

# University of Twente Objections Committee for Personnel Matters Regulations

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In view of Section 7:13 of the Dutch General Administrative Law Act [*Algemene wet bestuursrecht*];

University of Twente's Executive Board hereby decides to establish the objections committee for personnel matters:

## Definitions

The following terms will have the following meanings in this decision:

- a. *decision*: a decision which is taken by or on behalf of the Board and which satisfies the provisions in Section 1:3 or Section 8:1(2) of the Awb;
- b. *interested party*: a party whose interest is directly affected by a decision;
- c. *Committee*: the objections committee for personnel matters;
- d. *employee*: the person who has filed a letter of objection and has an appointment at the University of Twente;
- e. *Awb*: the Dutch General Administrative Law Act [*Algemene wet bestuursrecht*];
- f. *Board*: University of Twente's Executive Board;
- g. *OPUT*: the University of Twente Labour Union;
- h. *chair*: the Committee's chair;
- i. *University*: University of Twente.

## Article 1 Applicability of the regulations

These regulations will apply to the handling of letters of objection to decisions regarding personnel matters taken by or on behalf of the Board which employees have filed with the Board.

## Article 2 The Committee

The Committee will advise the Board on decisions on objections to be taken by it as referred to in Article 1.

## Article 3 The Committee's composition

- 3.1. The Committee will consist of:
  - a. a chair, also a member, not working under the Board's responsibility;
  - b. a deputy chair, also a member, not working under the Board's responsibility;
  - c. two other members, with one member being designated by the OPUT and one member being designated by the Board;
  - d. two deputy members, with one member being designated by the OPUT and one member being designated by the Board;
  - e. After the Committee's members have been heard, the Board and the OPUT will

- jointly nominate a chair/deputy chair.
- 3.2. The chair/deputy chair will have a Master of Laws or equivalent qualifications.

#### **Article 4 Appointment and dismissal of the Committee's members**

- 4.1. The chair/deputy chair and the members/deputy members will be appointed by the Board for a two-year period.
- 4.2. A member's membership in the Committee will end early through dismissal at the request of the chair/deputy chair or a member.
- 4.3. The chair's/deputy chair's or a member's/deputy member's membership will end early on the recommendation of the parties that nominated the member, but not before the chair concerned or the member has been heard with regard to this intention.

#### **Article 5 Compensation for the Committee's members**

The chair, deputy chair, members and deputy members will receive compensation in accordance with the provisions set by the Board for each objection filed for which they have been engaged.

#### **Article 6 Committee secretarial office**

- 6.1. Human Resources will be responsible for the Committee's secretarial office.
- 6.2. The Board will designate a secretary and a deputy secretary.
- 6.3. With respect to the secretarial work, the secretary will be accountable to the Committee's chair.
- 6.4. The secretary may participate in the Committee's meetings, but will not be entitled to vote.

#### **Article 7 Filing letters of objection**

- 7.1. Letters of objection must be filed with the Board within six weeks after the decision objected to is announced.
- 7.2. The Board will note the date of receipt on the letter of objection and will include the postmarked envelope. The Board will immediately send the letter of objection with enclosures and envelope to the Committee's secretary for further handling.
- 7.3. The secretary will confirm receipt of the letter of objection to the employee and will refer to the UT website on which these regulations have been posted.

#### **Article 8 Preliminary investigation**

- 8.1. If the legal requirements for taking up the objection have not been fulfilled, the employee will be given the opportunity to rectify the omission. If the omission has not been rectified within the period stated by the Committee, the Committee may recommend that the objection be deemed inadmissible.
- 8.2. The Committee may directly obtain any necessary or desired information from the parties concerned.
- 8.3. The Committee may obtain advice from experts and, if necessary, invite them

to appear at the hearing.

## **Article 9 Submitting documents**

- 9.1. After the employee has rectified any omission referred to in Article 8.1, the Committee will ask the Board to explain the decision objected to and will also ask the Board to submit any documents relating to the decision.
- 9.2. The employee and Board may submit additional documents up to 10 days before the hearing.

## **Article 10 Sending documents**

- 10.1. The Committee will send the employee, Board and other interested parties the documents relating to the letter of objection.
- 10.2. The chair may decide that the previous paragraph will not apply to certain documents, insofar as confidentiality is necessary for compelling reasons. Notice will be given of the application of this provision.
- 10.3. Compelling reasons will not in any event be present insofar as, under the Dutch Government Information (Public Access) Act [*Wet openbaarheid van bestuur*], there is an obligation to comply with a request for information contained in these documents.

## **Article 11 Hearing**

- 11.1. Before the Committee issues a recommendation, it will give the employee the opportunity to explain his object further orally during a hearing.
- 11.2. A representative from the Board will be invited to the hearing and will be given the opportunity to explain the Board's position.
- 11.3. Other persons who were involved in the disputed decision may also be invited to the hearing. All of this will be at the Committee's discretion.
- 11.4. The hearing will be conducted by the Committee.
- 11.5. A hearing need not be held if:
  - a. the objection is manifestly inadmissible;
  - b. the objection is manifestly unfounded;
  - c. the employee, Board and other interested parties have stated that they do not wish to exercise the right to be heard or
  - d. in its explanation referred to in Article 9.1, the Board has indicated that it wishes to fully meet the objection.
- 11.6. If a hearing is not held, notice will be given to the employee making the objection and to the Board.
- 11.7. If a hearing is held, the Committee will determine the location and date of the hearing, and the employee and the Board (or a representative of the Board) will be invited to the hearing at least two weeks beforehand.
- 11.8. If there is representation, the invitation will be sent to the authorized representative.
- 11.9. The employee, the Board and other persons will be heard in each other's presence.
- 11.10. Upon request or *ex officio*, the employee, Board and other interested parties may be heard separately if it is likely that hearing them jointly will impede a proper hearing of the case or facts or circumstances will become known during the hearing which need to be kept confidential for compelling reasons.

- 11.11. The hearing will not in principle be open to the public. The Committee will determine by a majority vote whether the hearing will be open to the public.
- 11.12. A report will be drawn up of the hearing. The Committee's chair will sign the report.

## **Article 12      Witnesses**

At the employee's, Board's or other interested parties' request, witnesses and/or experts brought with them may be heard.

## **Article 13      Further investigation**

- 13.1. If, after the hearing, but before the recommendation is drawn up, further investigation appears desirable, the Committee may perform this investigation.
- 13.2. A copy of the information obtained from the further investigation will, insofar as this is information which may be relevant to the decision to be taken on the objection, be sent to the employee, Board and other interested parties.
- 13.3. If the information referred to in the previous paragraph may be of considerable relevance to the decision to be taken on the objection, this will be indicated to the employee and the interested party and they will have an opportunity to respond to this in writing or to be heard. The Committee's chair will decide whether a hearing will take place.

## **Article 14      Recommendation**

- 14.1. The full Committee will deliberate and will decide in private on the recommendation to be issued.
- 14.2. The Committee will decide on the recommendation to be issued by a majority vote.
- 14.3. The recommendation, with substantiation and a proposal for the decision to be taken on the letter of objection, will be issued in writing by the Committee to the Board and will include a report of the hearing.

## **Article 15      Decision on the objection**

- 15.1. After receiving the recommendation referred to in Article 14, the Board will take a decision on the objection as soon as possible. The Committee's recommendation and the report of the hearing will be sent with the decision on the objection.
- 15.2. If the decision on the objection differs from the Committee's recommendation, the reason for the difference will be stated in this decision.
- 15.3. The Board will send the Committee a copy of its decision on the objection.

## **Article 16**

Insofar as matters are not provided for in these regulations, the provisions in the Awb will apply.

## **Article 17      Accountability**

- 17.1. Each year before 1 April, the Committee will issue a report to the Board on its activities during the previous calendar year.
- 17.2. The report will be anonymized and sent to the OPUT for informational purposes.

**Article 18      Effective date**

These regulations were adopted by the Board on 16 March 2009 and will take effect on that date. Objections already filed with the Board before this date will not fall under these regulations.

**The Dutch text of this regulation is binding. In case of a difference of interpretation, this translation cannot be used for legal purposes.**