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HU Legal Protection for Students Regulations

HU Legal Protection for Students Regulations SBV/JZ/21.005 (EN)

Established by the Executive Board on 1 June 2021, with the approval of the Employees' and Students' Council on 18 June 2021.

These Regulations come into force on 1 September 2021.

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1 Introduction

The (prospective) student or external student may be facing decisions or behaviours of staff members or bodies of the HU which affect his legal position. If the student does not agree with a decision or his interests are harmed, the student has several options with regard to legal protection. The statutory provisions of the legal protection of the student can be found in title 4 of chapter 7 of the WHW (Wet op het Hoger onderwijs en Wetenschappelijk onderzoek, the Higher Education and Scientific Research Act). In Article 7.59a WHW, the legislator has instructed the Executive Board of the university of applied sciences to provide students with an accessible and unequivocal facility where the student can head with a complaint, an objection or an appeal.

Ideally, conflicts are solved by the parties involved. In the first instance, the student is expected to turn to the person to whom the issue relates. This person involved (for example a lecturer, or a study adviser) is expected to be open to consultation and to make an effort to arrive at a solution. If the parties involved cannot find a solution, the student will then be able to submit a complaint or appeal. There may be problems that are difficult or impossible to resolve internally by the parties concerned, for example with unfair or disrespectful treatment or inappropriate conduct.

These Regulations distinguish between submitting a complaint in second instance (the request for a review) and lodging an appeal. A student may appeal against certain decisions which affect the student's rights and/or obligations. In legal terms, this concerns a decision with a legal effect. For example, a decision which means a student is not granted exemption, is sanctioned or will not be enrolled in the degree programme.

If it does not concern a decision with a legal effect, but the student disagrees with something else, then the student may lodge a complaint. This may be about the content of the education, about the scheduling or the quality of facilities. Complaints and appeals are therefore different concepts and relate to different issues.

Should a student wish to lodge a complaint, he can do this within the institute. The complaint will be dealt with by (or on behalf of) the responsible manager. The student can also bring his complaint to the Student Information Point (STIP). This is a central desk (both physically and digitally) which informs, advises and refers students. The student may lodge a complaint by means of the digital complaint form, after which the STIP forwards the complaint to the appropriate body. The STIP is not responsible for the actual processing of complaints, unless the complaint concerns the STIP itself.

If the student does not agree with a decision, or a decision about a request submitted by the student remains pending, the student may turn to the HU Legal Protection for Students Office. The HU Legal Protection for Students Office is a central office transcending the individual institutes. The student may lodge an appeal by submitting a digital appeal form in HUKAS. The HU Legal Protection for Students Office will ensure that the appeal is dealt with by the appropriate body. The WHW demands the creation of a Board of Appeal Concerning Examinations and a Disputes Advice Committee. The Board of Appeal Concerning Examinations deals with appeals concerning decisions of Examination Boards and examiners. The Disputes Advice Committee deals with appeals concerning decisions about, among other things, enrolment in and disenrolment from a degree programme, refunds of tuition fees and any measures imposed on a student because of inappropriate behaviour. The student can also turn to the HU Legal Protection for Students Office if he does not agree with the manner in which a complaint was handled. The student can then use HUKAS to submit a request for review, after which the Student Complaints Committee as an independent body assesses the request for review and then issues advice to the Executive Board.

In addition to the aforementioned procedures there are two special procedures, namely the procedure concerning inappropriate conduct and the procedure for protection of privacy.

In the event of inappropriate conduct by a fellow student or lecturer, the student may turn to the confidential counsellor. The student can also submit a complaint to the Inappropriate Conduct Complaints Committee (see the Regulations on Inappropriate Conduct).

Finally, the student may take his complaint to the HU Legal Protection for Students Office to report (the suspicion of) wrongdoing within the HU (whistleblowing). The HU Legal Protection for Students Office forwards the report to the Reporting Desk and assists and assists the student (see the HU Whistleblowing Regulations).

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Finally, to improve readability, where these Regulations refer to “he” or “the student”, this is meant to include females as well.

2 GENERAL PROVISIONS

Article 1 Definitions

1. **Appeal:**
The procedure before the Board of Appeal concerning examinations or the Disputes Advice Committee¹ as laid down in these Regulations.
2. **Appellant:**
The individual submitting an appeal.
3. **Board of Appeal Concerning Examinations:**
The Board as referred to in Article 7.60 WHW and as referred to in the Student Charter. Its set-up and powers are provided for by these Regulations.
4. **Body:**
A person or group of persons who pursuant to a generally binding regulation has or have been endowed with certain powers within the HU.
5. **Course participant:**
The individual who participates in contract education, provided by HU University of Applied Sciences Utrecht.
6. **Decision:**
A written resolution with a legal effect, made by one of the university's bodies. This includes the absence of a decision or a delay in the decision-making.
7. **Disputes Advice Committee:**
The Board as referred to in Article 7.63a WHW and as referred to in the Student Charter HU. Its set-up and powers are provided for by these Regulations.
8. **Executive Board:**
The administrative body of the HU, also the institutional administration of the Hogeschool Utrecht Foundation, pursuant to Article 10.8 of the WHW, with duties and powers as laid down in the statutes of the Hogeschool Utrecht Foundation.
9. **External student:**
A person enrolled at the HU as an external student in accordance with Article 7.32 ff. of the WHW². An external student is not entitled to attend classes, but may take part in examinations and use certain study facilities.
10. **Final examination (final exam):**
The final assessment of a student by the end of a degree programme or its first-year phase. Every degree programme has a final examination. An examination may be an assessment conducted by the Examination Board to determine the knowledge, insight and skills of the student.
11. **HU Legal Protection for Students Office:**
A facility set up by the Executive Board as referred to in Article 7.59a WHW, where students may lodge complaints and appeals, and which ensures that these are forwarded to the appropriate investigating body.
12. **Inappropriate Conduct Complaints Committee:**
A committee established by the Executive Board, which investigates complaints about inappropriate conduct. Its set-up, duties and powers have been defined in the Regulations

¹ In Article 7.63a, the WHW refers to the Dispute Advisory Committee for objection. The HU chooses to refer to this as an appeals procedure as well.

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on Inappropriate Conduct.

13. Institute Director:
The person managing an institute, with duties and powers as described in the Board and Management Regulations (can be found on www.hu.nl/governance).
14. Institute Legal Protection for Students Office
A facility set up by the Institute Director where students are able to submit complaints and appeals, and that ensures that these are forwarded to the appropriate university body.
15. Review request:
A request to review (reconsider) a decision made after a complaint.
16. STIP:
The Student Information Point. A digital and physical office where the student can ask questions about education and ask for advice on procedures. STIP operates as an institute office. In addition to his questions and need for advice, the student can turn to STIP to complete a complaint form, after which STIP will forward the complaint for further processing to the appropriate body.
17. Student:
The person who, in accordance with Article 7.32 ff. WHW³ and other statutory regulations, has enrolled as a student at the HU in either a full-time, part-time or work-study programme. The rights and obligations of students are described in the HU Student Charter.
18. Student Complaints Committee:
A committee established by the Executive Board, which deals with complaints as referred to in Article 7.59b WHW (with the exception of complaints about inappropriate conduct). Its set-up, duties and powers have been laid down in the HU Legal Protection for Students Regulations.
19. The party concerned:
The party whose interests are directly involved in a decision³.
20. University of applied sciences:
HU University of Applied Sciences Utrecht, maintained by the Hogeschool Utrecht Foundation.
21. Week:
A period of seven consecutive days, with the exception of generally recognised public holidays which have been included in OSIRIS.
The annual summer and Christmas breaks, as determined by the HU Legal Protection for Students Office, have the effect of extending the periods allowed for lodging appeals. The start and end dates of the summer and Christmas break are determined and announced in writing by the HU Legal Protection for Students Office.
22. WHW:
Wet op het Hoger onderwijs en Wetenschappelijk onderzoek (Higher Education and Scientific Research Act), referred to as WHW in this document, as published in the

³ These Regulations therefore apply to (prospective) students and external students of government-funded degree programmes. In Article 2 paragraph 5 the scope for the internal procedures was extended to include students of non-funded CROHO degree programmes (i.e. Centraal Register van Opleidingen in het Hoger Onderwijs, that is, Central Register of Higher Education Degree Programmes) ("post-initieel") and the course participants enrolled in postgraduate higher professional education degree programmes within the Institute for Nursing: Nursing the Chronically Ill, High Intensive Care Psychiatry, Nursing in Judicial Institutions, Palliative Care, Social-Psychiatric Nursing, Gerontological and Geriatric Nursing.

³ This includes prospective students who lodge an appeal against a decision regarding admission to/enrolment in a government-funded degree programme.

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Staatsblad (Bulletin of Acts and Decrees) 1992 no. 593, including the later additions and amendments.

Article 2 Relation with WHW and Scope

1. These Regulations refer to the Regulations as described in the HU Student Charter. They define the composition and powers of the Board of Appeal Concerning Examinations and the Disputes Advice Committee. They also define the grounds for appeal, the appeals procedure, and the manner in which the judgements of the first and the advice of the latter are arrived at (as laid down in Article 7.60 ff. WHW for the Board of Appeal Concerning Examinations and Article 7.63a WHW for the Disputes Advice Committee).
2. The Board of Appeal Concerning Examinations exclusively decides on appeals against decisions as described in Article 7.61, paragraph 1 WHW.
The Disputes Advice Committee deals with appeals against all other decisions with legal consequences that have been made on the basis of the WHW and associated Regulations.
The Board of Appeal Concerning Examinations and the Disputes Advice Committee do not pass judgment on any demands that come under the authority of a civil court.
3. No separate rules apply to the Board of Appeal Concerning Examinations. The subjects as mentioned in Article 7.62 paragraph 1 sub a to g WHW are set out in Articles 4, 5, 6, 7, and 18 of these Regulations.
4. These Regulations also establish a complaints procedure as referred to in Article 7.59b WHW.
The Student Complaints Committee and the bodies at the institutes responsible for dealing with complaints do not pass judgment on demands that relate to a complaint that comes under the authority of a civil court.
5. The internal procedures described in these Regulations are accessible to students who, on the grounds of the WHW, the Individual Health Care Professions Act (BIG), or the Royal Decree of 22 August 1997, are enrolled in an “initial” or “post-initial” degree programme at HU University of Applied Sciences Utrecht⁴.
6. The internal procedures described in these Regulations are also accessible to course participants enrolled in postgraduate higher professional education degree programmes within the Institute for Nursing Studies: Nursing the Chronically Ill, High Intensive Care Psychiatry, Nursing in Judicial Institutions, Palliative Care, Social-Psychiatric Nursing, Gerontological and Geriatric Nursing⁵.

Article 3 Publication

The Institute Director will inform the students, prospective students, and external students enrolled in degree programmes provided by the institute about the complaint procedure and appeals procedure, and in particular points out the Institute Legal Protection for Students Office, which is subsumed under the Student Information Point (STIP).

⁴ This includes all HU degree programmes entered in CROHO, funded and non-funded.

⁵ These courses are offered in contract education and are only offered in Dutch. For the benefit of the reader, the names of these training courses are presented in English in these Rules.

3 INSTITUTE LEGAL PROTECTION FOR STUDENTS OFFICE

Article 4 Establishment and duties of the Institute Legal Protection for Students Office

1. Each Institute Director will ensure that in addition to a digital office there is at least one physical Institute Legal Protection for Students Office in each institute⁶. It is subsumed under the Student Information Point. The study guide of the programme contains information about the location of the Student Information Point and how it can be reached.
2. STIP ensures that all complaints submitted are forwarded to the appropriate body that must deal with those particular complaints. Appeals or review requests will be forwarded to the HU Legal Protection for Students Office.
3. The Student Information Point will register the name of the student submitting the complaint, the date of submission, and the date it was processed, and will inform the institute management.
4. The Student Information Point will inform students about the procedures and may refer students for advice and support, for example to a confidential counsellor or mediator.
5. If the student intends to submit a complaint in person, the HU Legal Protection for Students Office will detail the complaint on the appropriate standard form and forward the complaint to the appropriate body that must deal with the complaint.
6. If a student wishes to report wrongdoings or a suspicion of wrongdoings, the Student Information Point will refer the student to the Reporting Desk as allocated for that purpose in the HU Whistleblowers Regulations or to the HU Legal Protection for Students Office.

Article 5 Referral obligation

If a student lodges a complaint or appeal with a body not competent to deal with this submission, then it will be forwarded as quickly as possible to the appropriate body once the date of receipt has been recorded. The sender will receive notification about this at the same time.

⁶ If they so desire, institutes may also furnish a desk per degree programme or per cluster.

4 INSTITUTE COMPLAINTS PROCEDURE

Article 6 Institute complaints procedure

1. Each (prospective) student who is of the opinion that his interests have been directly affected by the conduct or a decision of a staff member, another student or a body of the institute, is entitled to submit a complaint with a request for measures to be taken.

A complaint cannot be submitted against:

- decisions with legal effect which allow appeals to be brought (on the grounds of Art. 1 of these Regulations);
- actions or decisions for which another procedure is available on the grounds of HU Regulations except as provided for in paragraph 5;
- an act or decision with respect to which a complaint has been submitted before;
- decisions of a general nature⁷.

2. A student may submit a complaint in writing or digitally. The complaint has to be submitted to the Student Information Point or the relevant body or person within two weeks after the decision was made or the act was committed. STIP forwards the complaint to the appropriate body that must deal with that particular complaint.

A student is also entitled to 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 will determine which body should deal with the complaint, given its nature, with due consideration of the statutory and (internal) regulations. If a complaint has been forwarded by the Student Information Point to the relevant body, then this body will inform STIP of the date by which the complaint will be dealt with.
4. There are different time restrictions on submission if the complaint concerns inappropriate conduct (see Article 18 of the Regulations regarding Inappropriate Conduct) . The student may submit the complaint to the relevant body within the institute first or to submit the complaint directly to the Inappropriate Conduct Complaints Committee.⁸
5. Complaints should be signed⁹ and contain as a minimum:
 - the name, address details, and student registration number of the sender;
 - the reasons for the complaint;
 - a clear description of the action or the decision about which the complaint is made, including the date, name, and position of the person who demonstrated the conduct or made the decision. If available, a copy of the decision will be attached.

The student may use the standard digital form for submitting the complaint, which can be found on the HU intranet (Ask HU).

6. If the student intends to submit the complaint in person, STIP will detail the complaint on the digital standard form.

⁷ Decisions of a general nature are not aimed at a person or a specific case.

⁸ The confidential counsellor can provide advice and/or support in this matter.

⁹ If the letter of complaint is submitted digitally, the student's signature is not required.

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7. The body dealing with the complaint will send a confirmation of receipt to the sender within one week after the receipt of the complaint. If the requirements described in paragraph 6 have not been satisfied, the sender will be requested to provide further details of the complaint.
In any case, a complaint will be declared inadmissible if:
 - it has not been submitted within the term specified in paragraph 3;
 - the requirements stipulated in paragraph 6 are not satisfied, and this situation has not been rectified even after a request to that effect as referred to in paragraph 8;
 - the complaint relates to conduct or a decision as described in paragraph 2 of this Article.
8. If the complaint is received beyond the term stipulated in paragraph 3, it will be declared inadmissible, unless the sender is able to demonstrate that the complaint was submitted as quickly as reasonably possible.
9. The body dealing with the complaint may invite the individual submitting the complaint to be heard with respect to the objections made. In that case, the sender will receive a timely notification of that opportunity or an invitation to attend a hearing.
10. If the complaint concerns an individual, then this individual will be allowed the opportunity of responding to the complaint in writing, and will be allowed, at their request, to provide further information in person. In that case, a hearing will be held to which the person submitting the complaint will also be invited.
11. The university body dealing with the complaint will inform the sender of its decision in writing¹⁰ within two weeks of receipt of the complaint. This decision is properly motivated and may also include advice. A copy of the decision will be sent to the Institute Director.
12. If the body dealing with the complaint foresees that it will be unable to arrive at a decision within the stipulated period, it will inform the sender of the complaint of this delay within two weeks after receipt of the complaint. The body must specify the time frame in which the decision will be made after all, plus the reason for the delay.
13. In the decision, the student will be informed of the option for submitting a request for a review and the period within which that request should be submitted.
14. The student may submit a request to the Student Complaints Committee for a review of a decision regarding a complaint as referred to in paragraph 12 of this Article. If the complaint concerns inappropriate behaviour towards the complainant, it must be submitted within a year of the date on which the behaviour took place, in all other cases within six weeks after the date stated on the written decision. The student can submit this request for a review to the HU Legal Protection for Students Office (the relevant procedures are described in chapter 5 of these HU Legal Protection for Students Regulations).
15. The weeks of the annual summer and Christmas breaks (as determined in accordance with the HU Student Legal Protection Regulations), do not count towards the periods for the complaints procedure, that is to say the deadlines are extended accordingly.

¹⁰ If the decision about the complaint is sent digitally, a scan of the signature will be placed under the decision.

5 THE HU LEGAL PROTECTION FOR STUDENTS OFFICE

Article 7 Establishment of the HU Legal Protection For Students Office

A digital HU Legal Protection For Students Office exists. The study guides contain information about how the office can be contacted.

Article 8 Duties of the HU Legal Protection for Students Office

1. The Office will see to it that all appeals and requests for reviews submitted are forwarded to the appropriate body dealing with the appeal or the request for review.
2. The Office will provide administrative support to the Board of Appeal Concerning Examinations, the Disputes Advice Committee, the Student Complaints Committee, and the Inappropriate Conduct Complaints Committee.
3. The Office will inform students about the procedures and may refer students for advice and support, for example the confidential counsellor or the mediator. The Office will also provide information and advice to the Student Information Point.
4. If a student intends to submit a review request or complaint in person, the Office will detail this on the digital appeal or complaint form. It will then send the request for review or the complaint to the appropriate body.
5. A student can report wrongdoings or a suspicion of wrongdoings to the HU Legal Protection for Students Office. It will forward the report to the Reporting Desk as allocated for that purpose in the HU Whistleblowers Regulations and will assist the student in reporting if required.

6 ESTABLISHMENT OF THE BOARD OF APPEAL CONCERNING EXAMINATIONS AND THE DISPUTES ADVISORY COMMITTEE

Article 9 Composition

1. In addition to the Chair and Deputy Chair, the Board of Appeal Concerning Examinations and Disputes Advice Committee comprise twelve members and a minimum of twelve additional members to deputise. Half the number of members is employed as lecturers by the university; the other half is represented by the students enrolled at the university.
2. The Board of Appeal Concerning Examinations and Disputes Advice Committee do their work in six separate sub-committees.

Sub-committee 1:	Degree programmes within the domain of Communication & Journalism
Sub-committee 2:	Degree programmes within the domain of Economics & Management
Sub-committee 3:	Degree programmes within the domain of Education.
Sub-committee 4:	Degree programmes within the domain of Health Care.
Sub-committee 5:	Degree programmes within the domain of Applied Sciences & Technology.
Sub-committee 6:	Degree programmes within the domain of Social Sciences & Law.

3. In addition to a Chair, each sub-committee, in principle, comprises:
 - a. a staff member whose main employment is within a degree programme within the relevant domain;
 - b. a student member enrolled for a degree programme within the relevant domain;
 - c. a staff member whose main employment is within a degree programme within another domain within the university
 - d. a student member enrolled for a degree programme within another domain of the university.
4. A staff member who is also the Chair or a member of an Examination Board will not act as a member of the Board of Appeal Concerning Examinations if the latter is dealing with an appeal against a decision of the relevant Examination Board, a decision of an examiner for the degree programme or group of degree programmes for which the relevant Examination Board was appointed.

Article 10 Appointment

1. The Chair and members of the Board of Appeal Concerning Examinations and the Disputes Advice Committee are appointed by the Executive Board.
2. The Employees' and Students' Council is invited to nominate individuals for appointment to the Board of Appeal Concerning Examinations and the Disputes Advice Committee with due consideration of the provisions of Article 10, paragraphs 5 and 6 of these Regulations.
3. In the decision to appoint a member to the Board of Appeal Concerning Examinations and/or the Disputes Advice Committee it will be set down in which sub-committees the individual member will have a seat, with due consideration of the provisions of Article 9, paragraph 2 of these Regulations. The member will deputise on other sub-committees, if required. In special cases the chair may decide that a sub-committee consists of one staff member and one student member.
4. The Chair must meet the following requirements:

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- a. the requirements set for the eligibility to be appointed as a judicial officer, as referred to in Article 5 of the Judicial Officers (Legal Status) Act (Wet rechtspositie rechterlijke ambtenaren)
 - b. have knowledge of the specific laws and legislation applicable to higher
 - c. (professional) education and have sufficient procedural experience in this area;
 - d. have a function guaranteeing independence.
5. The following persons may be appointed as members of the Board of Appeal Concerning Examinations:
- a. individuals employed as lecturers in tenured positions at the university on the basis of the Collective Labour Agreement for Higher Professional Education (CAO-HBO);
 - b.
 - c. individuals who are registered as students at the university.
6. The following persons may be appointed as members of the Disputes Advice Committee:
- a. individuals employed in tenured positions at the university on
 - b. the basis of the Collective Labour Agreement for Higher Professional Education (CAO-HBO);
 - c. individuals who are registered as students at the university.
7. Staff members cannot be or become a chairperson or a member if they are a member of the board of the university's foundation or of the Executive Board, or if they are an Institute Director, Programme Coordinator, or Student Counsellor. Members of the federal inspectorate for higher education are also excluded from membership of the Board of Appeal Concerning Examinations or the Disputes Advice Committee.
8. The Chair is appointed for a term of three years. Re-appointments are permissible.
9. Members of the Board of Appeal Concerning Examinations and the Disputes Advice Committee, insofar as they are staff members, are appointed for a period of three years, whereas students are appointed for a period of two years. Re-appointments are permissible.
10. Membership of the Board of Appeal Concerning Examinations and the Disputes Advice Committee expires after the appointment period.
Furthermore, the Chair and members will be granted discharge by the Executive Board at their own request. A request for discharge must be submitted at least two months prior to the intended date of discharge.
The Chair and members may also be discharged by the Executive Board if they no longer satisfy the requirements stipulated in paragraph 4, 5 or 6 of this Article.
Student members may also be discharged if a punitive measure has been taken against them for not abiding by the law and any ensuing standards, or any internal standards and instructions.
11. All the stipulations in this Article regarding the Chair and members of the Board of Appeal Concerning Examinations and the Disputes Advice Committee also apply to their deputies.

Article 11 Secretariat

1. The Board of Appeal Concerning Examinations and the Disputes Appeals Committee are supported by a Secretary and Deputy Secretaries, each of whom is appointed by the Executive Board. The Executive Board may appoint one or more staff members to assist the Secretary.
2. The Secretary participates in the deliberations by the Board of Appeal Concerning Examinations and the Disputes Advice Committee, but is not entitled to vote.

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3. The Secretary records all the letters of appeal that have been received. These records are solely accessible to the Secretary, the Chair and the members of the Board of Appeal Concerning Examinations, and the Disputes Advice Committee.
4. The Secretary and Deputy Secretaries distribute their work for the Board of Appeal Concerning Examinations and the Disputes Advice Committee in mutual consultation.

Article 12 Allowance

The Chair and members of the Board of Appeal Concerning Examinations and the Disputes Advice Committee receive an allowance for their work. This allowance is defined in the Allowance Scheme for HU Bodies for Legal Protection of Students.

7 POWERS OF THE BOARD OF APPEAL CONCERNING EXAMINATIONS AND OF THE DISPUTES ADVISORY COMMITTEE

Article 13 Subjects of appeal for the Board of Appeal Concerning Examinations

- a. The Board of Appeal Concerning Examinations passes judgment on appeals submitted against decisions on the grounds of Article 7.61 WHW and these Regulations, regarding:
 - b. decisions about the binding study advice (Article 7.8b paragraph 3 and paragraph 5 WHW) and the binding referral (Article 7.9 paragraph 1 WHW);
 - c. decisions about whether a student has passed the final examination as referred to in Article 7.9d WHW);
 - d. decisions, other than decisions of general application, made on the grounds of the provisions by virtue of or pursuant to title 2 of chapter 7 of the WHW, regarding admission to exams;
 - e. decisions made on the basis of an additional investigation, if the more specific requirements for prior education have not been met (as referred to in Articles 7.25, paragraph 5 and 7.28, paragraph 4 WHW);
 - f. decisions of examination boards and examiners;
 - g. decisions of committees relating to exemptions on the grounds of admission tests (as referred to in Article 7.29 paragraph 1 WHW);
 - h. decisions about admission to Master's degree programmes (Article 7.30b WHW)
2. The Disputes Advice Committee passes judgment pursuant to Article 7.63a WHW regarding appeals against decisions based on the stipulations in Chapter 7 WHW, which relate to matters other than those referred to in paragraph 1 of this Article and Article 7.61 WHW.
3. In these Regulations, a decision is also understood to mean:
 - a. the refusal, in writing, to make a decision, and
 - b. a decision not being made in good time. A decision is not made in good time if it has not been made within the term specified by law therefor or, if such a term has not been specified by law, the decision has not been made within eight weeks.
4. No appeal can be lodged against decisions of a general nature.¹¹

Article 14 Those entitled to submit appeals

1. The prospective, current or former student who is considered a party with an interest in a decision¹² is entitled to lodge an appeal against the decision with the Board of Appeal Concerning Examinations or the Disputes Advice Committee.
2. Students who are registered for courses at the HU on grounds other than the WHW or the Individual Health Care Professions Act or the Royal Decree of 22 August 1997, such as students following postgraduate higher professional education courses and types of contract courses¹³, are excluded from lodging appeals.
3. Paragraph 2 does not apply to course participants enrolled in postgraduate higher professional education degree programmes within the Institute for Nursing Studies: Nursing the Chronically Ill, High Intensive Care Psychiatry, Nursing in Judicial Institutions, Palliative Care, Social-Psychiatric Nursing, Gerontological and Geriatric Nursing¹⁴.

¹¹ Decisions of a general nature do not relate to one single individual party involved. Problems due to these decisions can often be brought to notice through participation bodies.

¹² Prospective students may also belong to those entitled to lodge appeals, for instance against decisions concerning their admittance or enrolment in a degree programme.

¹³ See also Article 2, paragraph 5.

¹⁴ These courses are offered in contract education and are only offered in Dutch. For the benefit of the reader, the

Article 15 Grounds for appeal

A student may lodge an appeal if a decision is in conflict with the law.

This is the case if:

- a. the decision is in violation of any generally binding stipulation;
- b. in making the decision, the body concerned has clearly used its authority for purposes other than those for to which it is authorised;
- c. the body concerned could not reasonably have reached the decision when balancing the interests of the parties concerned;
- d. the decision is in conflict with another general legal principle of proper management.

names of these training courses are presented in English in these Rules.

8 PROCEDURE FOR THE BOARD OF APPEAL CONCERNING EXAMINATIONS AND DISPUTES ADVISORY COMMITTEE

8.1 Lodging an appeal

Article 16 Lodging an appeal

1. A student may lodge an appeal with the Board of Appeal Concerning Examinations or the Disputes Advice Committee by submitting a motivated letter of appeal to the HU Legal Protection for Students Office. A student lodging an appeal is called an appellant.
2. Appeals must be submitted digitally to the HU Legal Protection for Students Office by means of a digital appeal form¹⁵.
3. If the appeal is lodged with another university body, then this body will send the appeal as quickly as possible to the HU Legal Protection for Students Office, once the date of receipt has been recorded. The student submitting the appeal (hereinafter referred to as the appellant) will be informed about this at the same time.
4. The effect of the decision against which the appeal has been lodged will not be postponed, unless stipulated otherwise by or pursuant to statutory provisions.

Article 17 Contents of the appeal

1. The appellant must at any rate provide the following information in the appeal form:
 - a. the name, home address, place of residence, student number, plus the names of the institute and degree programme he is enrolled in;
 - b. an email address¹⁶ used for all correspondence regarding the appeal;
 - c. the date the appeal is submitted;
 - d. a clear description of the decision against which the appeal is being lodged, including the date of that decision, and the name of the person or the body that made the decision;
 - e. one or more grounds as described in Article 15 of these Regulations on which the appeal is based;
 - f. as detailed a description of the claim as possible.
2. The appeal must be accompanied by a copy of the decision to which the appeal relates. If the appeal is against a refusal to make a decision, a clear description must be included of the decision that should have been made according to the appellant.
3. If the appeal does not comply with the requirements stipulated in the first paragraph of this Article, the Secretary will inform the student and invite the appellant to make sure the requirements are met after all within a given period. If the appellant fails to meet the requirements within this time after all, the appeal will be declared inadmissible.

¹⁵ The appeal form can be found at Ask HU on the sites klachtenwegwijzer.hu.nl, hukas.hu.nl and on the HU website at www.hu.nl/rechten-en-plichten.

¹⁶ The student is responsible for the accessibility of this email address and regular use. The (prospective) student is also expected to check the spam folder if necessary, as it cannot be ruled out that emails from HU University of Applied Sciences Utrecht end up there.

Article 18 Appeal term

1. The term for lodging an appeal is six weeks. This term starts on the day following the day on which the relevant decision was either refused or made known to the appellant.
2. An appeal will be deemed to have been submitted on time, if it is received by the HU Legal Protection for Students Office before the end of the term referred to in the previous paragraph.
3. If the appeal is submitted after this term (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 will be processed after all, even though it was submitted after the term had expired. The appellant must then demonstrate that he submitted the appeal as quickly as could reasonably be expected.
4. If the appeal is lodged against the fact that a decision was not made on time, then no time limit will apply. However, the appeal will be deemed to be inadmissible if it is submitted unreasonably late by the appellant.
5. The Board of Appeal Concerning Examinations or the Disputes Advice Committee may, at the appellant's request, extend the period for submitting or supplementing the appeal. However, there will have to be reasonable grounds for extending the deadline in the opinion of the Board of Appeal Concerning Examinations or the Disputes Advice Committee.

Article 19 Confirmation of receipt

The Secretary will confirm receipt of the appeal in writing to the appellant, including the date of receipt. The Secretary may also inform the appellant of the option of requesting a provisional decision as referred to in Article 29 of these Regulations.

8.2 Amicable settlement

Article 20 Amicable settlement

1. The Secretary will send the appeal to the body that made the decision (hereinafter referred to as the “respondent”), requesting consultation with the parties concerned as to the possibility of an amicable settlement to the dispute. This is a settlement between two parties without intervention from either the Board of Appeal Concerning Examinations or the Disputes Advice Committee. The Secretary will stipulate a time within which a response to the appeal as referred to in Article 22 of these Regulations will need to be submitted . The respondent may invite the parties concerned for consultations about an amicable settlement within a week of receiving the request.
2. If the appeal is against an examiner’s decision, the Secretary will send the appeal directly to the relevant Examination Board. The Examination Board will then invite the parties concerned for consultation.
3. If attempts to reach a settlement have been successful, the respondent will inform the Secretary of this before the time allowed for the response expires, and the appeal will be withdrawn by the appellant in writing.
4. If the dispute cannot be settled, the respondent must submit a response within the time allocated.

8.3 Preliminary investigation

Article 21 Procedure

1. The preliminary investigation takes place under the supervision of the Chair.
2. The university's bodies, staff members as well as the examiners will provide the Board of Appeal Concerning Examinations or the Disputes Advice Committee with all the details they deem necessary to carry out their task.

Article 22 Response to the appeal

1. The respondent will be afforded the opportunity of submitting a response (letter of defence) before the appeal is dealt with in a hearing by the Board of Appeal Concerning Examinations or the Disputes Advice Committee.
2. The response must be submitted within a reasonable period. This period cannot be more than three weeks. A response will be deemed to have been submitted on time if it is received by the HU Legal Protection for Students Office before the end of this period.
3. The Board of Appeal Concerning Examinations or the Disputes Advice Committee may, at the respondent's request, extend the period for submitting or supplementing the response if, in the opinion of the Board of Appeal Concerning Examinations or the Disputes Advice Committee, there are reasonable grounds for doing so.

8.4 Invitation to a hearing

Article 23 Invitation to a hearing

1. Once the respondent has submitted the response, the Secretary will, in consultation with the Chair, determine the location and time of the hearing for the appeal. In principle, the hearing will take place within three weeks after receipt of the response.
2. The Secretary will invite the parties to appear at the hearing by letter at least one week prior to the date of the hearing. This completes the preliminary investigation.

Article 24 Access to documents

The Secretary will send the parties the documents relating to the appeal along with the invitation as referred to in Article 23 of these Regulations, or at least as soon as possible thereafter.

Article 25 Submission of additional documents

Parties may submit additional documents up to four days before the hearing. Parties will be informed of this in the invitation to attend the hearing as referred to in Article 23 of these Regulations.

8.5 Challenge and exclusion

Article 26 Challenge

1. If a party is of the opinion that (one of the members of) the Board of Appeal Concerning Examinations or the Disputes Advice Committee is not impartial, it can submit an application to challenge.
2. An application to challenge must have been communicated to the Secretary no later than two working days before the hearing, stating the facts or circumstances on which the challenge is based. Proceedings in the case will then be suspended.
3. The challenge will be considered as quickly as possible by the other members of the relevant sub-committee of the Board of Appeal Concerning Examinations or of the Disputes Advice Committee, unless the party concerned accepts the grounds for the challenge. The decision about the challenge will be substantiated and communicated to the parties as soon as possible.

Article 27 Exclusion

The chairperson or another member of the Board of Appeal Concerning Examinations or of the Disputes Advice Committee may submit a request to be excluded (excused to answer any questions) if there are facts or circumstances that might affect impartiality. This means that this person will not be part of the proceedings. Article 26 paragraph 2 and paragraph 3 apply to this request.

8.6 Arrangements for urgent appeal

Article 28 Expedited appeal proceedings with the Board of Appeal Concerning Examinations

1. The Board of Appeal Concerning Examinations may decide to expedite the appeal procedure if the case is urgent.
2. The expedited procedure means that the term for submitting a response, as referred to in Article 23, paragraph 2 of these Regulations is shortened.
3. If the Board of Appeal Concerning Examinations determines that the appeal procedure should be expedited, the Secretary will, in consultation with the Chair, determine the location and timing of the hearing as soon as possible. Article 23, paragraph 2 of these Regulations applies here.

Article 29 Provisional measure by the Board of Appeal Concerning Examinations

1. There are cases where the appellant's interests require an immediate provisional measure. The appellant may apply to the Chair of the Board of Appeal Concerning Examinations for provisional measures along with the reasons for making this request, pending the decision regarding the appeal. The appellant can also do this if the respondent previously refused to arrange such a provisional measure.¹⁷ Article 18 of these Regulations will apply accordingly to this request (7.61.6).
2. The Chair of the Board of Appeal Concerning Examinations will decide on the appellant's request after hearing the appellant, the relevant body or examiner concerned and, if necessary, any other parties directly involved, or at least after these parties have been invited to a hearing. Article 32 of these Regulations applies here.
3. The Secretary will, in consultation with the Chair, determine the term within which the appellant and the other parties involved are to be called. The call to appear can be relayed either in person or in writing, and the hearing may also take place outside the normal working hours of the parties involved if, in the opinion of the Chair, there is an urgent reason for doing so.
4. The provisional measure will expire as soon as the Board of Appeal Concerning Examinations passes judgment on the appeal, unless another term is recorded in the written judgment by the Chair of the Examination Appeals Board.

Article 30 Expedited appeal proceedings with the Disputes Advice Committee

1. In cases of urgency, the Chair of the Disputes Advice Committee may determine within one week after the appeal has been lodged that the Committee advises the Executive Board before the usual time.
2. The Secretary will directly inform the parties of the Chair's decision as referred to in paragraph 1. Moreover, the Secretary will if possible allow the respondent the opportunity to submit a response prior to the hearing.
3. The Disputes Advice Committee will draw up a notice of advice once the appellant, the respondent and, if necessary, any other parties directly involved have been heard in a hearing. Article 33 of these Regulations applies here.

¹⁷ A request for a provisionally enforceable measure may in the first instance be submitted directly to the respondent. In case the respondent is an Examination Board, this comes under the request procedure ex Article 7.1 of the Education and Examination Regulations.

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4. The Secretary will, in consultation with the Chair, determine the term within which the appellant, respondent, and the other parties involved are to be called. The call to appear can be relayed either in person or in writing, and the hearing may also take place outside the normal working hours of the parties involved if, in the opinion of the Chair, there is an urgent reason for doing so.
5. The notice of advice will be issued no later than three weeks after the appeal has been lodged. The Executive Board will make a decision no later than four weeks after the appeal has been lodged. Article 45 of these Regulations applies here.

8.7 Simplified procedure

Article 31 Simplified procedure

1. Until the point at which the parties are invited to appear before the Board of Appeal Concerning Examinations or the Disputes Advice Committee, the Chair may close the investigation and pass judgment or advise the Executive Board, respectively. This is only possible if continuation of the investigation is not necessary because:
 - a. The appeal is clearly beyond the authority of the Board of Appeal Concerning Examinations or the Disputes Advice Committee;
 - b. the appeal is clearly inadmissible;
 - c. the appeal is clearly unfounded;
 - d. the appeal is clearly founded.
2. The judgment passed by the Chair of the Board of Appeal Concerning Examinations or the decision by the Executive Board on the advice of the Chair of the Disputes Advice Committee (after application of the previous paragraph) will refer the parties to the option of raising an objection in accordance with Article 32 of these Regulations. Article 32, paragraphs 2, 3, 4, and 5 and Article 40, paragraphs 2, 3, 4, and 5 of these Regulations respectively will apply to such rulings or advice.

Article 32 Objection

1. Any interested party may submit a notice of objection to the judgment passed by the Chair of the Board of Appeal Concerning Examinations or the decision by the Executive Board on the advice of the Chair of the Disputes Advice Committee (as referred to in Article 31, paragraph 1 of these Regulations) within four weeks, after the judgment of the Chair of the Board of Appeal Concerning Examinations and/or the decision by the Executive Board, via the HU Legal Protection for Students Office. The individual submitting the notice of objection may ask for an opportunity to be heard.
2. Articles 17 and 18 of these Regulations apply to the notice of objection.
3. As a consequence of the objection, the effect of the judgment or implementation of the decision will be suspended. If the notice of objection submitted concerns a decision by the Executive Board, the Board will be informed about it directly.
4. The Board of Appeal Concerning Examinations or the Disputes Advice Committee may allow the individual who submitted the notice of objection the opportunity of being heard before it passes judgment on the objection, unless the Board of Appeal Concerning Examinations or the Disputes Advice Committee is of the opinion that the objection is founded.
5. Hearing the individual who raised the objection can happen at the request of the individual concerned or because it is deemed to be important to the investigation.
6. The judgment on, or advice following, the objection will result in:
 - a. the objection being declared inadmissible;
 - b. the objection being declared unfounded; or
 - c. the objection being declared founded.
7. If the Board of Appeal Concerning Examinations declares the objection inadmissible or unfounded, the judgment against which the objection was raised will remain in effect.
8. If the Disputes Advice Committee advises the Executive Board that the latter should declare the objection inadmissible or unfounded, and the Executive Board follows that advice, then the decision that was objected to will stand.

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9. If the Board of Appeal Concerning Examinations declares the objection to be founded, or the Executive Board determines that the objection is founded, then the judgment or the (decision on the) advice against which the objection was raised will be overturned and the investigation regarding the original appeal by the Board of Appeal Concerning Examinations or the Disputes Advice Committee will be continued as from its latest status. Titles 8.8, 8.9 and 8.10 of these Regulations, respectively, will then apply.

8.8. Proceedings at a hearing

Article 33 Assistance and representation

1. The parties are entitled to be assisted at the hearing by counsel or to be represented by an authorised person. If they have been called to appear in person, they are required to do so.
2. If a party is represented by an authorised person, then this party must submit a written authorisation to the Secretary.
3. If a party is assisted by counsel or represented by an authorised person, then the Secretary will send all the documents pertaining to the appeal to this authorised person.

Article 34 Witnesses and experts

1. The parties are entitled to have one or more witnesses or experts attend the hearing. They must inform the Secretary of this in writing no later than two working days before the hearing, stating the name and capacity of the individual or individuals concerned. The Secretary will send this information directly to the other party.
2. The Board of Appeal Concerning Examinations or the Disputes Advice Committee may call witnesses and experts on its own initiative or at the request of one of the parties. The Secretary will inform the parties as soon as possible about this call for witnesses and/or experts.

Article 35 Proceedings at a hearing

1. Each sub-committee of the Board of Appeal Concerning Examinations or the Disputes Advice Committee will, in principle, deal with the appeals submitted against decisions made within the institute for which the sub-committee has been appointed.
2. The relevant sub-committee of the Board of Appeal Concerning Examinations or the Disputes Advice Committee will deal with the appeal in a public hearing. In exceptional cases, the Chair may decide that the appeal should be heard either fully or in part behind closed doors.
3. The hearing will be attended by all members of the relevant subcommittee of the Board of Appeal Concerning Examinations or the Disputes Advice Committee.
4. The Chair will be responsible for the proceedings of the hearing. He will offer the members the opportunity to ask further questions of each party.
5. The Chair will first allow the appellant, and then the respondent, the opportunity of presenting his or her case.
6. The language spoken during the hearing will be Dutch, unless the use of another language is more efficient and unless the interests of third parties are unreasonably harmed by the use of Dutch.
7. The Chair and members of the Board of Appeal Concerning Examinations or of the Disputes Advice Committee are authorised to ask the parties and the witnesses and experts attending any questions that they deem necessary for assessing the appeal. The person who was asked the question must answer it
8. The Chair will have the decisive vote in any disputes arising during the hearing regarding the proceedings, insofar as this is not stipulated in these Regulations.

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9. If circumstances preclude a hearing where the parties meet in a physical space, the Chair may decide that the hearing shall take place in cyberspace in a digital form (online). The parties will be notified about this at least one week before the date of the hearing.

Article 36 Joint and separate proceedings

The Board of Appeal Concerning Examinations or the Disputes Advice Committee may on its own initiative or at the request of one of the parties decide to deal with appeals on the same or a related topic jointly and is also entitled to deal with joined multiple cases separately. Such a decision may be made right until the end of the hearing.

Article 37 Non-appearance

If one of the parties or its authorised representative does not appear at the hearing despite having been duly notified about and called to this hearing, the Chair may decide that the appeal can be dealt with at the hearing without the presence of that party.

Article 38 Postponing proceedings at a hearing and instructions to provide evidence

1. If prior to the conclusion of the investigation at the hearing it becomes apparent that further investigation is required, or if after all one of the parties wishes to react to documents submitted only during or just before the hearing, the Chair may decide (contrary to Article 29 of these Regulations) that the hearing is to be adjourned to a later date which is to be determined.
2. The Chair may also decide that one party or both parties must provide further evidence.

8.9 Rulings of the Board of Appeal Concerning Examinations

Article 39 Deliberations

1. The Board of Appeal Concerning Examinations will deliberate and decide behind closed doors after the hearing under the leadership of the Chair and in the presence of the Secretary.
2. The Board of Appeal Concerning Examinations will base its ruling on the documents submitted by the parties and on what has been brought up during the hearing or what was requested by the Board of Appeal Concerning Examinations on its own initiative.
3. The Board of Appeal Concerning Examinations will add to the grounds for appeal on its own initiative.
4. The Board of Appeal Concerning Examinations may on its own initiative add to the facts that are relevant for the process.

Article 40 Ruling

1. The Board of Appeal Concerning Examinations will pass judgment within ten weeks after receipt of the notice of appeal. This term may be extended by the Chair. The parties will be notified about this in good time.
2. The ruling will result in:
 - a. the appeal being declared inadmissible;
 - b. the appeal being declared unfounded, or
 - c. the appeal being declared founded.
3. If the Board of Appeal Concerning Examinations deems the appeal to be founded, the disputed decision will be overturned in part or in full. The Board of Appeal Concerning Examinations may also determine that under conditions set by the Board of Appeal Concerning Examinations:
 - the authorised body either has to make a decision again or - where a decision was refused - has to make a decision after all
 - the examination, admission test, additional investigation, or any of their components must be held again;

The Board of Appeal Concerning Examinations may set a deadline for this in its ruling.

4. Only at the request of the appellant will the Board of Appeal Concerning Examinations order the body involved to pay the costs of the procedure in accordance with the Legal Costs (Administrative Law) Decree (Besluit Proceskosten Bestuursrecht). This only applies to the costs the appellant has reasonably had to incur in connection with the hearing of his appeal and only to the extent that the appeal against the decision by the appellant is successful. The request must be made by the appellant before the Board of Appeal Concerning Examinations reaches its decision in respect of the appeal.
5. The ruling will be dated and comprise:
 - a. the names of the parties and any representatives and counsels;
 - b. the grounds on which the ruling is based;
 - c. the actual ruling (as referred to in the second paragraph of this Article) and
 - d. the names of the Chair and members of the Board of Appeal Concerning Examinations who issued the ruling.
6. The ruling will be signed by the Chair and Secretary to the Board of Appeal Concerning Examinations.

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7. The ruling will be sent via registered post to the parties by the Secretary to the Board of Appeal Concerning Examinations. Furthermore, the ruling will also be sent to the Executive Board and the directors of the relevant institute. The ruling will also be published in an anonymised form on the HU's intranet.
8. The ruling is binding on all parties.

Article 41 Appeals against rulings by the Board of Appeal Concerning Examinations

1. Any of the parties concerned may lodge an appeal with the Higher Education Appeals Board (College van Beroep voor het hoger onderwijs) in The Hague (Article 7.66 WHW) against a ruling by the Board of Appeal Concerning Examinations (as referred to in Article 40, paragraph 2) or against an objection that was declared inadmissible or unfounded (as referred to in Article 32, paragraph 5 sub a or b) within six weeks after the date on which the relevant decision was announced.
2. When the Board of Appeal Concerning Examinations issues a ruling as referred to in paragraph 1, the parties concerned will receive information about the option of lodging an appeal and the applicable period.

Article 42 Reviewing a ruling

The Board of Appeal Concerning Examinations may, at the request of one of the parties, review a ruling on the grounds of facts or circumstances that:

- a. occurred prior to the ruling, or
- b. before the ruling, were not known and could not in all reasonableness have been known to the individual who applied for a review, and
- c. might have led to a different ruling if the Board of Appeal Concerning Examinations had been aware of them earlier.

8.10 Advice from the Disputes Advice Committee

Article 43 Deliberations

1. The Disputes Advice Committee will deliberate and decide behind closed doors under the leadership of the Chair and in the presence of the Secretary.
2. The Disputes Advice Committee will base its advice on the documents submitted by the parties or which have been requested by the Disputes Advice Committee on its own initiative, as well as the proceedings at the hearing.
3. The Disputes Advice Committee will add to the grounds for appeal on its own initiative.
4. The Disputes Advice Committee may add to the facts on its own initiative.

Article 44 Advice by the Disputes Advice Committee

1. The Disputes Advice Committee will advise the Executive Board within eight weeks after the receipt of the notice of appeal. This term may be extended by the Chair. The parties will be notified about this in good time.
2. The advice will result in:
 - a. the appeal being declared inadmissible;
 - b. the appeal being declared unfounded, or
 - c. the appeal being declared founded.
3. Only at the request of the student can the Disputes Advice Committee advise the Executive Board to pay the costs of the procedure in accordance with the Legal Costs (Administrative Law) Decree (Besluit Proceskosten Bestuursrecht). This only applies to the costs the appellant has reasonably had to incur in connection with the hearing of his appeal and only to the extent that the appeal against the decision by the appellant is successful. The request must be made by the appellant before the Disputes Advice Committee issues its advice to the Executive Board in respect of the appeal.
4. The Disputes Advice Committee may advise the Executive Board to overturn the disputed decision either partially or in full. The Disputes Advice Committee may also advise that:
 - a. the authorised body either has to make a decision again or - where a decision was refused - has to make a decision after all;
 - b. The Executive Board may set a deadline for this in its decision.
5. The advice will be dated and comprise:
 - a. the names of the parties and any representatives and counsels;
 - b. the grounds on which the advice is based;
 - c. the factual advice as referred to in the second paragraph of this Article and
 - d. the names of the Chair and members of the Disputes Advice Committee who provided the advice.
6. The notice of advice will be signed by the Chair and Secretary to the Disputes Advice Committee.
7. The Secretary will send the notice of advice to the Executive Board. The Executive Board ensures that the parties will be informed of its decision following the notice of advice, with the inclusion of this notice. Furthermore, the decision and notice of advice will also be sent to the directors of the relevant institute. The notice of advice will be published in anonymised form on the HU's intranet.

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8. This Article also applies to any notice of advice provided by the Chair of the Disputes Advice Committee, insofar as no specific arrangements to that end have been included in Articles 31 and 32.

Article 45 Decision by the Executive Board following advice

1. The Executive Board will decide within two weeks¹⁸ of receiving the notice of advice from the Disputes Advice Committee (as described in Article 45) whether the advice is accepted either in part or in full (7.63b.1).
2. If the Executive Board decides it will not accept the advice or accept it only in part, the parties concerned will be informed of the motivated decision.
3. The decision by the Executive Board will be sent by registered letter to the parties concerned. The Executive Board will send a copy of the decision to the director of the relevant institute and to the Disputes Advice Committee.

Article 46 Appeal against a decision by the Executive Board following advice

1. Any of the parties concerned may lodge an appeal with the Higher Education Appeals Board (College van Beroep voor het hoger onderwijs) in The Hague (Article 7.66 WHW) against a decision made by the Executive Board following the notice of advice from the (Chair of the) Disputes Advice Board (as referred to in Article 28, paragraph 5, Article 32, paragraph 7, or Article 45). This can be done within six weeks after the date on which the relevant decision was announced in the prescribed manner.
2. When the Executive Board makes its decision as referred to in paragraph 1, the parties concerned will receive information about the option of lodging an appeal and the applicable time period.

Article 47 Review of advice

1. The Disputes Advice Committee may, at the request of one of the parties, review its advice on the basis of facts or circumstances that:
 - a. occurred before the advice was provided,
 - b. before the advice was provided, were not known and could not in all reasonableness have been known to the individual who applied for a review, and
 - c. might have led to a different notice of advice if the Disputes Advice Committee had been aware of them earlier.
2. If a request for review is accepted, the Disputes Advice Committee will inform the Executive Board of this without delay.

¹⁸ Within ten weeks after the notice of appeal has been submitted.

9. SETUP AND POWERS OF THE STUDENT COMPLAINTS COMMITTEE AND THE INAPPROPRIATE CONDUCT COMPLAINTS COMMITTEE

Article 48 Composition

1. The HU has a Student Complaints Committee and an Inappropriate Conduct Complaints Committee.
2. The Student Complaints Committee consists of three members:
 - a Chair from outside the university;
 - a staff member from the university;
 - a student from the university.
3. A deputy member will also be appointed for each member of the Student Complaints Committee. The requirements for appointment in paragraph 2 of Article 49 apply to these deputies.
4. Please refer to Articles 12 ff. of the Regulations regarding Inappropriate Conduct for the composition, appointment, duties, powers and procedures of the Inappropriate Conduct Complaints Committee.

Article 49 Appointment of the Student Complaints Committee

1. The Chair and members of the Student Complaints Committee are appointed by the Executive Board.
2. The Employees' and Students' Council may recommend individuals for appointment as members of the Student Complaints Committee with due consideration of the stipulations in paragraphs 3 and 4 of this Article.
3. The Chair must:
 - a. have sufficient knowledge of, and insight into the functioning of a higher education institution, the specific laws and legislation applicable to higher (professional) education; and also have sufficient procedural experience;
 - b. hold a position outside the HU.
4. The following people can be appointed to the Student Complaints Committee:
 - a. individuals employed at the HU on the basis of a Collective Labour Agreement for Higher Professional Education (CAO-HBO);
 - b. individuals who are registered as students at the university.
5. No one can be a member of the Student Complaints Committee if he or she is a member of the board of the university's foundation or of the Executive Board, or if he or she is an Institute Director, Programme Coordinator, or Student Counsellor at the university. Members of the federal inspectorate for higher education are also excluded from membership of the Student Complaints Committee.
6. The Chair is appointed for a term of three years. Re-appointments are permissible.
7. Staff members at the HU are appointed as members of the Student Complaints Committee for a term of three years. Students at the HU are appointed for a term of two years. Re-appointments are permissible.
8. Membership of the Student Complaints Committee expires after the appointment period. Furthermore, the Chair and members may at their own request be granted discharge by the Executive Board. A request for discharge must be submitted at least two months prior to the intended date of discharge.
The Chair and members may also be discharged by the Executive Board if they no longer

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satisfy the requirements as referred to in paragraphs 3 and 4 of this Article. Student members may also be discharged if a punitive measure has been taken against them for not abiding by the law and any ensuing standards, or any internal standards and instructions.

9. All the stipulations in this Article regarding the Chair and members of the Student Complaints Committee also apply to their deputies.

Article 50 Secretariat

1. The Student Complaints Committee is supported in its work by a Secretary and Deputy Secretaries. These are appointed by the Executive Board. The Executive Board may appoint one or more staff members to assist the Secretary.
2. The Secretary participates in the deliberations of the Student Complaints Committee, but is not entitled to vote.
3. The Secretary records all review requests and complaints received. These records are solely accessible to the Secretary, Chair, and members of the Student Complaints Committee.
4. The Secretary and Deputy Secretaries distribute their work for the Student Complaints Committee in mutual consultation.

Article 51 Duties and powers of the Student Complaints Committee

1. The Student Complaints Committee is tasked with issuing an opinion regarding any complaints that may be open to the complaints procedures in accordance with Article 6 or review requests following a decision regarding a complaint as described in Article 6 paragraph 15 of these Regulations. This excludes review requests relating to complaints about inappropriate conduct as described in Article 15 of the Regulations regarding Inappropriate Conduct. If required, the Student Complaints Committee gives advice to the Executive Board about the measures to be taken on the basis of its assessment.
2. In order to arrive at an opinion, the Student Complaints Committee is entitled to obtain further information about a complaint from the individual who submitted the complaint, as well as from other parties involved within the HU or from experts outside the HU.

Article 52 Allowance

The Chair and members of the Student Complaints Committee receive an allowance. This allowance is defined in the Allowance Scheme for HU Bodies for Legal Protection for Students.

10 STUDENT COMPLAINTS COMMITTEE PROCEDURE

Article 53 Student Complaints Committee procedure

1. Any person concerned who is of the opinion that his interests have been affected by facts that are open to the institute complaints procedure in accordance with Article 6 or by a decision by a university body as referred to in Article 6, paragraph 12 following a complaint, which does not concern inappropriate conduct, may submit a complaint or a request for a review of this decision to the HU Legal Protection for Students Office that will refer this to the Student Complaints Committee.
2. A review request or complaint must be submitted in writing or digitally. If the complaint or review request concerns certain conduct, the complaint should be submitted within in a year of the behaviour having occurred; in all other instances the time frame amounts to 6 weeks.
3. A review request or complaint should be signed. A signature is not necessary if the request or complaint is submitted digitally. The request or complaint must at least contain the following:
 - the name, address details, and student number of the sender;
 - the reasons for the review request or complaint;
 - the decision for which a review is being requested, including the date, and a copy of the decision or a description of the facts about which a complaint is being submitted in accordance with the stipulations in Article 6, paragraph 6.
4. If the student wishes to make the request or complaint in person, the HU Legal Protection for Students Office will complete the standard form.
5. The Secretary to the Student Complaints Committee will send the sender a confirmation of receipt within one week after receipt. If the requirements described in paragraph 3 have not been satisfied, the sender will be asked to provide further details of the review request or the complaint.

In any case, a review request or complaint will be declared inadmissible if:

 - it has not been submitted within the term specified in paragraph 2;
 - the requirements stipulated in paragraph 3 are not satisfied, and this situation has not been rectified even after a request to that effect as referred to in paragraph 5;
 - the review request or complaint relates to conduct or a decision as referred to in Article 8 paragraph 2 of these Regulations.
6. If the request or complaint is received after this term (as referred to in paragraph 2 of this Article), it will be declared inadmissible. This means that the request or complaint will not be processed. Sometimes a request or complaint will be processed after all, even though it was submitted after the deadline had expired. In that case, the sender must demonstrate that the request or complaint was submitted as quickly as reasonably possible.
7. The Secretary to the Student Complaints Committee will forward the review request or complaint to the body that made the disputed decision and/or is responsible for the complaint. This body is given the opportunity to respond in writing.
8. The response should be submitted within a specified reasonable period of time of no more than three weeks.
9. If the review request or complaint concerns a complaint against an individual, this individual will also be allowed the opportunity of responding within a reasonable period. Here too, this term must not be longer than three weeks.
10. Once the responses as referred to in paragraphs 7 and 9 have been received, or the parties concerned have informed the Secretary that they do not wish to respond, the Secretary will,

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in consultation with the Chair, determine the location and time of a hearing, where the review request or complaint will be heard.

11. In principle, the hearing will take place within three weeks after receipt of the response or no response as described above in paragraph 10 was received.
12. At least one week before the date of the hearing, the Secretary will invite by registered post the sender of the review request or complaint, as well as the body that made the disputed decision or is responsible for the complaint, and the individual or individuals involved in the complaint (if any) to appear at the hearing and explain their views.
The Secretary will send the parties the relevant documents along with the invitation, or at least as soon as possible thereafter.
The parties may submit additional documents up to four days before the hearing. The parties will be informed of this opportunity in the invitation.
13. If a party takes the view that (one of the members) of the Student Complaints Committee is not impartial, it can submit an application to challenge. If a member of the Student Complaints Committee thinks so, he may ask to be excluded (excused to answer any questions).
14. If one of the parties or its authorised representative does not appear at the hearing in spite of the fact that in the opinion of the Chair that party had been duly notified and called to the hearing, the Chair may decide that the hearing can take place without the presence of that party.
15. If prior to the conclusion of the investigation at the hearing it becomes apparent that further investigation is required, or if after all one of the parties wishes to react to documents submitted only during or just before the hearing, the Chair may decide that the hearing is to be adjourned to a later date which is to be determined.
16. The Chair may also decide that one or both parties must provide further evidence.

Article 54 Simplified procedure and objection

1. Until the point at which the parties are invited to appear before the Student Complaints Committee, the Chair may close the investigation and send a notice of advice to the Executive Board, if the investigation does not need to be continued. This is only possible if continuation of the investigation is not necessary because:
 - a. the matter is clearly beyond the authority of the Student Complaints Committee;
 - b. the review request or complaint is clearly inadmissible;
 - c. the review request or complaint is clearly unfounded;
 - d. the review request or complaint is clearly founded.
2. In the notice of advice of the Chair of the Student Complaints Committee (after application of the previous paragraph), the parties will be informed of the possibility of objection. For the relevant procedure, see Article 36 of these Regulations.

Article 55 Advice provided by the Student Complaints Committee

1. The Student Complaints Committee will advise the Executive Board within eight weeks of receipt of the review request or complaint. This term may be extended by the Chair. The parties involved will be informed of this extension in a timely fashion.
2. The advice will result in:
 - a. the review request or complaint being declared inadmissible;
 - b. the review request or complaint being declared unfounded, or
 - c. review request or complaint being declared founded.The Student Complaints Committee may also advise that additional measures be taken.

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3. The advice will be dated and comprise:
 - a. the names of the parties concerned;
 - b. the grounds on which the advice is based;
 - c. the factual advice as referred to in the second paragraph of this Article and
 - d. the names of the Chair and members of the Student Complaints Committee who provided the advice.
4. The notice of advice will be signed by the Chair and Secretary to the Student Complaints Committee.
5. The Secretary will send the notice of advice to the Executive Board.

Article 56 Decision by the Executive Board following advice

1. The Executive Board will decide within two weeks¹⁹ after receiving the notice of advice of the Student Complaints Committee (as referred to in Article 54) whether the advice should be accepted in part or in full.
2. If the Executive Board decides it will not accept the advice or accept it only in part, the parties concerned will be informed of the motivated decision.
3. The decision by the Executive Board will be sent by registered letter to the parties concerned, together with the notice of advice from the Student Complaints Committee. The Executive Board will send a copy of the decision and a copy of the notice of advice to the director of the relevant institute. A copy of the decision will be sent to the Student Complaints Committee.

¹⁹ Therefore, within ten weeks after the review request or appeal was submitted.

11 FINAL PROVISIONS

Article 57 Unforeseen circumstances

In respect of cases not covered by these Regulations, the chairpersons of the relevant bodies will decide the procedure with which a decision will be made. If necessary, they will make a decision independently.

Article 58 Reviews and amendments

1. The Executive Board sees to it that these Regulations are reviewed on a regular basis but at least once every three years.
2. Amendments to these Regulations will be determined by the Executive Board subject to approval from the Employees' and Students' Council.

Article 59 Entry into force

1. These amended Regulations come into effect on 1 September 2021.
2. These Regulations may be quoted as the "HU Legal Protection for Students Regulations".