general) measures that the Executive Board is authorised to take, with a view to preventing situations such as the one to which the complaint relates.

Article 31 Announcement of verdict

1. The Complaints Committee announces the verdict to the parties, the Executive Board and, where applicable, to the dean and/or the director of Services.
2. The verdict will be published on the HAN website in anonymised, abridged form.
3. If requested, the Complaints Committee will provide the Executive Board with the legal documents in its possession, including the report drawn up by the official secretary. The Complaints Committee may deviate from the provisions of this paragraph if special interests so require.

Article 32 Archiving

The official secretary of the Complaints Committee keeps an archive of the complaints handled by the Complaints Committee. All data relating to a complaint will be destroyed after ten years. Members of the Complaints Committee ensure the destruction of documents that have become available to them while handling a complaint, after the Executive Board has taken a decision in accordance with article 33, or after the complaint has been withdrawn in accordance with article 26.

Chapter 6 Measures

Article 33 Decision of the Executive Board

1. With due observance of the provisions of chapters P and Q of the CAO-HBO and article 7.57h of the WHW, respectively, or other regulations, the Executive Board will take a reasoned decision on the measures to be taken as soon as possible, and no later than four weeks of receipt of the verdict of the Complaints Committee.
2. The Executive Board informs the defendant and the complainant of the decision in writing. The chair of the Complaints Committee and, where applicable, the dean and/or the director of Services concerned, receive a copy of the decision.
3. A decision by the Executive Board in which a disciplinary measure or disciplinary measures as referred to in article 34 paragraphs 1 and 2 is/are applied to an employee will be included in the relevant staff file.

Article 34 Disciplinary measures

1. Employees may be subject to the following disciplinary measures:

- a. written reprimand;
 - b. transfer;
 - c. suspension;
 - d. dismissal.
2. Where a measure referred to in paragraph 1 c and d is applied, the decision may simultaneously be made to deny access to HAN's premises for a maximum period of one year.
 3. The measures referred to in paragraphs 1 and 2 may accordingly be imposed on persons treated as employees in accordance with article 1 o.
 4. Students may be subject to the following measures:
 - a. warning;
 - b. written reprimand;
 - c. transfer, whether or not with the granting of a different class timetable;
 - d. complete or partial denial of access to HAN's premises for a maximum period of one year;
 - e. denial of access to certain classes or other specified educational components, for a maximum period of one year;
 - f. denial of the use of specified facilities, for a period not exceeding one year;
 - g. denial of access to certain buildings and grounds occupied by HAN, for a period not exceeding one year;
 - h. denial of access to all buildings and grounds occupied by HAN, for a period not exceeding one year;
 - i. termination of enrolment for a period not exceeding one year;
 - j. permanent denial of access to the institution;
 - k. termination of the student's enrolment.
 5. The measures referred to under 4 h and i can be imposed if the student has caused serious nuisance and has failed to cease their activities, even after having received a reminder from or on behalf of the Executive Board.

Article 35 Special provisions concerning suspension

1. In view of and with due observance of chapter P of the CAO-HBO and article 7.57h of the WHW, respectively, the HAN Student Charter and without prejudice to the provisions of this chapter, the Executive Board may suspend the defendant for a maximum period of three months if, in its opinion, the circumstances so require.
2. If the grounds for suspension continue, the suspension may be extended once for a period not exceeding three months after expiry of the period provided for in paragraph 1 of this article.
3. During the suspension, the defendant will only have access to HAN's buildings and grounds after prior written permission from the Executive Board.
4. Suspension takes place based on a decision to that effect and may come into force immediately.
5. If a suspension decision is considered or imposed, the defendant will be informed of this in writing, stating the reasons. The defendant will hereby be informed of the contents of this article.
6. The defendant will be given the opportunity to defend themselves. The exercise of this right to defence does not suspend the implementation of the suspension decision.

Article 36 Other measures

1. On the advice of the Complaints Committee, the Executive Board may decide to take other measures as referred to in articles 33, 34 and 35, stating its reasons.
2. On the advice of the Complaints Committee, the Executive Board may decide to take (general) measures that it is authorised to take, with a view to preventing situations such as those to which the complaint related.

Chapter 7 Objection and appeal

Article 37 Objection and appeal

1. Anyone who is affiliated with HAN on the basis of an employment contract may, pursuant to article 4.5 WHW and chapter S of the CAO-HBO, submit an appeal to the Personnel Appeals Committee against a decision by the Executive Board as referred to in chapter 6. The notice of appeal must be submitted within six weeks, calculated from the day after the day on which the decision that is being appealed was sent to the employee.
2. Those who, by virtue of article 1 r, are deemed to be equivalent to employee, may submit a written objection to a decision addressed to them by the Executive Board as referred to in chapter 6. The notice of objection must be submitted within six weeks, calculated from the day

- after the day on which the decision that is being appealed was sent to the person concerned.
3. A student or external student may submit an appeal against a decision concerning them by the Executive Board as referred to in chapter 6, by sending their appeal within six weeks to HAN's Disputes Advisory Committee, by virtue of Article 7.63a WHW, requesting the committee to advise the Executive Board.

Chapter 8 Final provisions

Article 38 Replacement of members of the Executive Board

If one or more members of the Executive Board are involved in a complaint as a complainant or defendant, where reference in these regulations is made to the 'Executive Board', this should be read as the 'Supervisory Board.'

Article 39 HAN academic calendar

All periods mentioned in these regulations are to be extended with the holiday periods for staff and students, as set out in the HAN academic calendar.

Article 40 Disputes and unforeseen circumstances

If circumstances arise that are not provided for in these regulations, the Executive Board makes a decision, after hearing the chair of the Complaints Committee or a representative of the confidential counsellors, respectively.

Article 41 Effective date

These regulations enter into force on 1 January 2009.