

EUR Regulations of the Advisory Committee for Complaints and Objections 2021

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These Regulations were adopted by the Executive Board on the 16th of March 2021

The EUR Rules of procedure of the Advisory Committee on Objections dated 16th of December 2010 will be withdrawn of the 16th of March 2021

These Regulations enter into force on the 16th of March 2021

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Preamble

These regulations describe the way in which objections and complaints are handled by the EUR.

Objections

A person whose interest is directly affected by a written decision of an administrative authority of the EUR can seek redress against this decision by sending an objection to this administrative authority. The AKB can be asked for advise on the objection (on the basis of [Article 7:13 Awb](#)).

Only notices of objection submitted by (external) students will not be advised upon by the AKB. Those objections will be handled accordingly to the WHW by the GAS, the permanent Student Arbitration Committee ([Article 7.63a WHW](#)).

Complaints

Everyone has the right to file a complaint about the way in which an administrative authority of the EUR has behaved. The behaviour of a person working under the responsibility of an administrative authority is regarded as the conduct of that authority. The AKB can be asked to advise about a complaint (on the basis of [Article 9:14 Awb](#)). Complaints by (external) students will also be advised upon by the AKB.

More information about all EUR committees can be found in Appendix 1: "Overview of all EUR committees" on page 18.

Chapter I – Definitions

Article 1.1 – Definitions

1. For the purposes of these Regulations, the terms below are defined as follows:

- Administrative Authority An organ of a legal entity which has been established under public law, or a person or body which is invested with any public authority ([Article 1:1 Awb](#));
The Advisory Committee for Complaints and Objections, the permanent Advisory Committee for handling Notices of Objections and Complaints installed by the Executive Board;
- AKB The Advisory Committee for handling Notices of Objections and Complaints installed by the Executive Board;
- Awb [General Administrative Law Act](#)
- Chair The person appointed as Chair of the AKB by the Executive Board and who chairs the AKB during the handling of the Objection and/or the Complaint;
- Complaint Complaint about behaviour of the Administrative Authority as referred to in [Article 7.59b WHW](#) and [Article 9:1 Awb](#), with the exception of Complaints Undesirable Behaviour and Scientific Integrity;
- Complainant The person who submits a Complaint to the AKB ([Article 9:1\(1\) Awb](#));
- Defendant The representative of the Administrative Authority that took the contested Decision;
- EUR Legal entity installed under public law, officially known as ‘Erasmus Universiteit Rotterdam’;
- Executive Board Executive Board of the EUR; an Administrative Authority as referred to in [Article 1:1\(1\)\(a\) Awb](#);
- GDPR [General Data Protection Regulation](#);
- Interested Party Person whose interest is directly affected by an Order ([Article 1:2 Awb](#)), not being a (future or former) student or a (future or former) external students ([Article 7.59\(3\) WHW](#));
- Investigation The gathering of information by the AKB and the issue of advice to the Administrative Authority concerning the Objection and/or the Complaint;
- Lawyer A person authorised to use the title ‘Master of Laws’ ([Article 7.20 \(1\)\(b\) WHW](#));
- Legal Relationship
 - a. An employment contract with the EUR;
 - b. The performance of work for the EUR, other than on the basis of an employment contract;
 - c. A hospitality contract with the EUR.
- Manager The person who, on the instructions of, in the name of and under the responsibility of the Administrative Authority (in an administrative-law sense) and the EUR (in a private-law sense), is mandated with performing the administrative tasks as referred to in the [BBR-EUR](#);
- Notification The Written and justified findings of the Investigation into the Complaint, with which the position of the Administrative Authority is announced ([Article 9:12 Awb](#));
- Objection An Objection, as referred to in [Article 6:4 Awb](#), with the exception of notices of objection as referred to in [Article 7.63\(a\)](#) and [7.63\(b\). WHW](#);

- Officer A person with an employment contract with the EUR or a person working for the EUR under another title;
 - Order A Written decision by or on behalf of an Administrative Authority of the EUR, constituting a public-law act ([Article 1:3 Awb](#)).
The following are equated with an Order (Article 6:2 of the Awb):
 - a. A Written refusal to make an Order, and
 - b. Failure to make an Order in due time;
 - Regulations The EUR Regulations of the Advisory Committee for Complaints and Objections;
 - Secretary The Secretary of the AKB;
 - Supervisory Board The EUR Supervisory Board ([Article 9.7 WHW](#));
 - the Accused The person against whom a Written Complaint is submitted to the AKB, who also has or had a Legal Relationship with the EUR;
 - to Exempt/ Exemption A decision not to take a seat on the AKB for the handling of an Objection and/or Complaint;
 - to Recuse/ Recusal The recusal of the Chair or a member of the AKB for the handling of an Objection and/or Complaint on the basis of grounds that could jeopardise the independence or impartiality;
 - WHW Higher Education and Scientific Research Act.
 - Working Day As referred to in the [General Extension of Time Limits Act](#), all days with the exception of Saturdays, Sundays and generally recognised public holidays;
 - Written/In Writing By letter or electronically ([Article 2:13-2:17 Awb](#));
2. Where the Regulations use the 'he' form, this may also be read as the 'she' form and vice versa.
 3. Where the Regulations use a term in the singular form, this may also be read as the plural form where appropriate, and vice versa.

Chapter II – General

Article 2.1 – Legal framework

1. Objections and Complaints are handled in accordance with the provisions of the Awb.

Article 2.2 – Transfer of powers

1. For the purposes of these Regulations, the following authorisation of the Administrative Authority is transferred to the AKB and exercised by the Secretary of the AKB:
 - [Article 6:6](#) and [Article 9:4 Awb](#) (setting term to remedy omissions);
 - [Article 6:10 Awb](#) (deferring handling of the Objection until the beginning of the term);
 - [Article 6:17 Awb](#) (making Objection documents available to the authorised representative);
 - [Article 7:4 Awb](#) (insight Objection documents);
 - [Article 7:5\(2\) Awb](#) (hearing in public or otherwise)
 - [Article 7:6\(4\) Awb](#) (Order not to hear Parties in the presence of each other);
 - [Article 7:10\(3\) and 7:10\(4\) Awb](#) and [Article 9:11\(2\) Awb](#) (deferring Order on objection or Notification);
 - [Article 7:13\(2\) Awb](#) and [Article 9:6 Awb](#) in conjunction with [Article 9:15 Awb](#) (notice of handling by the AKB);
 - [Article 9:8 Awb](#) (acceptance of Complaint for handling).

Article 2.3 – Confidentiality

1. Every Objection and every Complaint is handled in confidence. Those who are directly or indirectly involved in the proceedings, have a duty to maintain the confidentiality with respect to any information which they learn through their participation in the proceedings.
2. The AKB may institute further Investigations into the breach of confidentiality.
3. Following verification of the breach of confidentiality, the AKB can take further measures to protect the confidentiality. These measures may extend to the way in which Parties are heard and the provision of access to documents and reports or otherwise.
4. Breaches of confidentiality, that obstruct the determination of the fact, may lead to discontinuation of the handling by the AKB. The Administrative Authority will be informed of this in Writing.
5. The confidentiality obligation does not apply to information that is exchanged between the Secretary, AKB, other persons appointed by the Administrative Authority specifically for handling of the Objection or the Complaint and pursuant to a statutory obligation of authorised officers of the police or the judiciary in relation to legal proceedings.

Article 2.4 – Processing of personal data

1. The AKB collects and processes only the personal data necessary for the Investigation of the Objection or the Complaint ([Article 6\(1\)\(c\) GDPR](#)).
2. The Administrative Authority or the AKB provides Personal Data to third parties only within the framework of these Regulations and/or if there is a statutory obligation to do so.
3. The [EUR Privacy Policy](#) outlines how the EUR processes personal data.

Article 2.5 – Objection and Complaint submitted simultaneously (article 8:14 Awb)

1. If an Interested Party has submitted a Complaint in addition to the Objection, the AKB decides whether the Complaint and the Objection will be handled simultaneously, unless the Complaint is submitted after the close of the Objection period ([Article 9:1](#) in conjunction with [Article 9:8 Awb](#)).

Chapter III – The AKB

Article 3.1 – Appointment

1. The Executive Board appoints the Chairs and members for a period of four years. The Chairs and members may be reappointed.
2. The Chairs do not form part of and are not employed under the responsibility of the Executive Board.
3. Neither the members of the Executive Board nor the members of the Supervisory Board, the Managers and the Confidential Counsellor qualify for appointment as the Chair or as a member.

Article 3.2 – Composition, Recusal and Exemption

1. The AKB advises with three members, including the Chair and including a Lawyer.
2. The handling takes place by an AKB of which the Chair and the members are or were not, in any way involved with the Objection, the Complaint or the Parties.
3. The Chair or a member of the AKB may Exempt themselves.
4. Recusal ([Article 8:18 Awb](#)):
 - Until the closure of the hearing, the Interested Party may Recuse the Chair, a member of the AKB or the entire AKB.
 - A request for Recusal must be made before the closure of the hearing and must then be submitted to the Secretary for the attention of the Administrative Authority in Writing, with proper justification, within two Working Days after the hearing.

- An AKB composed of other members, in which no members of the Recused AKB hold seats, will hear the Interested Party and the person whose recusal was sought in each other's presence and will promptly provide advice on the Recusal Request to the Administrative Authority taking the recusal decision. This decision must be justified and is notified immediately to the Parties and the person whose Recusal was requested.
- In the event of abuse, the Administrative Authority may decide that a subsequent request for Recusal will not be accepted for handling.
- No legal remedy is open against the decision of the Administrative Authority ([Article 6:3](#) in conjunction with [Article 1:3 Awb](#)).

The period within which an Order on the Objection or the Notification of the Complaint must be taken will be extended with the length of time to handle the Recusal Request.

5. If a Recusal and/or Exemption is found to be justified, the AKB member in question will be replaced by another member, or a new AKB will be composed.

Article 3.3 – End of appointment

1. Following a hearing, the appointment of a Chair or a member may be terminated by the Executive Board if, in the view of the Executive Board, there are serious reasons for this.
2. The Chair or a member may request termination of the appointment to the AKB at any time. This request will automatically be granted without a separate decision by the Executive Board.
3. The membership of the AKB expires by law if a position that is incompatible with AKB membership is accepted, as referred to in Article 3.1(3) of the Regulations.

Article 3.4 – Secretary

1. The AKB is supported by a Secretary who observes the instructions of the Chair in the performance of the work.

Article 3.5 – Remuneration of Chair and members

1. The Chair and the members of the AKB receive a fee in accordance with the EUR Attendance Fee Regulations adopted by the Executive Board.

Article 3.6 – Duties

1. The AKB advises the Administrative Authority without being bound by any instruction in relation to:
 - a. the preparation of the Order on the Objection;
 - b. the acceptance of a Complaint for handling, as referred to in Article 6.3 of the Regulations;
 - c. the preparation of the Notification after the acceptance of a Complaint for handling.
2. If no advice can be given on the Complaint, this is explained in the advice to the Administrative Authority.
3. The AKB does not issue advice on the content of any measures or sanctions to be taken by the Administrative Authority following the handling of the Complaint.

Article 3.7 – Working method

1. The AKB solely advises Administrative Bodies on Objections and Complaints.
2. The Administrative Authority, on request or otherwise, provides the AKB with all available information necessary for proper performance of its duties ([Article 3:7 Awb](#)).
3. The AKB is authorised to gather information from (former) Officers, (former) students, (former) external students and bodies of the EUR. It may request access to all documents and correspondence that it considers important for the assessment of the Objection or the Complaint.
4. The AKB may consult witnesses and experts who are affiliated to the EUR or otherwise. A report of such consultation will be drawn up.
5. The Investigation is led by the Chair of the AKB.

6. Procedural Orders of the AKB are not open to appeal or Objection ([Article 6:3](#) in conjunction with [Article 1:3 Awb](#)).

Chapter IV – Procedure for handling Objections

Article 4.1 – Regulations

1. The Objection must be submitted in Dutch and in Writing to the AKB for the attention of the Administrative Authority. For efficiency, another language may be used if this does not unreasonably harm the Interested Parties' interests ([Article 2:6 Awb](#)). Which language is more efficient is determined by the Chair. The provisions of Article 3.7 (6) of the Regulations are also applicable to this decision.
2. If the Objection is filed in a language other than Dutch and a translation is required for the proper processing of the Objection, the Interested Party must arrange for a translation at its own cost ([Article 2:6](#), [Article 4:5\(2\)](#) and [Article 6:5\(3\) Awb](#)).
3. The Objection is signed by the Interested Party and contains ([Article 6:5 Awb](#)):
 - a. the name, position, address, email address and telephone number of the Interested Party; and
 - b. a description, accompanied by a copy of the Order against which the Objection is directed; and
 - c. the grounds for the Objection; and
 - d. the date ([Article 6:5 Awb](#)).
4. An Objection may be rejected, in part or in full, on the grounds of [Article 2:15 Awb](#).

Article 4.2 – Submission of Objections

1. The period to submit a Written Objection is six weeks and starts on the day after the Order is published or is deemed to have been refused ([Article 6:7 and Article 6:8 Awb](#)). An Objection against an Order of the Central Polling Station must be submitted within seven Working Days ([Article 22 University Council Election Regulations](#)).
2. The Objection is submitted in a timely manner if it is received before the end of the period referred to in paragraph 1. An Objection sent by post is submitted in a timely manner if it is sent by post before the end of the period, on the condition that it is received no later than one week after the end of the period ([Article 6:9 Awb](#)).
3. If the Objection is submitted after the period specified in paragraph 2 of this Article has ended, inadmissibility of the Objection on the grounds of exceeding the term does not apply if it cannot reasonably be found that the Interested Party was in default ([Article 6:11 Awb](#)).
4. An Objection may be rejected, partially or in full, on the grounds of [Article 2:15\(2\) and 2:15\(3\) Awb](#).
5. The AKB confirms the receipt of the Objection in Writing ([Article 6:14 Awb](#)).

Article 4.3 – Representation

1. If a Party has an authorized representative, documents relating to the case will be sent to the authorised representative ([Article 6:17 Awb](#)).
2. The authorization must be provided in Writing, including date and the signature of the Interested Party.
3. If a Party is represented by an attorney, Written authorisation, as referred to in paragraph 2 is not required.
4. Any costs of representation are for the account of the Party that provides for its representation. Under certain circumstances, the Interested Party may qualify for subsidised legal aid from the Legal Aid Council. More information on this option is available here: www.rvr.org.

Article 4.4 – Witnesses and expert Parties

1. Witnesses and experts may be heard at the request of the Parties ([Article 7:8 Awb](#)), provided that the AKB is notified of this in Writing at least ten calendar days prior to the hearing, stating the personal data of the witnesses and the experts.
2. Any costs of hearing these witnesses are for the account of the Party that requested the hearing of these witnesses and experts.

Article 4.5 – Anonymous statement

1. A Written statement where the identity of a witness is not made known and, therefore, cannot be verified, will be disregarded by the AKB.

Article 4.6 – Rectification of Omission and Suspension of handling

1. If the requirements of Article 4.1 of the Regulations are not met, the AKB will grant the Interested Party an opportunity to rectify the omission within a period of ten Working Days ([Article 6:6 Awb](#)). This term may be extended by the AKB at the request of the Parties.
2. The handling term will be suspended from the date after which the Interested Party was requested to rectify the omission until the date on which the omission is rectified or the term set for this has expired ([Article 7:10\(2\) Awb](#)).
3. If the Interested Party fails to rectify the observed omission within the period of ten Working Days, the Objection may be declared inadmissible ([Article 6:6 Awb](#)).

Article 4.7 - Admissibility

1. An Objection may be declared inadmissible if:
 - The conditions of Article 4.1 and/or 4.2 of the Regulations are not met, despite the request of the AKB to rectify the omission or to supplement the Objection.
 - Any statutory requirement for the handling of the Objection is not met.
2. If inadmissibility is determined, the AKB will advise the Administrative Authority of this in Writing, stating the reasons.
3. The Administrative Body will notify the Parties in Writing of the reasons for the inadmissibility of the Objection.

Article 4.8 – Suspensive effect

1. The Objection does not suspend the operation of the Order against which it is directed unless provided otherwise by law ([Article 6:16 Awb](#)).

Article 4.9 – New Order

1. The Objection automatically also relates to an Order to withdraw, change or replace the contested Order, unless the Parties do not have a sufficient interest in this ([Article 6:19 Awb](#)).
2. The Defendant promptly notifies the AKB of the new Order.

Article 4.10 – Withdrawal of Objection

1. The Interested Party can withdraw the Objection by Writing to the AKB at any time ([Article 6:21 Awb](#)).
2. Verbal withdrawal may take place during the hearing of which a record will be drawn up.
3. If the Objection is withdrawn, handling by the AKB will be terminated immediately. The AKB notifies the Defendant of this in Writing without delay.

Article 4.11 – Waiver of the hearing

1. The hearing may be waived if ([Article 7:3 Awb](#)):
 - The Objection is manifestly inadmissible;
 - The Objection is manifestly unfounded;

- The Interested Party or the Complainant has stated that they do not want to exercise the right to be heard;
- The Interested Party or the Complainant has not stated within the reasonable period set by the AKB that they want to exercise the right to be heard;
- The Objection is granted in full and this cannot harm the interests of other parties.

Article 4.12 – Preparation of the hearing

1. A defence against the Objection is made by or on behalf of the Administrative Authority in Writing.
2. The Parties may submit further documents up to 10 calendar days prior to the hearing.
3. The AKB will make the Objection and further documents related to the case available for inspection to the Interested Party for the duration of at least one week ([Article 7:4\(3\) Awb](#)). Aforementioned period need not be applied insofar as the Parties agree to this ([Article 7:4 Awb](#)).
4. Whether at the request of the Interested Party or not, the application of paragraph 3 may be omitted, insofar as there are compelling reasons for confidentiality. The Interested Party will be notified in Writing of the application of this provision ([Article 7:4 \(6\) Awb](#)), in observance of the provisions of [Article 7:4\(7\) and 7:4\(8\) Awb](#).

Article 4.13 – Hearing

1. After the receipt of the Objection, the AKB will promptly serve on the Interested Party Written notice of the date and place of the hearing. The hearing will insofar as possible not be held less than five Working Days after the serving of notice of hearing.
2. The hearing may also be conducted electronically.
3. The hearing is conducted by the AKB or is assigned to the Chair or a member of the AKB in the presence of the Secretary ([Article 7:13\(3\) Awb](#)).
4. A Party who is heard with a view to potentially imposing a penalising sanction is not required to make a statement concerning the violation for that purpose. The Party will be informed of this right prior to the hearing ([Article 5:10a Awb](#)).
5. The Parties may, in addition to any authorised representative as referred to in Article 4.3 of these Regulations and an interpreter, as referred to in Article 4:17 of these Regulations, be assisted by a person of their own choice.
6. Parties will be heard in each other's presence unless it is reasonable to assume that this would prejudice the proper conduct of the proceedings or that reference will be made to facts or circumstances which are to be held in confidence for compelling reasons ([Article 7:6 Awb](#)).
7. The hearing is conducted in public. Whether at the request of a Party or Parties or not, the Chair may decide to conduct the hearing behind closed doors ([Article 7:5\(2\)](#) in conjunction with [Article 7:13\(4\) Awb](#)). The grounds for (partially) conducting the hearing behind closed doors will be stated in the report of the hearing.
8. If a Party does not appear at the hearing, the Chair will verify that Party was served the summons correctly. If the summons were duly served on the Party not in attendance, the hearing of the Objection may proceed in absence of the relevant Party. If the summons was not duly served on the Party not in attendance, the AKB will decide in chambers what should happen under the given circumstances.
9. If it is found before the close of the hearing that the Investigation was not conducted in full, the AKB may decide to continue the handling on a date to be determined. The AKB may issue instructions to the Parties regarding the provision of further information or evidence ([Article 7:9 Awb](#)).
10. Parties may change the content of the Objection and the defence, together with the grounds on which these are based, at any time up to the closing of the hearing, unless the AKB takes the view that the other Party is unreasonably harmed by such change. ([Article 7:4](#) in conjunction with [Article 7:9 Awb](#)).

11. Only the AKB may make audio-visual recordings of the hearing. The recordings will remain in the possession of the AKB and will be destroyed, either after the time limit for appealing has expired without an appeal being lodged or if the competent court has handed down an Order.
12. A report will be drawn up of the hearing. The report is part of the AKB's advice to the Administrative Authority ([Article 7:13\(6\) Awb](#)).

Article 4.14 – Language

1. As a rule, hearings are conducted in Dutch ([Article 2:6 Awb](#)).
2. If the Interested Party does not have sufficient command of the Dutch language, this Party will be permitted to bring a person who has sufficient command of the Dutch language.
3. The Interested Party may provide for an interpreter at his own cost. If a request for legal aid is granted by the Legal Aid Council, the attorney may request the Legal Aid Council to provide a sworn and subsidised interpreter. More information on this option can be found here: www.rvr.org.

Article 4.15 – New facts and circumstances

1. If facts or circumstances become known to the AKB after the hearing, that could be of significant importance for the advice, the Interested Party will be notified of this and the Parties will be given a new opportunity to be heard on this ([Article 7:9 Awb](#)).

Article 4.16 – Advice

1. The AKB will present its Written advice to the Administrative Authority in Dutch within ten weeks after the receipt of the Objection, in observance of the provisions of Article 3.2(4) and 4.6(2) of the Regulations. The AKB will issue advice to the Administrative Authority on an Objection against an Order of the Central Polling Station within 14 Working Days of receipt of the Objection ([Article 22\(4\) University Council Election Regulations](#)).
2. The suspension may be further extended, if and to the extent Parties consent to this in Writing or an extension is required under statutory procedural provisions ([Article 7:10\(4\) Awb](#)).

Chapter V – Outcome of handling Objection

Article 5.1 – Term for Order on Objection

1. The Order on the Objection is based on sound reasoning, which is reported in a Written announcement of the Order. If the hearing is waived, the grounds for this are also stated ([Article 7:12\(1\) Awb](#)).
2. The Executive Board decides within 12 weeks of receipt of the Objection ([Article 7:10\(1\) Awb](#)). This period may be suspended (Article 3.2(4), Article 4.6(2) of the Regulations). Further extension is possible pursuant to Article 4.17(2) of the Regulations. The Administrative Authority will decide on an Objection to an Order of the Central Polling Station within seven Working Days of receipt of the advice of the AKB ([Article 22\(5\) University Council Electoral Regulations](#)).

Article 5.2 – Assessment of Objection

1. If the Objection is admissible, the contested Order will be reconsidered on the grounds of the Objection ([Article 7:11\(1\) Awb](#)).
2. Insofar as the reconsideration provides grounds for this, the Administrative Authority will revoke the contested Order and insofar as needed, will take a new Order in its place ([Article 7:11\(2\) Awb](#)).

Article 5.3 – Notification of Order on Objection

1. The Interested Party will be notified of the Order on the Objection in Writing ([Article 7:12 Awb](#)).
2. The advice of the AKB and the report of the hearing will be sent to the Interested Party.

3. If the Order of the Administrative Authority diverges from the AKB's advice, the reasons for the divergence will be stated in the Order ([Article 7:13\(7\) Awb](#)).
4. If the Order of the Administrative Authority does not diverge from the AKB's advice, then in the Order reference will be made to the grounds given in the advice.
5. The Order on the Objection is open to appeal. The Order states the competent court and the appeal period.

Article 5.4 – Notification of AKB

1. As soon as the Administrative Authority has made the Order, the AKB will be notified in Writing of the outcomes of the handling of the Objection.

Chapter VI – Procedure for handling Complaints

Article 6.1 – Submission of Complaint

1. The Written Complaint must be submitted in Dutch to the AKB for the attention of the Administrative Authority. For efficiency, another language may be used if this does not unreasonably harm the Complainant's interests ([Article 2:6 Awb](#)). Which language is more efficient is determined by the Chair. The provisions of Article 3.7 (6) of the Regulations are also applicable to this decision.
2. If the Complaint is filed in a language other than Dutch and a translation is required for the proper processing of the Complaint, the Complainant must arrange for a translation at its own cost ([Article 6:5\(3\) Awb](#)).
3. The Complaint is signed by Complainant and contains ([Article 9:4 Awb](#)):
 - a. the name, position, address, email address and telephone number of the Complainant; and
 - b. a reference to the relevant Administrative Authority of the EUR or the name and position of the person whose actions can be attributed to the Administrative Authority against which the Complaint is directed; and
 - c. a clear description of the Complaint; and
 - d. where applicable, the date on which or the period in which the Conduct to which the Complaint relates took place; and
 - e. the Written documents or other evidence relating to the Complaint; and
 - f. the date.
4. A Complaint may be rejected, partially or in full, on the grounds of [Article 2:15 Awb](#).
5. The AKB confirms the receipt of the Complaint in Writing ([Article 9:6 Awb](#)).
6. The Secretary verbally informs the Administrative Authority of the fact that a Complaint has been received and of its contents, without releasing the identity of the Complainant and the Accused. The Administrative Authority is only kept informed of the procedural progress during the handling of the Complaint. The Administrative Authority will be substantively informed sending the advice.

Article 6.2 – Rectification of Omission and Suspension of handling

1. If the requirements of Article 6.1 of the Regulations are not met, the AKB will grant the Complainant an opportunity to rectify the omission within a period of ten Working Days ([Article 6:6 Awb](#)). This term may be extended by the AKB at the request of the Parties.
2. The handling term will be suspended from the date after which the Complainant was requested to rectify the omission until the date on which the omission is rectified or the term set for this has expired.
3. If the Complainant fails to rectify the observed omission within the period of ten Working Days, the Complaint may not be accepted for handling ([Article 9:4 Awb](#)).

Article 6.3 – Non-handling of the Complaint

1. A Complaint is not accepted for handling if:
 - The AKB's request to rectify an omission or for additional information is not met, within the framework of a proper handling of Complaints, as referred to in [Article 9:2 Awb](#).
2. Further to the provisions of [Article 9:8 Awb](#), the AKB may not accept a Complaint for handling if:
 - The Complaint relates to conduct that occurred more than one year prior to the submission of the Complaint;
 - The Accused has not (had) any Legal Relationship with the EUR;
 - An Investigation cannot be reasonably conducted due the passage of time;
 - Objection or Appeal proceedings are or were open, and the Complainant made no use of these proceedings.
3. If the Complaint cannot be accepted for handling, the AKB advises the Administrative Authority accordingly in Writing, stating the reasons ([Article 9:8\(2\) Awb](#)).
4. The Complainant is promptly notified in Writing by the Administrative Authority of the non-acceptance of the Complaint ([Article 9:8\(3\) Awb](#)). The Notification states that the Complainant can submit a petition to the Ombudsman within one year ([Article 9:12 Awb](#)).

Article 6.4 – Handling of the Complaint

1. After the Complaint is accepted for handling by the AKB, the AKB informs the Accused of this.
2. The AKB sends a copy of the Complaint to the Accused ([Article 9:9 Awb](#)).
3. The Accused may send a Written defence to the AKB for the hearing, within a term to be determined by the Secretary.
4. A copy of the defence is served on the Complainant.

Article 6.5 – Withdrawal of Complaint

1. The Complainant can withdraw the Complaint by Writing to the AKB at any time.
2. Verbal withdrawal may take place during the hearing, of which a record will be drawn up.
3. If the Complaint is withdrawn, the AKB can terminate the proceedings if the Accused consents to this and the AKB sees no grounds for officially continuing the Complaint proceedings in the public interest. The AKB will not decide on the continuance of the Complaint proceedings in the public interest until after the Parties have been given the opportunity to state their position. The AKB will promptly notify the Administrative Authority of this in Writing.

Article 6.6 – Representation

1. If a Party has an authorised representative, documents relating to the case will be sent to the authorised representative.
2. The authorization must be provided for in Writing, including date and the signature of the represented person.
3. If a Party provides is represented by an attorney, Written authorisation, as referred to in paragraph 2 of this Article, is not required.
4. Any costs of representation are for the account of the Party that provides for its representation. Under certain circumstances, a Party may qualify for subsidised legal aid from the Legal Aid Council. More information on this option is available here: www.rvr.org.

Article 6.7 – Anonymous Complainant or witness

1. A Complaint or statement where the identity of a Complainant or witness is not made known and, therefore, cannot be verified, will be disregarded by the AKB.

Article 6.8 – Waiver of hearing

1. The hearing may be waived if ([Article 9:10 Awb](#)):
 - The Complaint is manifestly unfounded;

- The Complainant has stated that the Complainant does not want to exercise the right to be heard;
- The Complainant has not stated within the reasonable period set by the AKB that the Complainant wants to exercise the right to be heard.

Article 6.9 – Mediation

1. The AKB will attempt to resolve the Complaint in the first instance through mediation ([Article 9:5 Awb](#)).
2. An out-of-court settlement that occurs during the hearing will be drawn up in a record.
3. If the Complaint is resolved through mediation, the Complainant withdraws the Complaint in Writing and the obligation to apply the provisions under these Regulations expires, bringing the Complaint proceedings to an end.
4. Written notice of this will be sent to the Complainant and the Accused.

Article 6.10 – Granting of a Complaint

1. When the Accused has resolved the Complaint to the satisfaction of the Complainant, whether or not through mediation as referred to in Article 6.9 of these Regulations, the obligation to apply the provisions under these Regulations expires after the AKB has been given notice of this in Writing.
2. The Complainant and the Accused will be notified in Writing of the termination of the Complaint proceedings as referred to in this Article.

Article 6.11 – Hearings

1. The Parties may submit additional documents no later than 10 days before the date of the hearing.
2. After the receipt of the Complaint, the AKB will promptly serve on the Parties Written notice of the date and place of the hearing. The hearing will insofar as possible not be held less than five Working Days after the serving of notice of hearing.
3. The hearing may also be conducted electronically.
4. The hearing is conducted by the AKB or is assigned to the Chair or a member of the AKB, in the presence of the Secretary ([Article 9:15\(2\) Awb](#)).
5. A Party who is heard with a view to potentially imposing a penalising sanction is not required to make a statement concerning the violation for that purpose. The Party will be informed of this right prior to the hearing ([Article 5:10a Awb](#)).
6. Parties will be heard in each other's presence unless it is reasonable to assume that this would prejudice the proper conduct of the proceedings or that reference will be made to facts or circumstances which are to be held in confidence for compelling reasons.
7. If a Party does not appear at the hearing, the Chair will verify that Party was served the summons correctly. If the summons was duly served on the Party not in attendance, the hearing of the Complaint may proceed in absence of the relevant Party. If the summons was not duly served on the Party not in attendance, the AKB will decide in chambers what should happen under the given circumstances.
8. The hearings are conducted in public. Whether at the request of a Party or Parties or not, the Chair may decide to conduct the hearing behind closed doors. The grounds for (partially) conducting the hearing behind closed doors will be stated in the report of the hearing.
9. If it is found before the close of the hearing that the Investigation was not conducted in full, the AKB may decide to continue the handling on a date to be determined. The AKB may issue instructions to the Parties regarding the provision of further information or evidence.
10. The AKB may make audio-visual recordings of the hearings. The recordings will remain in the possession of the AKB and will be destroyed after the time limit for appealing has expired without a petition being lodged or the investigation of the Ombudsman has closed.

Article 6.12 – Language

1. As a rule, hearings are conducted in Dutch ([Article 2:6 Awb](#)).
2. If the Complainant does not have sufficient command of the Dutch language, the Complainant will be permitted to bring a person who has sufficient command of the Dutch language.
3. The Complainant may provide for an interpreter at his own cost. If a request for legal aid is granted by the Legal Aid Council, the attorney may request the Legal Aid Council to provide a sworn and subsidised interpreter. More information on this option can be found here: www.rvr.org.

Article 6.13 – Reporting

1. A report of the hearing will be drawn up ([Article 9:10\(3\) Awb](#)).
2. The reports will be shared with the Parties, subject to conditions set by the AKB, if necessary.

Article 6.14 – New facts and circumstances

1. If facts or circumstances become known to the AKB after the hearing that could be of significant importance for the advice on the Complaint, the Parties will be notified of this and they will be given a new opportunity to be heard on this ([Article 7:9 Awb](#)).

Article 6.15 – Advice

1. The AKB will present its Written advice to the Administrative Authority in Dutch within eight weeks after the receipt of the Complaint, in observance of the provisions of Article 6.2(2) of the Regulations ([Article 9:11\(1\) Awb](#)).
2. The handling of the Complaint may be suspended for a maximum period of four weeks. Written notice of this is sent to the Parties ([Article 9:11\(2\) Awb](#)).
3. The suspension may be further extended, if and to the extent Parties consent to this in Writing ([Article 9:11\(3\) Awb](#)) or an extension is required under statutory procedural provisions.

Chapter VII – Outcome of handling of Complaint

Article 7.1 – Notification of the Administrative Authority of the outcome of the handling of the Complaint

1. Within four weeks of receipt of the advice of the AKB, the Administrative Authority finalises its Notification and will send this to the Parties, accompanied by a copy of the advice of the AKB.
2. The Administrative Authority will also send the Notification for inspection to the AKB via the Secretary.
3. If the Notification of the Administrative Authority diverges from the AKB's advice, the reasons for that divergence will be stated.
4. No Objection or appeal may be filed against the Notification of the handling of the Complaint.
5. The Notification states that the Parties may submit a request to the Ombudsman within one year of the providing of the Notification.

Chapter VIII – Final provisions

Article 8.1 – Interpretation

1. In cases relating to the Regulations, for which the Regulations do not provide, or if the Regulations give rise to multiple interpretations, the Executive Board shall decide.
2. The Executive Board may derogate from the provisions under or pursuant to these Regulations

Article 8.2 – Translation

1. These Regulations have been translated to English, and in the event of any inconsistency, the Dutch version hereof shall prevail.

Article 8.3 – Publication

1. The Executive Board will publish these Regulations on the EUR website.

Article 8.4 – Entry into force

1. These Regulations commence on a date specified by the Executive Board.

Article 8.5 – Short title

1. These Regulations may be cited as: EUR Regulations for Advisory Committee for Complaints and Objections 2020.

Article 8.6 – Withdrawal

1. These Regulations will override any versions dated before the commencement of these Regulations.

Article 8.7 – Applicable law

1. Regulations are exclusively governed by Dutch law

Article 8.8 – Management of Regulations

1. The Regulations are managed by the Legal Affairs Department of the General Management Service.

Appendix 1 Overview of all EUR committees

| Abbreviation | Full title | Legal Basis | Who may make use of this committee | What sort of cases are handled by this committee? |
|--------------|---|---|---|---|
| CBE | College van Beroep voor de Examens (Examinations Appeals Board) | - Art. 7.60 Dutch Higher Education and Scientific Research Act | (External) students may file an appeal | Decisions made by exam committees and examiners |
| GAS | Geschillenadviescommissie Studenten (Student Arbitration Committee) | - Art. 7.63a Dutch Higher Education and Scientific Research Act - Dutch General Administrative Law Act | (External) students may file a notice of objection | All decisions made by an administrative authority of the EUR (not handled by CBE) |
| COG | Commissie Ongewenst Gedrag (Committee for Undesirable Behaviour) | - Title 9.1 Dutch General Administrative Law Act | Anyone | Complaints regarding sexual intimidation, discrimination, racism, violence etc |
| CWI | Commissie Wetenschappelijke Integriteit (Committee for Scientific Integrity) | - Dutch Higher Education and Scientific Research Act - Title 9.1 Dutch General Administrative Law Act | Anyone | Complaint regarding the violation of scientific integrity |
| AKB | Adviescommissie voor Klachten en Bezwaarschriften (Advisory Committee for Complaints and Objections) | - Dutch General Administrative Law Act | - <u>Objections</u> : Any interested party with the exception of (External) students - <u>Complaint</u> : Anyone | - <u>Decisions</u> by which the interested party is directly affected - <u>Behaviour</u> of Administrative Authority |
| CK | Commissie Klokkenluider (Whistle-blowers committee) | - Whistleblowers Authority Act - Awb | (External) students or employees EUR | Acts or omissions in which the social interest is at stake in the violation of a statutory regulation, a danger to public health, a danger to the safety of persons, a risk of damage to the environment, a danger to the environment proper functioning of the public service or a company |
| CGW | Commissie Geschillen Werknemers (Employee disputes committee) | - Sectoral Dispute settlement NU | Employees EUR | A dispute can be submitted based Article 2 (3) of the sectoral dispute settlement |
| GNIO | Geschillencollege niet-initiële opleidingen (Board of Appeal for non-initial Programmes) | - 7:900 lid 2 BW - 7:902 BW | Participants in non-initial, NVAO accredited courses, where the GNIO is authorized to issue a binding advice | Decisions off the provider non-initial, NVAO accredited courses/programmes/training |

