

<p>Van Hall Larenstein University of Applied Sciences Ombudsman Regulations for Students and Personnel Annex j to the Student Statute</p>
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Article 1

There is the position of Ombudsman for Students and Personnel at Hall Larenstein University of Applied Sciences.

Article 2

Appointment

The Ombudsman is appointed by the Executive Board for 4 years with a trial period of 1 year.

Article 3

Duties

1. The Ombudsman gives both solicited and unsolicited advice.
2. The Ombudsman is responsible for handling individual complaints.
3. The Ombudsman can advise, mediate, investigate and judge. When the occasion arises, he can make suggestions to the proper authorities through recommendations to prevent or to rectify the results of an inappropriate behaviour or to prevent an inappropriate behaviour from recurring.

Article 4

Independent position

In fulfilling his duties, the Ombudsman is not subordinate to any organisational unit within Van Hall Larenstein University of Applied Sciences.

Article 5

The position of Ombudsman can, in principle, be fulfilled in combination with other positions and duties within Van Hall Larenstein University of Applied Sciences, unless the Executive Board decides that a certain additional position or duty will lead to a conflict of interest.

The Ombudsman has the right to refuse a (temporary) duty if, in his opinion, the duty can influence his work as ombudsman.

Article 6

The Executive Board ensures that the Ombudsman will not be prejudiced in his position because of his duties and that they will respect the Ombudsman's duty of confidentiality with regard to the information that he is privy to.

Article 7

The Ombudsman can be removed from his position by the Executive Board before the end of his appointment if he, through his actions or neglect, seriously undermines the trust that has been placed in him.

Article 8

Confidentiality

1. The Ombudsman is bound to keep confidential that which is made known to him during the performance of his duties as far as this follows from the nature of the case.
2. This confidentiality extends to all individuals working for the Ombudsman.
3. All third parties involved in the investigation have a duty of confidentiality with regard to that which is made known to them during their involvement in the investigation.

Article 9

Alternate

1. The Executive Board will name an alternate for the Ombudsman as soon as it may be anticipated that the Ombudsman cannot fulfil his duties for an extended period.
2. The Ombudsman's alternate will remain in the position until the Ombudsman resumes his work or until a new Ombudsman assumes the position.

Office

Article 10

1. There is an office/secretariat of the Ombudsman.
2. The Executive Board supplies the Ombudsman the necessary means to execute his position well.
3. The Ombudsman determines the operating procedure and organization of the office/secretariat.

Article 11

Complainant

Anyone who, for a definite or an indefinite term, works for or is posted to, or is otherwise working at or studying at Van Hall Larenstein University of Applied Sciences, can turn to the Ombudsman with a complaint about the manner in which the organisation or an organisational unit or a person working under the responsibility of the organisation, has behaved towards the complainant or another. The complaint can be lodged with the Facility or directly with the Ombudsman. Complaints lodged with the Facility will immediately be sent to the Ombudsman. More information about lodging a complaint with the Facility can be found in Chapter 6 of the Student Statute.

Article 12

1. The Executive Board, other organisational units of the University of Applied Sciences and individual employees and students can make the Ombudsman aware of complaints or can call him to arbitrate in complaints.
2. Before the Ombudsman can consider or arbitrates in a complaint on the grounds of the previous paragraph, he will verify if the complaint, or the request for arbitration, fits within the scope of his position and these regulations.

Notice of Complaint

Article 13

1. The complaint will be submitted preferably in writing and should contain at least the following:
 - a. the name and address of the complainant;
 - b. the date;
 - c. a description of the behaviour which the complaint is about and a statement about who or about which department has behaved thus;
 - d. the reason why the complainant is objecting to the behaviour;
 - e. the signature of the complainant.
2. If the notice of complaint has been written in a foreign language and a translation is needed for a proper treatment of the complaint, the complainant is responsible for the translation.
3. If the notice of complaint does not meet the conditions as meant in this article, the complainant will be given the opportunity to meet these conditions.

Article 14

The Ombudsman confirms the receipt of the complaint in writing within 10 working days. The complaint will be taken up within 6 weeks after confirmation of receipt and will be completed within 8 weeks after confirmation of receipt.

Article 15

The Ombudsman is not obligated to deal with a complaint as meant in Articles 11 and 12 if:

- a. the notice of complaint does not meet the demands of Article 13 Paragraphs 1 and 2;
- b. more than a year has passed since the behaviour that gave rise to the complaint has occurred;
- c. the complaint is clearly unfounded;
- d. the Ombudsman has already pronounced judgement on the complaint;
- e. the complainant has not yet presented the complaint to the organisational unit or person in question;
- f. the complaint relates to the content of the general policy of the University of Applied Sciences or to the general policy of the organisational unit in question;
- g. the complaint is anonymous.

Article 16

1. The Ombudsman does not consider any complaint for which a formal complaint, objection, appeal or judicial proceeding lies.
2. If a complaint is submitted by the complainant as an objection or notice of appeal during the ombudsman's handling of the complaint or if the complaint is presented to a judge, then the Ombudsman will terminate his actions. The particulars in the preceding sentence are not applicable if the submitting or

Scope of Activity

presenting occurs pro forma to safeguard deadlines;

3. The Ombudsman will not deal with the complaint further if and as soon as the organisation, the organisational unit, or the accused person has responded to the complaint to the satisfaction of the complainant.

Article 17

If the Ombudsman does not open an investigation on the basis of Article 14 or 15 or does not continue the investigation, then he must report this as quickly as possible to the complainant with his reasons in writing.

Article 18

Operating Procedure

1. The Ombudsman informs the organisational unit and/or the employee whose behaviour the complaint relates to by sending the unit and/or employee a copy of the notice of complaint.
2. The Ombudsman can give the complainant and the accused the opportunity to respond to the positions of the other. Complainant and accused will receive copies of the written pieces that the other has submitted.
3. The Ombudsman gives the complainant and the organisational unit and/or the employee whose behaviour is referred to in the complaint the opportunity to be heard. A report will be made of the hearing.

Article 19

Authority

1. The Ombudsman is authorized to ask for or discreetly request and inspect information from organisational units, employees and students of Van Hall Larenstein University of Applied Sciences that is related to the complaint.
2. Organisational units and employees are obligated to fulfil a request as meant in the preceding paragraph within the term set by the Ombudsman.
3. Only if the concerned party has given written permission beforehand may the Ombudsman inspect the personal information of the concerned party.

Article 20

1. The Ombudsman attempts to find a solution to the complaint through referral, mediation or advice within the existing power and accountability structure.
2. In handling a complaint, the Ombudsman can involve a third party or recommend that a third party be involved.
3. If handling the complaint requires a formal decision, the decision will be taken by the concerned organisational unit that is authorized to take this decision.
4. On the basis of generally recurring complaints or marginal testing of measures in the scope of general policy or structure, the Ombudsman can make his opinion known about

that general policy or management to those organisational units after consulting the involved organisational units.

Article 21

Reporting Procedure

1. When the Ombudsman concludes his handling of a complaint, he writes a report in which he describes his findings and gives his opinion. The report contains an account of the hearing. The report will also state if the complaint was resolved, and if so, how it was resolved. It will also be stated if recommendations were made, and if so, what they were.
2. The Ombudsman sends his report to the person who brought the complaint, to the person about whom or the body about which the complaint was lodged and, if applicable, to the Executive Board.
3. If asked, the Ombudsman issues a copy or excerpt of the report. In doing so, the anonymity of the persons named in the report will be guaranteed.

Article 22

1. The manager, the body or the Executive Board informs the complainant in a well-reasoned manner and in writing of the investigation's findings into the complaint as well as of any conclusions that are associated with the investigation or of the decisions taken. If the conclusions of the manager, the body or the Executive Board differ from the Ombudsman's recommendation, then the reason for that difference will be stated with the conclusions.
2. The Ombudsman will receive a copy of the conclusions drawn in the first paragraph of this article or of the decisions taken.

Other provisions

Article 23

A staff member, a student or an organisational unit that has a complaint about the Ombudsman's performance lodges the complaint in writing with the Ombudsman. When the discussion between the complainant and the Ombudsman of the complaint does not lead to a satisfactory result for the complainant, the complainant can make his complaint known in writing to the Executive Board.

Complaint

Article 24

The Ombudsman annually issues a report of his activities. The report will be sent to the Executive Board, the Participational Council, the institute directors, and the HRM director. The report will be made generally available.

Article 25

More information

You can find more information about the Ombudsman at:
Studentnet -> counselling -> ombudsman
Intranet for personnel -> people -> well-being & health -> problems at work.

Article 26

These regulations can be cited as "Ombudsman Regulations for Students and Personnel" and will come into effect on 1 September 2013.