

TU Delft Regulation on Complaints about Undesirable Behaviour in a nutshell

A complaint has been filed against you. Naturally, you want to know what this entails and what to expect. This information leaflet is intended to inform you about this. The person who has filed a complaint is called the *complainant* in this leaflet and the person against whom the complaint is filed is called the *accused*.

Undesirable behaviour

Anyone who believes they are experiencing or have experienced undesirable behaviour (for example, sexual harassment, aggression, violence or discrimination) in the work or study environment from a TU Delft employee or student can contact a [confidential adviser](#) or the [complaints committee](#). Undesirable behaviour can be said to have occurred if such behaviour causes [psychological or physical harm](#) to another employee or student and is also socially and objectively perceived as inappropriate, annoying, hurtful, threatening or unacceptable. The confidential adviser has a [gatekeeper function](#).

Complaints committee

A case is handled by [three members](#), including the [independent chair/vice-chair](#), and at least one of the members must be [female](#). If the complainant or the accused in a case is a student, one of the committee members must be a student. The task of the complaints committee is to [advise](#) the Executive Board on the merits of the complaint. The complaints committee is supported in this by a secretary from Legal Affairs. The Executive Board then takes the [final decision](#) on the complaint on the basis of this advice.

Independence

The complaints committee rules [independently](#). The chair and vice-chair are from outside the organisation; they are not employees of TU Delft. Nor may any committee member have been involved in any way in the alleged undesirable behaviour.

Start of the procedure

When a complaint is filed with the complaints committee, it *first* assesses whether the complaint is [admissible](#). This means that the complaint has to meet several [admissibility requirements](#) (such as a letter of complaint with a name, address and date). If it is a *repeat* complaint, *new facts and circumstances* must be provided by the complainant. If the complaints committee rules that the complaint is admissible, it *then* [assesses the substance](#) of the complaint. You can choose to have someone assist you in the complaints procedure.

Substantive assessment

It is important that the parties involved can explain their complaint or defence to the complaints committee. Prior to the hearing, the complainant and the accused shall be given the opportunity to [respond in writing](#) to each other's complaint or defence. The complainant and the accused are then

given the opportunity to be heard at a [hearing](#).

Collection of information

In assessing the complaint, the complaints committee may request [information](#) from the staff and bodies of TU Delft. The committee may also request access to various documents and correspondence. Information provided under confidentiality shall not be disclosed without the [consent](#) of the parties concerned. Moreover, everyone involved in dealing with the complaint is bound by [confidentiality](#).

Duration of the procedure

The complaints committee issues its advice to the Executive Board within 10 weeks. The Executive Board then rules on the complaint within 4 weeks. In principle, therefore, a procedure takes a maximum of 14 weeks. The exact duration of the procedure depends on the [nature of the complaint](#) and the [availability of those involved](#). This has to do with the fact that, in principle, the complainant and the accused must be given the opportunity to [be heard](#).

Amicable settlement

In principle, prior to the hearing, the complaints committee will check with the parties involved whether an amicable settlement of the complaint is possible. If the parties actually reach an amicable settlement, the handling of the complaint is terminated. Moreover, the complaints procedure can be [discontinued](#) at any stage, for example if a [solution](#) has been found with which the parties concerned agree.

Hearing

In principle, the complainant and accused are heard [separately](#). However, both parties receive a report after the hearing, informing them of what the other party said during the hearing. The hearing takes place behind [closed doors](#).

Possible consequences

The Executive Board informs the parties in writing of the decision on the complaint and simultaneously sends a copy of the advice of the complaints committee to the parties. If the Executive Board decides that the complaint is justified, various disciplinary or other measures may be imposed. The decision on the complaint can be brought before the [National Ombudsman](#) for a ruling.

Questions

You can find the complete [Regulation on complaints about undesirable behaviour](#) on the TU Delft website: www.tudelft.nl > 'About TU Delft' > 'Organisation' > 'Regulations' > 'Legal Protection' > 'TU Delft Regulation on complaints about undesirable behaviour'.

If you have any questions about the complaints procedure, please contact a Legal Affairs secretary at JZ@tudelft.nl.