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# HU Legal Protection for Students Regulations

**HU Legal Protection for Students Regulations 2022-2023**

**Adopted by the Executive Board on 12 July 2022, with the consent of the University Council.**

**These regulations enter into force on 1 September 2022.**

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### 1 Introduction

As a (prospective) student or *extraneus*<sup>1</sup>, you may be faced with decisions or conduct by staff or an organisational unit of the university of applied sciences, which may affect your legal position. If you disagree with a decision or your interests are harmed, you have various legal protection options. The statutory provisions on the legal protection of students can be found in Title 4, Chapter 7 of the 'Wet op het Hoger onderwijs en Wetenschappelijk onderzoek' (WHW, the Higher Education and Scientific Research Act).

Ideally, conflicts are resolved mutually by the people involved. You are expected to first turn to the person to whom the issue relates. This person involved (e.g. tutor, student counsellor) is expected to be open to consultation and to make an effort to find a solution together with you. There may also be problems that cannot be solved, or are difficult to solve by mutual agreement, such as unfair treatment or inappropriate conduct. If you cannot agree on a solution together, you can file a complaint or appeal.

These regulations describe two legal protection options, namely the submission of a request for review of a complaint and the lodging of an appeal.

Appeals may be lodged against certain decisions affecting your rights and/or obligations. In legal terms, this is referred to as a 'decision with legal effect'. This includes decisions to not grant an exemption, to impose sanctions, or which prevent your enrolment in the study programme.

If you disagree with a decision or if a decision is not forthcoming in response to a request made by you, you can lodge an appeal through the HU Legal Protection for Students Office (hereinafter referred to as: the HU Office). The HU Office is a central point of contact, not limited to any specific institute. You lodge your appeal by submitting a digital appeal form via HUKAS. The HU Office will make sure that your appeal is processed by the appropriate body.

The law requires the establishment of an Examinations Appeals Board and a Dispute Resolution Committee. The Examinations Appeals Board hears appeals against decisions of examination boards and examiners. The Dispute Resolution Committee deals with appeals on decisions relating to, among other things, enrolment in and disenrolment from a programme, tuition fee refunds, and measures taken in response to inappropriate conduct by students.

If you disagree with some other matter (not being a decision with legal effect), you can file a complaint. This can concern the content of a course, timetables, or the quality of facilities. 'Complaint' and 'appeal' are therefore different concepts and deal with different issues.

If you want to file a complaint, you can do so at the institute of your study programme. You can submit your complaint via the digital complaint form, which you can find on Ask-HU. The Student Information Point (STIP) can also help you complete the complaint form. The STIP will then ensure that your complaint is forwarded to the relevant (institute) director. The STIP is not responsible for the substantive handling of complaints, unless it is a complaint about the STIP itself.

You can also contact the HU Office if you do not agree with the way a complaint submitted by you has been handled. In this case, you can use the digital appeal form in HUKAS to request a review of the decision on your complaint (request for review). Your request for review will then be assessed by the Student Grievance Committee. The Student Grievance Committee is an independent committee, which issues an opinion to the Executive Board. The Executive Board will then take a decision on your request for review.

In addition to the procedures indicated above, there are also two special procedures, namely those concerning inappropriate conduct and privacy protection.

In case of inappropriate conduct by a fellow student or a tutor, you can turn to the confidential advisor. You can also submit a complaint to the Misconduct Committee (refer to the Misconduct Regulations).

You can also turn to the HU Office to report (suspected) malpractice within the university. The HU Office forwards the report to **the Malpractice Reporting Centre or the Reporting Centre for Integrity Violations** and informs you about this forwarding.

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<sup>1</sup> Or a course participant, if these regulations have been declared applicable to the course in question. Refer to Article 2 of these regulations.

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Finally, for the sake of readability, the terms 'you' or 'the student' are used in this text. Where 'he' is used, 'she' can also be read. In addition, where 'the student' is used, this can also be read as: prospective student, *extraneus*, or course participant of a course mentioned in Article 2, Paragraph 6, unless the article concerned indicates otherwise.

## 2 GENERAL PROVISIONS

### Article 1 Definitions

1. Appellant:  
The person lodging an appeal against a decision.
2. Stakeholder:  
The person with a direct interest in a decision<sup>2</sup>.
3. Appeal:  
The legal procedure with the Examinations Appeals Board or with the Dispute Resolution Committee<sup>3</sup>, as described in these regulations.
4. Decision:  
A written decision with legal effect, taken by or on behalf of a university body. Failure to take a decision, or failure to take a decision on time, also constitutes a decision against which an appeal may be lodged.
5. Examinations Appeals Board:  
The Board as referred to in Section 7.60 of the WHW and as referred to in the Students' Charter. The organisation and powers are laid down in these HU Legal Protection for Students Regulations. The Board rules on student appeals against decisions of examination boards and examiners.
6. Executive Board:  
Management body of the university and the university board of the Hogeschool Utrecht Foundation, in accordance with Section 10.8 of the WHW, with duties and powers as laid down in the articles of the Hogeschool Utrecht Foundation.
7. Course participant:  
The person participating in contract education provided by HU University of Applied Sciences Utrecht.
8. Examination:  
The concluding assessment of a study programme attended, or of the propaedeutic phase of the study programme. Each study programme has an examination. An examination may include an assessment of the knowledge, insight and skills of the student, to be conducted by the examination board itself.
9. *Extraneus*:  
The person who is enrolled as an *extraneus* at the university in accordance with Section 7.32 et seq.<sup>4</sup> of the WHW. An *extraneus* does not have the right to attend classes, but he or she can take (interim) examinations and use certain study facilities.
10. Dispute Resolution Committee:  
The committee as referred to in Section 7.63(a) of the WHW and as referred to in the HU Students' Charter. The organisation and powers are laid down in these regulations.
11. Request for review:  
The request to review a decision taken following a complaint.
12. University:  
HU University of Applied Sciences Utrecht, maintained by the Hogeschool Utrecht Foundation (HU).

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<sup>2</sup> This includes prospective students who appeal against a decision on admission/enrolment in a funded study programme, or course participants in courses to which these regulations have been declared applicable. Refer to Article 2, Paragraph 6.

<sup>3</sup> In Section 7.63(a), the WHW refers to objections lodged with the Dispute Resolution Committee. The HU chooses to also refer to this procedure as an 'appeal'.

<sup>4</sup> These regulations therefore apply to (prospective) students and *extranei* of funded study programmes. In Article 2.6, the scope concerning the internal procedures has been extended to students of non-funded (*post-initieel*) CROHO programmes and the students of certain post-higher education programmes (contract education)



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13. HU Legal Protection for Students Office:  
Facility established by the executive board, as referred to in Section 7.59(a) of the WHW. Students can lodge their complaints and appeals here. The office forwards them to the body responsible for handling them.
14. Institute Director:  
The person who conducts the management of an institute, with duties and powers as described in the Management and Administrative Regulations (available at [www.hu.nl/gouvernance](http://www.hu.nl/gouvernance)).
15. Legal Protection Institute Office (also refer to STIP):  
The facility set up by the institute director where students can lodge complaints and appeals, and which ensures forwarding to the body responsible for handling.
15. Misconduct Grievance Committee:  
A committee set up by the Executive Board that investigates complaints concerning inappropriate conduct. The organisation, tasks and powers are laid down in the Misconduct Regulations (available via ASK HU).
16. Student Grievance Committee:  
A committee set up by the Executive Board for the purpose of handling complaints as referred to in Section 7.59(b) of the WHW (with the exception of complaints about inappropriate conduct). The organisation, tasks and powers are laid down in the HU Legal Protection for Students Regulations (available via ASK HU).
17. Body:  
A person or group of persons who have been given any power within the university by virtue of or on the basis of a generally binding regulation.
18. STIP:  
The Student Information Point. A digital and physical point of contact students can turn to with education-related questions and for advice on procedures. The STIP acts as an institute office. In addition to questions and advice, the student can complete a complaint form with STIP, after which STIP will forward the complaint to the appropriate body for further processing.
19. Student:  
The person who, according to Section 7.32 et seq. of the WHW<sup>5</sup> and other statutory regulations, is enrolled in the university as a student (full-time, part-time, or work-study). The rights and obligations of students are described in the HU Students' Charter.
20. Week:  
A period of seven consecutive days, excluding generally recognised public holidays listed in Osiris. Only the summer and Christmas recess and the generally recognised public holidays determined annually by the HU Legal Protection for Students Office suspend the time limits for appeals. The start and end dates of the summer and Christmas recess are determined by the HU Legal Protection for Students Office and are announced via ASK-HU and in correspondence from the HU Office.
21. WHW:  
The '*Wet op het Hoger onderwijs en het Wetenschappelijk onderzoek*' (WHW, the Higher Education and Scientific Research Act), as published in Bulletin of Acts and Decrees 1992 no. 593, including the subsequent supplements and amendments.

## Article 2 Relation to the Law and Scope

1. These regulations are the regulations referred to in Article 37 of the HU Students' Charter and Section 7.62 of the WHW. These Legal Protection for Students Regulations regulate the composition and powers of the Examinations Appeals Board and the Dispute Resolution Committee. The regulations also state on what bases

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<sup>5</sup> These regulations therefore apply to (prospective) students and *extranei* of funded study programmes. In Article 2.6, the scope concerning the internal procedures has been extended to students of non-funded (*post-initieel*) CROHO programmes and the students of certain post-higher education programmes (contract education)

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you can lodge an appeal, what the appeal procedure looks like, and how a decision is made or advice is formed (as provided in Section 7.60 et seq. of the WHW for the Examinations Appeals Board and Section 7.63(a) of the WHW for the Dispute Resolution Committee)

2. The Examinations Appeals Board only rules on appeals against decisions as referred to in Section 7.61(1) of the WHW, e.g. a negative binding study recommendation. The Dispute Resolution Committee rules on appeals concerning all other decisions with legal effect taken on the basis of the WHW and related regulations. These include inter alia a decision about your enrolment in or disenrolment from the study programme. The Examinations Appeals Board and the Dispute Resolution Committee do not rule on claims that fall within the competence of a civil court, such as matters relating to compensation.
3. These regulations also regulate the structure of complaints procedures, as referred to in Section 7.59(b) of the WHW. The Student Grievance Committee and the bodies charged with handling complaints at the institutes do not rule on claims in connection with complaints that fall under the competence of a civil court, such as matters relating to compensation.
5. The internal procedures described in these regulations are accessible to you if you have been enrolled on the basis of the WHW. If you have been enrolled in an initial or post-initial programme of the HU University of Applied Sciences Utrecht on the basis of the 'wet BIG' (Individual Healthcare Professions Act) and the Royal Decree of 22 August 1997, the procedures described are also open to you.<sup>6</sup>
6. The internal procedures described in these regulations are also open to course participants of the following contract education:
  - The Chronically Ill;
  - High-Intensive Care Psychiatry;
  - Judicial Nursing;
  - Palliative Care;
  - Social Psychiatric Nurse;
  - Gerontology Nurse,
  - Geriatrics;
  - Inspection and Assessment Methods level 3;
  - Inspection and Assessment Methods level 2;
  - Integral Property Advisor;
  - Integral Property Inspector;
  - Integral Contract Management;
  - Metal Expert;
  - Project management for engineers;
  - Corrosion;
  - Maintenance & Asset Management;
  - Maintenance Technology;
  - Maintenance Engineering;
  - Integral Manager Energy Transition;
  - Building History and Restoration;
  - Heritage and Space;
  - Geodata Analysis;
  - Geodata Analysis and Quality;
  - Geodata Quality;
  - Green Heritage;
  - Conservation of Monuments and Historic Buildings;
  - Handling Explosive Substances Safely.

<sup>6</sup> This includes all HU study programmes registered in the CROHO, both funded and non-funded.

**Article 3            Disclosure**

The institute director informs the students, prospective students, *extranei*, and course participants enrolled in study programmes provided by the institutes referred to in Article 2(6) of these regulations about the complaints procedure and appeals procedure. In doing so, specific reference is made to the Legal Protection Institute Office, which is subsumed under the Student Information Point (STIP).

### 3 THE LEGAL PROTECTION INSTITUTE OFFICE

#### Article 4 Organisation and Tasks of the Legal Protection Institute Office

1. Each institute director will ensure that there is at least one Legal Protection Institute Office<sup>7</sup> present at each institute, in addition to a digital point of contact. This is subsumed under the Student Information Point (STIP). The study guide of your programme lists where the STIP is located and how to reach it.
2. All complaints lodged with the STIP shall be forwarded by the STIP to the body responsible for handling the complaint. Appeals or requests for review are forwarded by the STIP to the HU Legal Protection for Students Office.
3. The STIP registers the name of the student filing the complaint, the date of filing, the date of processing, and informs the institute management.
4. The STIP informs students about the procedures and can refer students for advice and assistance, for example to a confidential advisor or a mediator.
5. If you wish to lodge a complaint verbally, the STIP will record the complaint on the digital complaint form provided for that purpose and will forward it to the body responsible for handling the complaint.
6. If a student wishes to report a case of (suspected) malpractice, the STIP will refer the student to the reporting centre designated in **the Regulation for Suspected Malpractice** or **the Regulation for Suspected Integrity Violations** or to the HU Legal Protection for Students Office.

#### Article 5 Obligation to Forward

If you submit a complaint or an appeal to a body that is not competent to rule **on the** complaint or appeal, the complaint will be forwarded to the competent body as soon as possible. **The date of receipt is noted on your forwarded complaint or appeal. You** will be informed about this forwarding.

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<sup>7</sup> Institutes can, at their discretion, set up a point of contact per programme or per cluster.

## 4 THE COMPLAINT PROCEDURE AT THE INSTITUTE

### Article 6 The Complaint Procedure at the Institute

1. If you feel that your interests have been directly affected by an act or a decision of a staff member, another student, or any body of the institute, you can lodge a complaint with the request to make arrangements.

A complaint cannot be lodged against:

- decisions having legal effect which are subject to appeal (pursuant to Article 1 of these regulations);
- any act or decision which is subject to a different procedure under HU regulations, notwithstanding the provisions of Paragraph 5;
- an act or decision about which you have already lodged a complaint;
- decisions of general application<sup>8</sup>.

2. You can lodge your complaint in writing or digitally. The complaint must be submitted to the STIP or directly to the relevant body/person within two weeks of the decision or act to which the complaint relates. If you have submitted your complaint to the STIP, the STIP will ensure that it is forwarded to the body responsible for handling the complaint.

You can also submit a complaint directly to the HU Legal Protection for Students Office in accordance with the procedure described in Chapter 10.

3. The institute director, taking the law and (internal) regulations into account, determines which body is charged with handling a specific complaint. If a complaint has been forwarded via the STIP to the body responsible, this body informs the STIP of the handling date.
4. For a complaint regarding inappropriate conduct, different deadlines apply for submission (refer to Article 18 of the Misconduct Regulations). You may first submit the complaint to a body responsible within the institute, or immediately submit the complaint to the Misconduct Grievance Committee.<sup>9</sup>
5. Each complaint must be signed<sup>10</sup> and shall contain at least:
  - the name, address data and student number of the sender;
  - the reasons for the complaint;
  - a clear description of the act or decision against which the complaint is lodged, stating the date, name and position of the person who performed the act or took the decision. If available, a copy of the decision is also attached.

You can use the standard digital complaint form, which can be found on HU's intranet (ASK-HU), to lodge the complaint.

6. If you want to lodge your complaint verbally, the STIP will take care of the completion of the digital complaint form.

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<sup>8</sup> A decision of general application is a decision which is not aimed at an individual or a specific case.

<sup>9</sup> The confidential advisor can advise and/or assist in this.

<sup>10</sup> If the complaint is submitted digitally, the student's signature is not required.

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7. The organisational unit that handles your complaint, will send you a confirmation of receipt within one week after receipt of the complaint. If the requirements set out in Paragraph 5 are not met, you will be asked to supplement your complaint.  
In any case, a complaint is declared inadmissible<sup>11</sup> if:
  - it has not been submitted within the period specified in Paragraph 2;
  - the requirements specified in Paragraph 5 have not been met and this has not been rectified even after a request as referred to in Paragraph 6 has been made;
  - the complaint concerns an act or decision as referred to in Paragraph 1 of this article.
8. If your complaint is received after expiry of the period referred to in Paragraph 2, your complaint shall be declared inadmissible. Only if you prove that your complaint was submitted as early as was reasonably possible, an exception may be made.
9. The organisational unit handling your complaint may invite you to be heard. In that case, you will be invited in good time.
10. If your complaint concerns a person, that person will be asked to respond to your complaint in writing. This person may also give a verbal explanation. If he wants to give a verbal explanation, you are also invited to be present at this verbal explanation.
11. The organisational unit that handles your complaint will notify you in writing<sup>12</sup> of the reasoned decision within two weeks after receipt of your complaint. This decision may also include an advice. This decision will also draw your attention to the possibility of submitting a request for review and the deadline for doing so. A copy of the decision is sent to the institute director.
12. If the organisational unit handling your complaint is unable to make a decision within the period set out in Paragraph 11, you will be informed of this within the same period at the latest. It will also indicate the reason for the delay and the date by which you will receive the decision.
13. You may submit a request for review of a decision following a complaint as referred to in Paragraph 11 to the Student Grievance Committee. If your complaint is about the way you have been treated, the deadline for submitting a request for review is one year after the conduct in question. In all other cases, the deadline for submitting a request for review is six weeks from the date of the decision. You can submit this request for review to the HU Legal Protection for Students Office. The procedures for this are described in Chapter 5 of these regulations.
14. The summer and Christmas recess and the generally recognised public holidays determined annually by the HU Legal Protection for Students Office suspend the time limits as referred to in these regulations.

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<sup>11</sup> 'Inadmissible' means that the complaint will not be processed because formal requirements have not been met.

<sup>12</sup> If the decision on the complaint is sent digitally, a scanned signature is placed under the decision.

## **5 THE HU LEGAL PROTECTION FOR STUDENTS OFFICE**

### **Article 7 Organisation of the HU Legal Protection for Students Office**

There is a digital HU Legal Protection for Students Office. The study guides and ASK-HU set out how to reach the HU Office.

### **Article 8 Tasks of the HU Legal Protection for Students Office**

1. The HU Office provides administrative support to the Examinations Appeals Board, the Dispute Resolution Committee, the Student Grievance Committee and the Misconduct Grievance Committee.
2. The HU Office informs students about the procedures and can refer students for advice and assistance, for example to the confidential advisor or mediator. The HU Office also informs and advises the STIP.
3. If you wish to submit a request for review or a complaint verbally, the HU Office will record this on the digital appeal form. If you suspect malpractice, you can also report this through the HU Office. The HU Office forwards your report to the body designated in the Regulation for Suspected Malpractice.

## 6 ORGANISATION OF THE EXAMINATIONS APPEALS BOARD AND THE DISPUTE RESOLUTION COMMITTEE

### Article 9 Composition

1. Apart from the chairman and a deputy chairman, the Examinations Appeals Board and the Dispute Resolution Committee consist of twelve members and at least an equal number of deputy members. Half of the members are tutors at the university; the other half are students of the university.
2. The Examinations Appeals Board and the Dispute Resolution Committee work in six separate chambers.

**Chamber 1:** Study programmes within the domain of Communication & Journalism.

**Chamber 2:** Study programmes within the domain of Economics & Management.

**Chamber 3:** Study programmes within the domain of Education.

**Chamber 4:** Study programmes within the domain of Healthcare.

**Chamber 5:** Study programmes within the domain of Science & Technology.

**Chamber 6:** Study programmes within the domain of Society & Law.

3. In addition to the chairman, each chamber shall in principle consist of:
  - a. an employee chiefly employed in a study programme within the relevant domain;
  - b. a student from a study programme within the relevant domain;
  - c. an employee chiefly employed in a study programme within another domain at the university;
  - d. a student from a study programme within another domain at the university.
4. An employee who is also a chairman or member of an examination board does not act as a member of the Examinations Appeals Board if it is handling an appeal against a decision of the examination board in question, a decision of an examiner of the study programme(s) or group of study programmes for which the examination board in question has been appointed.

### Article 10 Appointment

1. The chairman and members of the Examinations Appeals Board and the Disputes Advisory Committee are appointed by the Executive Board.
2. The University Council is invited to nominate persons for appointment as members of the Examinations Appeals Board and the Dispute Resolution Committee, with due observance of Article 10 Paragraph 5 and 6 of these regulations.
3. The resolution to appoint a member of the Examinations Appeals Board and/or the Dispute Resolution Committee will record (in view of Article 9, Paragraph 2 of these regulations) of which chambers the member in question will hold a seat. If necessary, the member shall act as a deputy member in the other chambers. In special cases, the chairman may determine that a chamber consists of one employee and one student.
4. The chairman must meet the following requirements:
  - a. the requirements for appointment as a judicial officer, as referred to in Section 5 of the '*Wet rechtspositie rechterlijke ambtenaren*' (Judicial Officers (Legal Status) Act);
  - b. possess knowledge of the specific laws and regulations in higher
  - c. (professional) education and have sufficient procedural experience;
  - d. have a job that guarantees independence.
5. The following parties may be appointed as member of the Examinations Appeals Board:
  - a. persons who, on the basis of an open-ended employment contract,
  - b. are employed as tutors by the university on the basis of the '*CAO-HBO*' (Collective Labour Agreement for Higher Professional Education);
  - c. persons who are enrolled as students at the university.
6. The following parties may be appointed a member of the Dispute Resolution Committee:



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- a. persons who, on the basis of an open-ended employment contract,
  - b. are employed by the university on the basis of the 'CAO-HBO' (Collective Labour Agreement for Higher Professional Education);
  - c. persons who are enrolled as students at the university.
7. Employees cannot become chairman or members if they are members of the foundation management of the university, the Executive Board, or if they are institute directors, study programme coordinators, or student counsellors. Members of the State Inspectorate for Higher Education cannot become chairman or member of the Examinations Appeals Board or the Dispute Resolution Committee.
  8. The chairman is appointed for a term of three years. Reappointment is possible.
  9. The members of the Examinations Appeals Board and the Dispute Resolution Committee are appointed for a term of three years insofar as this concerns staff members, and for a term of two years insofar as this concerns students. Reappointment is possible.
  10. Membership of the Examinations Appeals Board and the Dispute Resolution Committee ends when the term of appointment expires.

The chairman and the members may also be dismissed by the Executive Board at their own request. A request for dismissal should be submitted at least two months before the intended date of dismissal.

The chairman and the members shall also be dismissed by the Executive Board if they no longer meet the requirements referred to in Paragraph 4, 5 or 6 of this Article.

In addition, student members may be dismissed if they have been sanctioned for non-compliance with the law and standards arising from it, or other internal standards and instructions.

11. All provisions of this article concerning the chairperson and members of the Examinations Appeals Board and the Dispute Resolution Committee also apply to their deputies.

### **Article 11          Secretariat**

1. The Examinations Appeals Board and the Dispute Resolution Committee are supported by a secretary and deputy secretaries, appointed by the Executive Board.
2. The secretary participates in the deliberations of the Examinations Appeals Board and the Disputes Advisory Committee, but does not have voting rights.
3. The secretary shall keep an archive of the appeals received. This archive is accessible only to the secretary, the chairman and the members of the Examinations Appeals Board and the Dispute Resolution Committee.

### **Article 12          Facilitation**

The chairman and the members of the Examinations Appeals Board and the Dispute Resolution Committee are remunerated for their work. This remuneration is regulated in the HU Bodies (Legal Protection of Students) Facilities Regulation.

## 7 POWERS OF THE EXAMINATIONS APPEALS BOARD AND THE DISPUTE RESOLUTION COMMITTEE

### Article 13 Object of Appeal for the Examinations Appeals Board

1. The Examinations Appeals Board rules on the basis of Section 7.61 WHW and these regulations on appeals lodged against:
  - a. decisions on the binding study recommendation (Section 7.8(b)(3) and 7.8(b)(5) of the WHW) and the binding referral (Section 7.9(1) of the WHW);
  - b. decisions about whether or not a student has passed the final examinations (as referred to as referred to in Section 7.9(d) of the WHW);
  - c. decisions, other than decisions of general application, made pursuant to the provisions under or by virtue of, on the basis of Title 2 of Chapter 7 of the WHW, with a view to admission to examinations;
  - d. decisions taken on the basis of the additional assessment if the additional educational admission requirements are not met (as referred to in Sections 7.25(5) and 7.28(4) of the WHW);
  - e. decisions of examination boards, examiners;
  - f. decisions of committees on (the results of) the admission test (as referred to in Section 7.29(1) of the WHW);
  - g. decisions on admission to master's degree programmes (Section 7.30(b) of the WHW)

In case of students from the institutes mentioned in Article 2(6) of these regulations:

- h. decisions about whether a student has passed the interim examinations and the final examination;
  - i. decisions, not being decisions of general application, with a view to admission to (interim) examinations;
  - j. decisions of the quality committee and examiners;
2. Pursuant to Section 7.63(a) of the WHW, the Dispute Resolution Committee rules on appeals against decisions taken pursuant to Chapter 7 of the WHW that concern something other than what is stated in Paragraph 1 of this Article and Section 7.61 of the WHW.
3. For the purposes of these regulations, the following are also considered decisions:
  - a. the written refusal to make a decision, and
  - b. failure to make a decision in time. A decision is not made in time if it is not made within the time limit specified by or on the basis of law, or, in the absence of such a time limit, not within eight weeks.
4. No appeal can be lodged against decisions of general application.<sup>13</sup>

### Article 14 Circle of Parties Entitled to Appeal

1. If you are a prospective, current or former student, you are a stakeholder<sup>14</sup> to a decision and can lodge an appeal with the Examinations Appeals Board or the Dispute Resolution Committee, respectively.
2. If you are a course participant, you cannot lodge an appeal with the Examinations Appeals Board and/or the Dispute Resolution Committee, unless you are attending contract education as referred to in Article 2(6) of these regulations.

### Article 15 Grounds for Appeal

You can lodge an appeal against a decision if the decision is contrary to the law.

This is the case if:

- a. the decision is contrary to a generally binding regulation;

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<sup>13</sup> Decisions of general application do not concern one individual stakeholder. Issues caused by these decisions can generally be addressed through participatory bodies.

<sup>14</sup> Prospective students can also be part of the circle of parties entitled to appeal, e.g. in the event of decisions concerning admission or enrolment in a study programme.

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- b. the body in question, when making the decision, manifestly used its powers for a purpose other than that for which they were intended;
- c. the body in question could not reasonably have reached the decision when considering the interests involved;
- d. the decision is contrary to any other general principle of proper management.

## **8 THE PROCEDURE FOR THE EXAMINATIONS APPEALS BOARD AND THE DISPUTE RESOLUTION COMMITTEE**

### **8.1 Lodging an Appeal**

#### **Article 16 Lodging an Appeal**

1. You can lodge an appeal with the Examinations Appeals Board or with the Dispute Resolution Committee through HUKAS by completing a digital appeal form.<sup>15</sup>
2. If your appeal has been submitted to another organisational unit of the university, the appeal will be forwarded to the HU Office as soon as possible, together with a date of receipt. You will receive a confirmation of this forwarding.
3. If you have lodged an appeal against a decision, it does not mean that the decision with which you disagree is going to be deferred, unless otherwise provided by or on the basis of a statutory provision.

#### **Article 17 Appeal Content**

1. In the appeal form, you must provide at least the following information:
  - a. your name, home address, place of residence, student number and the names of the institute and study programme in which you are enrolled;
  - b. the e-mail address<sup>16</sup> which will be used for all correspondence relating to the appeal;
  - c. the date on which the appeal is lodged (recorded date);
  - d. a clear description of the decision (with the date of that decision) against which the appeal is directed, listing the person or organisational unit that made the decision;
  - e. one or more grounds, as mentioned in Article 15 of these regulations, on which the appeal is based;
  - f. a claim described as precisely as possible.
2. Your appeal must be accompanied by a copy of the decision to which your appeal relates. If your appeal is lodged against a refusal to make a decision, you must attach a copy of the request you made and a clear description of the decision you think should have been made.
3. If your appeal does not meet the requirements as stated in the first paragraph of this article, the secretary will inform you of this fact and will state your time period for supplementing (rectifying) your appeal. If your appeal does not meet the requirements as stated in Paragraph 1 within this time period, the appeal will be declared inadmissible.

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<sup>15</sup> The appeal form is available on Ask-HU at the website 'klachtenwegwijzer.hu.nl', 'hukas.hu.nl', and on the HU website at 'www.hu.nl/rechten-en-plichten'.

<sup>16</sup> The student is responsible for the accessibility of this e-mail address and for its regular inspection. The (prospective) student is also expected to consult the spam box if necessary, as it cannot be ruled out that e-mails from HU University of Applied Sciences Utrecht end up in it

### **Article 18**      **Appeal Period**

1. The time period for lodging an appeal is six weeks. This period starts the day after the decision in question has been notified to you or has been refused.
2. A notice of appeal will have been submitted in time if it is received by the HU Legal Protection for Students Office before the end of the period referred to in the previous paragraph.
3. If your appeal is submitted after the deadline of that period (as referred to in the first paragraph of this article), it will be declared inadmissible. This means that the appeal will not be processed. Sometimes an appeal can be processed despite the fact that it has been submitted too late. You must then prove that you have submitted the notice of appeal as soon as can reasonably be required.
4. If your appeal is directed against the failure to make a decision in time, the time limit as mentioned in Paragraph 1 does not apply. However, your appeal will be declared inadmissible if you submit your appeal unreasonably late.
5. At your request, the Examinations Appeals Board or the Dispute Resolution Committee may grant you an extension to submit or supplement your appeal. There must be reasonable grounds for this extension, in the opinion of the Examinations Appeals Board or the Dispute Resolution Committee.

### **Article 19**      **Confirmation of Receipt**

You will receive a confirmation through HUKAS when your appeal has been received. In HUKAS you are also informed about the possibility of requesting a provisional arrangement, as referred to in [Article 29](#) of these regulations.

**8.2 Amicable Settlement**

**Article 20 Amicable Settlement**

1. The secretary sends the notice of appeal to the organisational unit that took the decision (hereinafter: defendant), with a request to consult with the stakeholders in order to reach a solution by mutual agreement (an amicable settlement). The defendant shall also be given the date by which a report on the outcome of the investigation into a mutual solution is due. If the parties reach a solution by mutual agreement, the case will not be heard by the Examinations Appeals Board or the Dispute Resolution Committee.
2. If the parties cannot reach a solution by mutual agreement, the appeal will be processed by the Examinations Appeals Board or the Dispute Resolution Committee. The defendant will then be informed of a date by which the written defence must be submitted.
3. If the appeal is lodged against a decision by an examiner, the secretary will send the appeal both to the relevant examination board as well as to the relevant examiner(s). In such a case, the examination board is the organisational unit which investigates whether the parties can reach a solution by mutual agreement and invites the parties involved for consultation.
4. If the parties reach a solution by mutual agreement, the defendant shall inform the secretary accordingly before the end of the prescribed period. You will then be asked to confirm that a solution has been reached. After you have confirmed that a solution has been reached, the appeal file will be closed.

**8.3 Preliminary Investigation**

**Article 21 Method**

1. The preliminary investigation shall be conducted under the direction of the chairman. The organisational units, staff members and examiners of the university provide all necessary information within the context of the appeal, on request or otherwise, to the Examinations Appeals Board or the Dispute Resolution Committee.

**Article 22 Written Defence**

1. If the parties have not reached a solution by mutual agreement, the defendant is asked to submit a written defence before a certain deadline.
2. At the request of the defendant, the Examinations Appeals Board or the Dispute Resolution Committee may postpone the deadline by which the written defence and/or a supplementary document to it must be submitted. The deadline may be postponed if there are reasonable grounds to do so in the opinion of the Examinations Appeals Board or the Dispute Resolution Committee.
3. Even if no written defence is submitted (in time), a hearing will be held.

## **8.4 Invitation to a Hearing**

### **Article 23 Invitation to a Hearing**

1. After the defendant has submitted the written defence, the secretary shall, in consultation with the chairman, determine the time and place for hearing the appeal. In principle, the hearing takes place within three weeks after receipt of the written defence.
2. The secretary shall invite, in writing, the parties to appear at the hearing at least one week before the date of the hearing. This concludes the preliminary investigation.

### **Article 24 Inspection of Documents**

Together with the invitation as referred to in Article 23 of these regulations, or as soon as possible thereafter, the secretary shall send a file to the parties.

### **Article 25 Submission of Further Documents**

The parties may submit further documents up to four working days before the hearing. The parties shall be made aware of this in the invitation, as referred to in Article 23 of these regulations.



**8.5 Recusal and Privilege**

**Article 26 Recusal**

1. If a party believes that (one of the members) of the Examinations Appeals Board or the Dispute Resolution Committee is not impartial, it may submit a request for recusal.
2. A request for recusal must be announced to the secretary no later than two working days before the hearing, stating the facts or circumstances on which the recusal is based. The case will then be put on hold.
3. The other members of the relevant chamber of the Examinations Appeals Board or the Dispute Resolution Committee will decide on the recusal as early as possible, unless the person involved acquiesces in the recusal. The decision on the request shall state the reasons on which it is based and shall be communicated to the parties as soon as possible.

**Article 27 Privilege**

The chairman or another member of the Examinations Appeals Board or the Dispute Resolution Committee may claim privilege if there are facts or circumstances that could impair their impartiality. This means that that person will not participate in the hearing of the case. Article 26(2) and 26(3) apply to the claiming of privilege.

## 8.6 Provisions for Urgent Appeals

### Article 28 Expedited Processing of Appeal with the Examinations Appeals Board

1. The Examinations Appeals Board may, if the case is urgent, decide to process the appeal expeditiously.
2. Expedited processing means that the time limit for submitting a written defence, as referred to in Article 23(2) of these regulations, is shortened;
3. If the Examinations Appeals Board decides that an appeal will be dealt with expeditiously, the secretary, in consultation with the chairman, will set the time and place of the hearing as soon as possible. Article 23(2) of these regulations applies in this respect.

### Article 29 Provisional Arrangements with the Examinations Appeals Board

1. There are cases in which your interest requires an immediate arrangement. You can then request a provisional arrangement pending the ruling on your appeal, with a well-substantiated petition to the chairman of the Examinations Appeals Board. You can do this even if the defendant has previously refused to make such a provisional arrangement.<sup>17</sup> Article 18 of these regulations shall apply mutatis mutandis to the petition (7.61.6).
2. The chairman of the Examinations Appeals Board will decide on your request for a provisional arrangement. The organisational unit concerned or the examiner in question and, if necessary, other persons directly involved, are heard by the chairman after they have been summoned. Article 32 of these regulations applies in this respect.
3. The secretary shall, in consultation with the chairman, set the time limit for you and the other persons involved to be summoned. The notice to appear may be made verbal or in writing, and may also be made outside normal working hours if the chairman considers there to be an urgent reason.
4. The provisional arrangement ends as soon as the Examinations Appeals Board has decided on the appeal, unless the written decision of the chairman of the Examinations Appeals Board specifies another time.

### Article 30 Expedited Processing of Appeal with the Dispute Resolution Committee

1. In cases of urgency, the chairman of the Dispute Resolution Committee may decide within one week of the lodging of the appeal that the Committee shall issue an expedited opinion to the Executive Board.
2. The secretary shall immediately inform the parties of a decision by the chairman as referred to in Paragraph 1. The secretary shall also give the defendant the opportunity to submit a written defence, if possible before the hearing.
3. The secretary shall, in consultation with the chairman, set the time limit for the appellant, defendant and the other persons involved to be summoned. The notice to appear may be made verbal or in writing, and may also be made outside normal working hours if the chairman considers there to be an urgent reason.
4. The Dispute Resolution Committee issues an opinion after you, the defendant and, if necessary, other parties directly involved, have been heard at a hearing. Article 33 of these regulations applies in this respect.
5. The opinion shall be issued no later than three weeks after the lodging of the appeal. The Executive Board shall take a decision no later than four weeks after the lodging of the appeal. Article 45 applies in this respect.

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<sup>17</sup> A petition for a provisional arrangement may in the first instance be made directly to the defendant. If the defendant is an examination board, this falls under the application procedure of Article 7.1 of the EER.

## 8.7 Simplified Proceedings

### Article 31 Simplified Proceedings

1. Until the parties have been invited to appear at a hearing of the Examinations Appeals Board or the Dispute Resolution Committee, the chairman may close the investigation and issue a ruling or respectively an opinion to the Executive Board. This can only be done if it is not necessary to continue the investigation, because:
  - a. the Examinations Appeals Board or the Dispute Resolution Committee is manifestly unauthorised;
  - b. the appeal is manifestly inadmissible;
  - c. the appeal is manifestly unfounded;
  - d. the appeal is manifestly well-founded.
2. In the ruling of the chairman of the Examinations Appeals Board, or the decision of the Executive Board after having been issued an opinion **without a hearing** by the Dispute Resolution Committee (following application of the previous paragraph), the parties are informed of the possibility of lodging an objection in accordance with Article 32 of these regulations. Article 32(2), 32(3), 32(4) and 32(5), or Article 40(2), 40(3), 40(4) and 40(5) of these regulations shall apply to such a ruling or opinion respectively.

### Article 32 Objection

1. A stakeholder may lodge an objection against the ruling of the chairman of the Examinations Appeals Board or against the decision of the Executive Board following an opinion issued by the chairman of the Dispute Resolution Committee (as referred to in Article 31(1) of these regulations) with the HU Legal Protection for Students Office within four weeks of the ruling or decision. The sender of the notice of objection may ask to be heard.
2. Articles 17 and 18 of these regulations shall apply to the notice of objection.
3. The objection suspends the effect of the ruling/decision. If the objection has been lodged against a decision of the Executive Board, the latter will be informed of this immediately.
4. Before the Examinations Appeals Board or the Dispute Resolution Committee reaches a decision on the objection, it may hear the sender of the notice of objection at a hearing, unless the Examinations Appeals Board or the Dispute Resolution Committee is of the opinion that the objection is well-founded.
5. The hearing of the sender of the objection may take place at the request of the sender or because it is deemed important in the interest of the investigation.
6. The ruling or the opinion on the objection shall lead to:
  - a. the objection being declared inadmissible;
  - b. the objection being declared declared unfounded, or
  - c. the objection being declared declared well-founded.
7. If the Examinations Appeals Board declares the objection inadmissible or unfounded, the ruling against which the objection was lodged will stand.
8. If the Dispute Resolution Committee issues an opinion to the Executive Board to declare the objection inadmissible or unfounded and the Executive Board adopts that opinion, the decision against which the objection was lodged will stand.
9. If the Examinations Appeals Board declares the objection well-founded, or the Executive Board decides that the objection is well-founded, the ruling or the (decision on the) opinion against which the objection was lodged will lapse and the investigation of the original appeal by the Examinations Appeals Board or the Dispute Resolution Committee will continue from the stage it was in.  
Titles 8.8 and 8.9 respectively 8.10 of these regulations shall then apply.

**8.8. Hearing**

**Article 33 Assistance and Representation**

1. The parties may be assisted by counsel or represented by an authorised representative. If they are summoned to appear in person, they are obliged to comply with that summons.
2. If a party is represented by an authorised representative, that party must submit a written authorisation to the secretary.
3. If a party is assisted by counsel or represented by an authorised representative, the secretary shall send all documents relating to the notice of appeal to that person.

**Article 34 Witnesses and Experts**

1. The parties may bring one or more witnesses or experts to the hearing. However, they must then inform the secretary of the hearing thereof in writing and no later than two working days before the hearing, stating the name and capacity of the person(s) involved. The secretary shall forward this information directly to the counter party.
2. The Examinations Appeals Board or the Dispute Resolution Committee may summon witnesses and experts themselves or at the request of one of the parties. The secretary shall inform the parties of such a summons as soon as possible.

**Article 35 Hearing**

1. Each chamber of the Examinations Appeals Board or the Dispute Resolution Committee in principle hears appeals against decisions taken within the institute for which the chamber was established.
2. The relevant chamber of the Examinations Appeals Board or the Dispute Resolution Committee will hear the appeal in a public session. In special cases, the chairman may decide that all or part of the appeal will be heard in chambers.
3. All members of the relevant chamber of the Examinations Appeals Board or of the Dispute Resolution Committee are present at the hearing.
4. Hearings shall be conducted under the direction of the chairman. He gives members the opportunity to ask further questions to parties.
5. The chairman shall first give you the opportunity to explain your position, and will then give the defendant the opportunity to explain his or her position.
6. These sessions will be conducted in Dutch, unless the use of another language is more effective and the interests of third parties are not disproportionately harmed as a result.
7. The chairman and the members of the Examinations Appeals Board or of the Dispute Resolution Committee may ask the parties and any witnesses and experts present questions that they consider necessary for the ruling on the appeal. The person to whom the question is put must answer it.
8. The president shall have the final judgement on all disputes arising at the hearing concerning the manner the hearing is conducted, insofar as this has not been provided for in these regulations.
9. If circumstances make it impossible to hear an appeal at a physical session, the chairman may decide to hold the session digitally. The parties shall then be informed thereof at least one week before the date of the session.

**Article 36          Joint Hearing and Separation**

The Examinations Appeals Board or the Dispute Resolution Committee may decide (at its own discretion or at the request of one of the parties) to hear appeals on the same or a related subject jointly and to separate the hearing of joint cases. Such a decision can be taken until the end of the hearing.

**Article 37          Failure to Appear**

If a party or his representative fails to appear at the hearing, despite having been duly summoned, the chairman may decide to proceed with the hearing of the appeal without the presence of that party.

**Article 38          Staying the Hearing and Orders to Produce Evidence**

1. If, before the conclusion of the investigation at the session, it appears that more investigation is necessary, or if one of the parties still wishes to respond to documents that were only presented during or shortly before the session, the chairman may (in derogation from Article 29 of these regulations) decide that the hearing will be stayed until a time to be determined.
2. The chairman may also decide to issue orders to produce evidence to one or both parties.

## 8.9 Ruling of the Examinations Appeals Board

### Article 39 Deliberations

1. After the session, the Examinations Appeals Board deliberates and decides behind closed doors, under the direction of the chairman and in the presence of the secretary.
2. The Examinations Appeals Board bases its ruling on the documents submitted by parties, and on the matters raised during the session or requested by the Examinations Appeals Board itself.
3. The Examinations Appeals Board supplements, ex officio, the grounds for appeal.
4. The Examinations Appeals Board may supplement, ex officio, the facts that are relevant to the proceedings.

### Article 40 Ruling

1. The Examinations Appeals Board will give its ruling within ten weeks of receiving the appeal. This period may be extended by the chairman. The parties will then be informed in good time.
2. The ruling leads to:
  - a. the appeal being declared inadmissible;
  - b. the appeal being declared unfounded, or
  - c. the appeal being declared well-founded.
3. If the Examinations Appeals Board declares the appeal to be well-founded, the contested decision is annulled in whole or in part. The Examinations Appeals Board may further determine that, under conditions to be set by the Examinations Appeals Board:
  - the competent body must make a new decision or, if a decision has been refused, must take a decision;
  - the interim examination, the examination, the admission test, the supplementary examination or any part thereof is retaken.

The Examinations Appeals Board may set a deadline for this in its ruling.

4. Only at your request will the Examinations Appeals Board order the relevant organisational unit to pay the costs of the proceedings in accordance with the '*Besluit Proceskosten Bestuursrecht*' (Legal Costs (Administrative Law) Decree). This only applies to the costs you have reasonably had to incur in connection with the hearing of his appeal, and only to the extent that the appeal lodged by you is successful. You must have submitted the request before the Examinations Appeals Board has decided on the appeal.
5. The ruling is furnished with a date and contains:
  - a. the names of the parties and of any authorised representatives and counsel;
  - b. the grounds on which the ruling is based;
  - c. the actual ruling (as referred to in the second paragraph of this article),
  - d. the names of the chairman and the members of the Examinations Appeals Board who issued the ruling.
6. The ruling is signed by the chairman and the secretary of the Examinations Appeals Board.
7. The ruling is sent to the parties by registered mail, by the secretary of the Examinations Appeals Board. The ruling is also sent to the Executive Board and the management of the institute concerned. The ruling will also be published anonymously on the intranet of the university.
8. The ruling is binding on all parties.

### Article 41 Lodging an Appeal Against a Ruling by the Examinations Appeals Board

1. A stakeholder may lodge an appeal against a ruling by the Examinations Appeals Board (as referred to in Article 40(2)) or a declaration of inadmissibility or unfoundedness of an appeal (as referred to in Article 32(5)(a) or

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32(5)(b)) with the Higher Education Appeals Tribunal in The Hague<sup>18</sup> (Article 7.66 WHW) within six weeks after the day on which the decision in question was announced.

2. In the rulings of the Examinations Appeals Board referred to in Paragraph 1, stakeholders are informed of the possibility of lodging an appeal and of the applicable appeal period.

### Article 42      Review of a Ruling

The Examinations Appeals Board may, at the request of a party, review a ruling on the basis of facts or circumstances that:

- a. have taken place prior to the ruling; or
- b. were not known to the applicant of the request for review before the ruling and could not reasonably have been known; and
- c. could have led to a different ruling had they been known to the Examinations Appeals Board at an earlier time.

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<sup>18</sup> In February 2022, the Dutch Upper and Lower Houses of Parliament adopted the '*verbetering rechtsbescherming mbo-studenten*' (improvement of legal protection of students in senior secondary vocational education) legislative proposal. As a result of this legislative amendment, as of 1 January 2023 the tasks of the Higher Education Appeals Tribunal (CBHO) will be transferred to the Administrative Law Division of the Council of State (ABRvS). From that moment on, students can turn to the ABRvS. Where CBHO is mentioned, ABRvS can be read.

## 8.10 Opinion of the Dispute Resolution Committee

### Article 43 Deliberations

1. The Dispute Resolution Committee deliberates and decides behind closed doors, under the direction of the chairman and in the presence of the secretary.
2. The Dispute Resolution Committee bases its opinion on the documents submitted by parties, and on the matters raised during the session or requested by the Dispute Resolution Committee itself.
3. The Dispute Resolution Committee supplements, ex officio, the grounds for appeal.
4. The Dispute Resolution Committee may supplement, ex officio, the facts that are relevant to the proceedings.

### Article 44 Opinion of the Dispute Resolution Committee

1. The Dispute Resolution Committee shall issue its opinion to the Executive Board within eight weeks of receiving the notice of appeal. This period may be extended by the chairman. The parties shall be informed of this in good time.
2. The opinion leads to:
  - a. the appeal being declared inadmissible;
  - b. the appeal being declared unfounded, or
  - c. the appeal being declared well-founded.
3. Only at your request can the Dispute Resolution Committee issue an opinion for the Executive Board to decide to pay the costs of the proceedings in accordance with the '*Besluit Proceskosten Bestuursrecht*' (Legal Costs (Administrative Law) Decree). This only applies to the costs you have reasonably had to incur in connection with the hearing of his appeal, and only to the extent that the appeal lodged by you is successful. You must have submitted the request before the Dispute Resolution Committee has issued an opinion to the Executive Board on the appeal.
4. The Dispute Resolution Committee may issue an opinion entailing that the Executive Board is to annul the contested decision in whole or in part. The Dispute Resolution Committee may also issue an opinion entailing that:
  - a. the competent body must make a new decision or, if a decision has previously been refused, must take a decision;
  - b. the Executive Board may set a deadline for this in its decision.
5. The opinion is furnished with a date and contains:
  - a. the names of the parties and of any authorised representatives and counsel;
  - b. the grounds on which the opinion is based;
  - c. the actual opinion as referred to in the second paragraph of this article;
  - d. the names of the chairman and the members of the Dispute Resolution Committee who have issued the opinion.
6. The opinion shall be signed by the chairman and the secretary of the Dispute Resolution Committee.
7. The opinion is sent to the Executive Board by the secretary. The Executive Board shall ensure that its decision following the opinion, including the opinion, is made known to the parties. The decision and opinion shall also be sent to the management of the institute concerned. The opinion will also be published anonymously on the intranet of the university.
8. This article is also applicable to opinions issued by the chairman of the Dispute Resolution Committee, insofar as no specific regulations have been included in Articles 31 and 32.



**Article 45 Decision by the Executive Board Following an Opinion**

1. Within two weeks<sup>19</sup> after receipt of the opinion of the Dispute Resolution Committee (as described in in Article 45), the Executive Board will decide whether to adopt the opinion in whole or in part (7.63(b)(1)).
2. If the Executive Board decides not to adopt the opinion, or to adopt it only in part, it will inform the parties involved of this through a substantiated decision.
3. The decision of the Executive Board shall be sent to the parties concerned by registered mail. The Executive Board will send a copy to the related institute director and to the Dispute Resolution Committee.

**Article 46 Lodging an Appeal Against a Decision by the Executive Board Following an Opinion**

1. An appeal against a decision taken by the Executive Board following an opinion from the (chairman of the) Dispute Resolution Committee (as referred to in Articles 28(5), 32(7), or 45) may be lodged by a stakeholder with the Higher Education Appeals Tribunal in The Hague (7.66 WHW)<sup>20</sup>. This can be done within six weeks after the day on which the relevant decision was announced in the prescribed manner.
2. In the decisions of the Executive Board referred to in Paragraph 1, stakeholders are informed of the possibility of lodging an appeal and of the applicable appeal period.

**Article 47 Review of an Opinion**

1. The Dispute Resolution Committee may, at the request of a party, review an opinion on the basis of facts or circumstances that:
  - a. have taken place prior to the opinion; or
  - b. were not known to the sender of the request for review before the opinion and could not reasonably have been known; and
  - c. could have led to a different opinion had they been known to the Dispute Resolution Committee at an earlier time.
2. If a request for review is to be processed, the Dispute Resolution Committee will immediately inform the Executive Board.

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<sup>19</sup> Within ten weeks after the notice of appeal has been submitted.

<sup>20</sup> In February 2022, the Dutch Upper and Lower Houses of Parliament adopted the '*verbetering rechtsbescherming mbo-studenten*' (improving legal protection of students in senior secondary vocational education) legislative proposal. As a result of this legislative amendment, as of 1 January 2023 the tasks of the Higher Education Appeals Tribunal (CBHO) will be transferred to the Administrative Law Division of the Council of State (ABRvS). From that moment on, students can turn to the ABRvS.

## 9. ORGANISATION AND POWERS OF THE STUDENT GRIEVANCE COMMITTEE AND THE MISCONDUCT GRIEVANCE COMMITTEE

### Article 48 Composition

1. The university has a Student Grievance Committee and a Misconduct Grievance Committee.
2. The Student Grievance Committee consists of three members:
  - a chairman from outside the university;
  - an employee of the university;
  - a student of the university.
3. A deputy member will also be appointed for each member of the Student Grievance Committee. The appointment requirements of Article 49(2) shall apply to this.
4. For the composition, appointment, duties, powers and procedure of the Misconduct Grievance Committee, please refer to Articles 12 et seq. of the Misconduct Regulations.

### Article 49 Appointment of Student Grievance Committee Members

1. The chairman and the members of the Student Grievance Committee are appointed by the Executive Board.
2. The University Council may nominate persons for appointment as members of the Student Grievance Committee, taking into account the provisions of Paragraphs 3 and 4 of this article.
3. The chairman must:
  - a. have sufficient knowledge and understanding of the functioning of a higher education institution, and of the specific laws and regulations of higher (professional) education. The chairman must also have sufficient procedural experience;
  - b. hold a position outside of the university.
4. The following parties may be appointed members of the Student Grievance Committee:
  - a. persons who, on the basis of an open-ended employment contract, are employed by the university on the basis of the 'CAO-HBO' (Collective Labour Agreement for Higher Professional Education);
  - b. persons who are enrolled as students at the university.
5. Persons cannot become members of the Student Grievance Committee if they are members of the foundation management of the university, the Executive Board, or if they are institute directors, study programme coordinators, or student counsellors at the university. Similarly, members of the State Inspectorate for Higher Education cannot become member of the Student Grievance Committee.
6. The chairman is appointed for a term of three years. Reappointment is possible.
7. Employees of the university are appointed as members of the Student Grievance Committee for three years. Students of the university are appointed as members of the Student Grievance Committee for a period of two years. Reappointment is possible.
8. Membership of the Student Grievance Committee ends when the term of appointment expires. The chairman and the members may also be dismissed by the Executive Board at their own request. A request for dismissal should be submitted at least two months before the intended date of dismissal. The chairman and the members can also be dismissed by the Executive Board if they no longer meet the requirements referred to in Paragraph 3 and Paragraph 4 of this Article. In addition, student members may be dismissed if they have been sanctioned for non-compliance with the law and standards arising from it, or other internal standards and instructions.
9. All provisions of this article concerning the chairman and members of the Student Grievance Committee also apply to their deputies.

### **Article 50            Secretariat**

1. The Student Grievance Committee is supported by a secretary and deputy secretaries. These are appointed by the Executive Board. The Executive Board may add one or more staff members to the secretary.
2. The secretary will take part in the deliberations of the Student Grievance Committee, but will not have voting rights.
3. The secretary shall keep an archive of the requests for review and complaints received. This archive can only be accessed by the secretary, the chairman and members of the Student Grievance Committee.
4. The secretary and deputy secretaries divide the work for the Student Grievance Committee in mutual consultation.

### **Article 51            Duties and Powers of the Student Grievance Committee**

1. The Student Grievance Committee will decide on requests for review as referred to in Article 6(15) of these regulations. Exceptions to this are the requests for review that relate to complaints of inappropriate conduct as referred to in Article 15 of the Misconduct Regulations. If necessary, the Student Grievance Committee will, based on its opinion, advise the Executive Board on measures to be taken.
2. The Student Grievance Committee may, if necessary in order to reach an opinion, request further information about a complaint from the person lodging the complaint, from other parties involved within the university, and from experts outside of the university.

### **Article 52            Facilitation**

The chairman and members of the Student Grievance Committee are remunerated. This is granted under the HU Bodies (Legal Protection of Students) Facilities Regulation.

## 10 THE STUDENT GRIEVANCE COMMITTEE PROCEDURE

### Article 53 The Student Grievance Committee Procedure

1. Any stakeholder who feels that their interests have been directly harmed by facts against which the complaints procedure at the institutes is open in accordance with Article 6, or by a decision of a body as referred to in Article 6(12) following a complaint which does not relate to inappropriate conduct, can submit a complaint or request for review of this decision to the HU Legal Protection for Students Office, which will forward it to the Student Grievance Committee for processing.
2. A request for review or a complaint must be submitted in writing or digitally. If the complaint or request for review concerns conduct, the complaint must be made within one year after the conduct occurred; in all other cases, the deadline is six weeks.
3. A request for review or a complaint must be signed. Only if the request or complaint is submitted digitally, a signature is not required. The request or complaint shall in any case contain:
  - the name, address and student number of the sender;
  - the reasons for the request for review or the complaint;
  - the decision (dated) to which the request for review relates, and a copy of the decision, or a description of the facts about which the complaint is made in accordance with the provisions of Article 6(6).
4. If you wish to submit your request or complaint verbally, the HU Legal Protection for Students Office will provide the completion of the standard form.
5. The secretary of the Student Grievance Committee will send a confirmation of receipt to the sender within one week of receiving the request or complaint. If the requirements set out in Paragraph 5 are not met, this confirmation shall also include the request to supplement the request for review or the complaint. In any case, a request for review or a complaint is declared inadmissible if:
  - it has not been submitted within the period specified in Paragraph 2;
  - the requirements specified in Paragraph 5 have not been met and this has not been rectified even after a request as referred to in Paragraph 6 has been made;
  - the review or complaint concerns an act or decision as referred to in Article 8(2) of these regulations,
6. If the request or complaint is received after the end of the period (as referred to in Paragraph 2 of this Article), it shall be declared inadmissible. This means that the the request or complaint will not be processed. Sometimes a request or complaint can be processed despite the fact that it has been submitted too late. The sender must then demonstrate that the request or complaint was submitted as soon as reasonably possible.
7. The secretary of the Student Grievance Committee will forward the request for review or the complaint to the organisational unit that took the contested decision, or the organisational unit responsible for the complaint. This organisational unit shall be given the opportunity to submit a written response.
8. The response must be submitted within a reasonable period of time, not exceeding three weeks.
9. If the request for review or complaint concerns a complaint directed against a person, that person shall also be given the opportunity to respond to the request, in writing and within a reasonable time. Here, too, the time limit shall not exceed three weeks.
10. After receipt of the responses referred to in Paragraphs 7 and 9, or after the parties concerned have informed the secretary that they do not wish to submit a response, the secretary shall, in consultation with the chairman, set the place and time of a hearing, at which the request for review or complaint will be heard.
11. The hearing shall in principle take place within three weeks after a response has been received or a response as described above in Paragraph 10 has been waived.
12. The sender of the request for review or complaint, the organisational unit which took the contested decision or which is responsible for the complaint and, where appropriate, the person or persons to whom the complaint

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relates shall be invited by the secretary, at least one week before the date of the hearing, to appear at the hearing and present their views.

Together with the invitation or as soon as possible thereafter, the secretary shall send a file to the parties.

The parties may submit new documents up to four working days before the hearing. The parties shall be made aware of this in the invitation.

13. If a party believes that (one of the members) of the Student Grievance Committee is not impartial, he may submit a request for recusal. If a member of the Grievance Committee considers this to be the case, he may claim privilege.
14. If a party or his authorised representative does not appear at the session, although he has, in the opinion of the chairman, been duly summoned, the chairman may decide to proceed with the hearing without the presence of that party.
15. If, before the conclusion of the investigation at the session, it appears that more investigation is necessary, or if one of the parties still wishes to respond to documents that were only presented during or shortly before the session, the chairman may decide that the hearing will be stayed until a date to be determined.
16. The chairman may furthermore decide to issue order one or both parties to produce evidence.

### **Article 54 Simplified Proceedings and Objection**

1. Until the parties have been invited to appear at a session of the Student Grievance Committee, the chairman may close the investigation and issue an opinion to the Executive Board if continuation of the investigation is not required. This can only be done if it is not necessary to continue the investigation, because:
  - a. the Student Grievance Committee is manifestly unauthorised;
  - b. the request for review or the complaint is manifestly inadmissible;
  - c. the request for review or the complaint is manifestly unfounded;
  - d. the request for review or the complaint is manifestly well-founded.
2. In the opinion of the chairman of the Student Grievance Committee (after application of the preceding paragraph), the parties will be informed of the possibility of objection. For the procedure, refer to Article 36 of these regulations.

### **Article 55 Opinion of the Student Grievance Committee**

1. The Student Grievance Committee shall issue its opinion to the Executive Board within eight weeks of receiving the request for review or the complaint. This period may be extended by the chairman. The parties involved shall be informed of this extension in good time.
2. The opinion leads to:
  - a. the request for review or the complaint being declared inadmissible;
  - b. the request for review or the complaint being declared unfounded; or
  - c. the request for review or the complaint being declared well-founded.The Grievance Committee may also recommend additional measures.
3. The opinion is furnished with a date and contains:
  - a. the names of the parties involved;
  - b. the grounds on which the opinion is based;
  - c. the actual opinion as referred to in the second paragraph of this article; and
  - d. the names of the chairman and the members of the Student Grievance Committee who have issued the opinion.
4. The opinion shall be signed by the chairman and the secretary of the Student Grievance Committee.
5. The opinion is sent to the Executive Board by the secretary.

**Article 56          Decision by the Executive Board Following an Opinion**

1. Within two weeks<sup>21</sup> after receipt of the opinion of the Student Grievance Committee (as referred to in Article 54), the Executive Board will decide whether to adopt the opinion in full or in part.
2. If the Executive Board decides not to adopt the opinion, or to adopt it only in part, it will inform the parties involved of this through a substantiated decision.
3. The decision of the Executive Board is sent by registered mail to the parties involved, together with the opinion of the Student Grievance Committee. The Executive Board shall send a copy of the decision and a copy of the opinion to the related institute director. A copy of the decision is sent to the Student Grievance Committee.

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<sup>21</sup> I.e. within ten weeks after the request for review or the complaint has been submitted

## **11 FINAL PROVISIONS**

### **Article 57 Unforeseen Circumstances**

In cases not provided for in these regulations, the chairmen of the bodies concerned shall determine the procedure to be followed for reaching a decision. If necessary, they make a decision on their own accord.

### **Article 58 Evaluation and Amendments**

1. The Executive Board ensures that these regulations are evaluated regularly, but at least once every three years.
2. Amendments to these regulations will be adopted by the Executive Board with the consent of the University Council.

### **Article 59 Entry Into Force**

1. These amended regulations enter into force on 1 September 2022.
2. These regulations may be cited as the 'HU Legal Protection for Students Regulations'.