



Annual Report

Legal Protection EUR 2019

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1. Abbreviations

ACB	Advisory Committee for Notices of Objections
AWB	the Dutch General Administrative Law Act
CBHO	Appeals Tribunal for Higher Education
CBE	Board of Appeal for Examinations
CRvB	Central Appeals Tribunal
CvB	Executive Board
CWI	Academic Integrity Committee
EMC	Erasmus MC
ESE	Erasmus School of Economics
ESHCC	Erasmus School of History, Culture & Communication
ESHPM	Erasmus School of Health Policy & Management
ESL	Erasmus School of Law
ESPhil	Erasmus School of Philosophy
ESSB	Erasmus School of Social and Behavioural Sciences
EUC	Erasmus University College
EUR	Erasmus University Rotterdam
FR	Legal Protection Facility
GNIO	Board of Appeal for Non-Initial Programmes
GIA	Iudicium Abeundi Disputes Advisory Committee
KAC	Complaints Committee
KWI EUR	Complaints procedure Scientific Integrity EUR
LOWI	National Body for Scientific Integrity
RSM	Rotterdam School of Management
SIAG	Committee on Undesirable Behaviour and Misconduct
VPWI	Confidential Counsellor for Academic Integrity
WHW	The Dutch Higher Education and Research Act research
WOB	Government Information (Public Access) Act

2. Foreword

The table below provides a complete overview of the number of cases for each legal protection body which have resulted in recommendations or a judgement, compared to the number of cases dealt with in the previous three years. In addition, it provides a picture of the total number of complaints submitted to the Legal Protection Facility. A detailed overview of each legal protection body is presented in the following sections.

	2019	2018	2017	2016
Total	490	--	157	--
Advisory Committee for the Notices of Objections	17	*11	6	12
Examination Appeals Board	52	*44	57	64
Academic Integrity Committee	3	2	4	3
Iudicium Abeundi Disputes Advisory Committee	1	*0	0	0
Board of Appeal for Non-initial Programmes	6	5	1	1
Complaints Committee	3	0	0	0
Legal Protection Facility	396	--	73	--
Committee on Undesirable Behaviour and Misconduct	5	0	1	1
Government Information (Public Access) Act	5	14	15	32

Table 1 – Number of cases dealt with

* The number of cases in 2018 differs from the number in the 2018 Annual Report because a number of cases were only completed in 2019.

Table 2 shows the total number of cases that were administratively processed and monitored. Not all cases result in recommendations or judgements.

	2019	2018	2017	2016
Total	644	--	333	--
Advisory Committee for the Notices of Objections	32	37	31	36
Examination Appeals Board	191	304	209	275
Academic Integrity Committee	4	2	3	3
Iudicium Abeundi Disputes Advisory Committee	0	1	0	0
Board of Appeal for Non-initial Programmes	6	5	1	1
Complaints Committee	3	0	0	0
Legal Protection Facility	396	--	73	--
Committee on Undesirable Behaviour and Misconduct	5	0	1	1
Government Information (Public Access) Act	5	14	15	32

Table 2 - Number of cases submitted

3. Advisory Committee for Notices of Objections

§ 3.1 Statutory framework (Article 7:13 of the Dutch General Administrative Law Act and Article 7.63a of the Dutch Higher Education and Research Act)

The Advisory Committee for Notices of Objections advises an administrative body in respect of any ruling on an objection an administrative body has to take.

The Advisory Committee for Notices of Objections is also the arbitration committee as referred to in Article 7.63a of the Dutch Higher Education and Research Act, which stipulates that every higher education institution needs to establish an arbitration committee for (prospective and former) students and for (prospective and former) extraneous students. The Advisory Committee for Notices of Objections issues advice when students and extraneous students object to any decisions taken by an administrative body other than those over which the Board of Appeal for Examinations is authorised.

§ 3.2 Recommendations

	2019	2018	2017	2016
Total	*35	37	31	36
Settled or withdrawn	14	23	22	24
Recommendations**	**17	**11	9	12
- Inadmissible	3	3.	3	4
- Unfounded	10	8	4	8
- Well-founded	4	0	2	0
Number of cases pending after 31 December	*1	**3	-	-

Table 3 – Outcome of the objections dealt with

* During the writing of this annual report, settlement discussions were being held in respect of two notices of objection

** Three notices of objection initiated in 2018 were dealt with in 2019.

§ 3.3 Processing period (Article 7:10 of the Dutch General Administrative Law Act and Article 7.63b of the Dutch Higher Education and Research Act)

On the grounds of the Dutch General Administrative Law Act, the decision period in respect of notices of objection is 12 weeks, calculated from the day after the day on which the date for submitting a notice of objection has expired.

On the grounds of the Dutch Higher Education and Research Act, the decision period in respect of notices of objection is 10 weeks from receipt of a notice of objection.

In 90% of the cases, recommendations were made within the statutory period.

A few of the notices of objection were not dealt with within the statutory period, mainly due to the period which appeared necessary to conduct an investigation into the possibility of a settlement.

§ 3.4 External appeals to court (Articles 7:12, 6:23 of the Dutch General Administrative Law Act) or to the Appeals Tribunal for Higher Education (Article 7.64 of the Dutch Higher Education and Research Act)

Against a decision on an objection, an appeal can be registered with the administrative court and, subsequently, with the higher court being the Central Appeals Tribunal (for the public service and social security matters).

Students can lodge an appeal against a ruling on an objection (of first and last resort) with the Appeals Tribunal for Higher Education.

In 2019, not a single ruling on an objection was lodged with the administrative court.

One student lodged an appeal with the Appeals Tribunal for Higher Education. The Appeals Tribunal for Higher Education declared this appeal unfounded.

4. Board of Appeal for Examinations

§ 4.1 Statutory framework (Article 7.59a paragraph 3, articles 7.60 and 7.61 of the Dutch Higher Education and Research Act)

Chapter 7, title 4 of the Dutch Higher Education and Research Act covers the legal protection offered to students and extraneous students.

Every institution for academic education has a Board of Appeal for Examinations. The Board of Appeal for Examinations is authorised to decide in respect of appeals against decisions taken by the Examination Boards and examiners, as well as on binding study advice and admission to exams in the context of the initial programmes.

The Examination Appeals Board must limit itself to a judicial review of the lawfulness of a decision. In accordance with the Higher Education and Research Act, the efficiency aspects of a contested decision by a body of the institution are not relevant for appeal proceedings before the Examination Appeals Board. A notice of appeal lodged with the Board of Appeal for Examinations is considered an administrative appeal, as defined in Article 1.5, paragraph 2 of the Dutch General Administrative Law Act. This means that, apart from a few exceptions, the Dutch General Administrative Law Act applies to proceedings before the Board of Appeal for Examinations.

§ 4.2 Decisions

The decisions are published on the [EUR website](#) in an anonymous form.

	2019	2018	2017	2016
Total	191	304	209	275
EMC	16	18	14	23
ESE	57	85	56	86
ESHCC	17	6	9	4
ESHPM	4	23	20	23
ESL	44	93	53	54
ESPhil	3	6	0	0
ESSB	33	27	16	18
EUC	1	1	0	0
RSM	16	45	41	67

Table 4 - Number of appeals submitted for each faculty

	**2019	2018	2017	2016
Total	0.588	1.017	0.731	1.021
EMC	0.427	0.504	0.403	0.667
ESE	0.803	1.328	0.897	1.442
ESHCC	0.819	0.322	0.528	0.253
ESHPM	0.311	1.966	1.938	2.536
ESL	0.833	1.914	1.096	1.186
ESPhil	0.347	0.754	0	0
ESSB & EUC*	0.656	0.616	0.399	0.511
RSM	0.229	0.673	0.628	1.069

Table 5 – Number of appeals per faculty, as a percentage of the number of students in each faculty

* The EUR Annual Report published the number of students in the faculties ESSB & EUC together

** 2019 is based on the count on 1 October; when the Annual Report is adopted, the figures will be corrected

	2019	2018	2017	2016
Total	191	304	209	275
Settled/withdrawn	139	243	156	210
Decisions:	*52	*51	57	64
– Inadmissible	8	11	5	4
– Unfounded	36	28	42	51
– Well-founded	8	12	10	9
Number of cases pending after 31 December	0	10	4	3

Table 6 – Outcome of the appeals dealt with

* The number of cases in 2018 differs from the number in the 2018 Annual Report because a number of cases were only settled in 2019.

	Unfounded	Well-founded	Inadmissible	Total
Total	36	8	8	52
EMC	6	1	2	9
ESE	9	3	2	14
ESL	8	1	3	12
ESSB	6	0	1	7
ESHCC	4	2	0	6
ESHPM	2	1	0	3
ESPHIL	0	0	0	0
RSM	1	0	0	1
EUC	0	0	0	0

Table 7 – Outcome of the appeals dealt with per faculty

§ 4.3 Processing period (Article 7.61, paragraph 4 of the Dutch Higher Education and Research Act)

The Board of Appeal for Examinations shall make a decision within ten weeks, calculated from the day following the day on which the period within which a notice of objection may be lodged has expired.

In 2019, 95% of the cases were dealt with within the statutory period.

§ 4.4 External appeals lodged with the Appeals Tribunal for Higher Education (Article 7.64 of the Dutch Higher Education and Research Act)

As a first and last resort, a student can lodge an appeal against a decision by the Board of Appeal for Examinations with the Appeals Tribunal for Higher Education. The decisions taken by the Appeals Tribunal for Higher Education can be accessed on www.cbho.nl.

	2019	2018	2017	2016
Total	16	13	16	16
Withdrawn	0	1	0	0
Unfounded	*8	8	15	--
Well-founded	*1	1	1	--
Inadmissible	0	1	0	--
Number of cases pending after 31 December	9	2	--	--

Table 8 - Number of appeals lodged with the Appeals Tribunal for Higher Education

* The number of cases in 2018 differs from the number in the 2018 Annual Report because a number of cases were only completed in 2019

5. Academic Integrity Committee

§ 5.1 Statutory framework (Article 1.7 Dutch Higher Education and Research Act)

EUR attaches great value to integrity and the ethical aspects of academic research. All those involved bear personal responsibility for acting in an academically ethical way. The following principles form the basis of ethical research: honesty, meticulousness, transparency, independence and responsibility.

The [Dutch Code of Behaviour for Academic Integrity](#) has elaborated these principles and they serve as guidelines for the university as referred to in the Dutch Higher Education and Research Act.

One of the means of testing academic integrity is the right to complain if (it is suspected that) employees of the university are violating academic integrity. The right to complain is laid down in the [Complaints Procedure Scientific Integrity](#) EUR. The Academic Integrity Committee investigates the complaint and issues advice to the Executive Board, after which, and within four weeks, the Executive Board establishes its (initial) judgement.

§ 5.2 Recommendations

	2019	2018	2017	2016
Total	4	2	4	3
Admissible	2	2	3	3
Informative	1	0	0	0
Inadmissible	0	0	1	0
Number of cases pending after 31 December	1	0	0	0

Table 9 – Outcome of the complaints dealt with

§ 5.3 Processing period (Article 4, subsection d.i. of the Complaints Procedure Scientific Integrity)

The time limit for advice in respect of dealing with a complaint submitted to the Academic Integrity Committee is 12 weeks after receipt of the complaint.

This time limit was exceeded in all the cases, mainly due to the complexity of the complaints and the necessity to deal with them meticulously.

§ 5.4 External appeals lodged with the National Body for Scientific Integrity (Article 5, paragraph 2 of the Complaints Procedure Scientific Integrity)

Within six weeks of receiving the (initial) judgement of the Executive Board, the complainant (complainants) and the accused (those accused) can request the [National Body for Scientific Integrity](#) issue advice in respect of that judgement.

In 2019, no appeals were lodged with the National Body for Scientific Integrity.

6. Legal Protection Facility

§ 6.1 Statutory framework (Article 7.59a Dutch Higher Education and Research Act)

The objective of the Legal Protection Facility is to deal with all the complaints submitted by EUR students or, instead, to send them on to the responsible body. The complaints or requests will be dealt with by the responsible body in accordance with the [complaints procedure for students](#).

§ 6.2 Complaints

Department	#
Total	396
The Advisory Committee for Notices of Objections/the Board of Appeal for Examinations *	42
Faculty/dean **	179
Internal ***	62
Student Administration ****	113

Table 10 – Number of complaints submitted per category

* Objection or appeal, sent on to the Advisory Committee for Notices of Objection or the Examination Appeals Board

** Complaints over a study programme or faculty

*** Complaints about the buildings, grounds and/or the university facilities and provisions

**** Complaints over admission, tuition fee etc.

§ 6.3 Processing period (Article 7.59b of the Dutch Higher Education and Research Act, Article 9:11, paragraph 1 of the Dutch General Administrative Law Act)

The period within which a complaint must be dealt with is six weeks after receipt of the complaint. If a complaints advisory committee is brought in, the period becomes ten weeks. In respect of the processing periods for matters referred on to the Advisory Committee for Notices of Objection or to the Examinations Appeal Board please refer to the relevant chapter.

In 2019, all complaints were dealt with within the prescribed time period.

§ 6.4 External application to the National Ombudsman (Articles 9:12 paragraph 2, 9:17 and 9:24 of the Dutch General Administrative Law Act)

Within one year, an application may be submitted to the [National Ombudsman](#) objecting to the way a complaint was dealt with.

No notices have been received regarding an application being submitted about the way in which a complaint was dealt with.

For the sake of clarity: the National Ombudsman is not the same as the [ombudsman officer](#) employed by EUR.

7. Iudicium Abeundi (unsuitability)

Disputes Advisory Committee

§ 7.1 Statutory basis (Article 7.42a of the Dutch Higher Education and Research Act)

Following a recommendation from the Examination Board or Dean, the executive board of an institution may terminate or refuse a student's enrolment in a programme. This is possible if, by his/her behaviour (verbal or otherwise), the student has shown himself/herself unfit to practise the profession for which the programme is preparing him/her or for the practical preparations for this profession.

The law prescribes that such a decision requires careful consideration for the interests of all interested parties. Therefore reasons must be provided why the interests of the student are not conclusive. This concerns a last resort. Of importance is that it involves behaviour and statements which, in the context of the profession, are unacceptable and, therefore, when practising his/her profession, the student would pose a danger or threat for any other parties involved. There should be a question of the student's personal condition being such that, in all reasonableness, harmful consequences could be feared for the social position of the professional programme and the institution, and for the interests of society as a whole.

EUR instituted the Iudicium Abeundi Disputes Advisory Committee in 2018.

§ 7.2 Objections

	2019	2018
Total	1	*1
Recommendations	*1	0
– Inadmissible	0	0
– Unfounded	1	0
– Well-founded	0	0
Number of cases pending after 31 December	0	1

Table 11 - Number of objections

* The number of cases in 2018 differs from the number in the 2018 Annual Report because a number of cases were only completed in 2019.

§ 7.3 Processing period (Article 7.63b of the Dutch Higher Education and Research Act)

The time limit for dealing with objections submitted to the Iudicium Abeundi Disputes Advisory Committee (GIA) is ten weeks after receipt of the objection.

This statutory period of ten weeks was exceeded in 2019 due to the complexity of the case.

§ 7.4 External appeals lodged with the Appeals Tribunal for Higher Education (Article 7.64 of the Dutch Higher Education and Research Act)

Students can lodge an appeal against a ruling on an objection (of first and last resort) with the Appeals Tribunal for Higher Education.

	2019	2018
Total	1	0
– Withdrawn	0	0
– Unfounded	0	0
– Well-founded	0	0
– Inadmissible	0	0
Number of cases pending after 31 December	1	0

Table 12 - Number of appeals lodged with the Appeals Tribunal for Higher Education

8. Board of Appeal for Non-Initial Programmes

§ 8.1 Statutory framework (Article 7:900 of the Dutch Civil Code)

The Board of Appeal for Non-Initial Programmes is a facility for participants/students enrolled in accredited Non-Initial Programmes; Students cannot lodge an appeal with the Board of Appeal for Examinations against decisions taken by the examination boards of these programmes. Without this special facility, they would have to appeal to the civil courts against a decision taken by the examination board. The Board of Appeal for Non-Initial Programmes can issue binding advice when the Course and Examination Regulations of the relevant programme has given it the authority to do so (Regulations governing [Board of Appeal for Non-Initial Programmes](#)).

Unlike the faculties with respect to the Board of Appeal for Examinations, programmes covered by the Board of Appeal for Non-Initial Programmes pay EUR the cost price of each case dealt with.

§ 8.2 Binding advice

	2019	2018	2017	2016
Total	7	5	1	1
EMC	1	1	0	0
ESL	0	1	0	0
Master City Developer (MCD)	0	0	0	0
Maritime Economics and Logistics (MEL)	1	0	0	0
International Institute of Social Studies	3	0	0	0
Institute for Housing and Urban Development Studies (IHS)	2	3	1	1
Number of cases pending after 31 December	0	0	0	0

Table 13 - Number of recommendations issued by Board of Appeal for Non-Initial Programmes

§ 8.3 Processing period (Article 21, paragraph 1 of the Regulations governing the Board of Appeal for Non-Initial Programmes)

The Board of Appeal for Non-Initial Programmes decides within ten weeks of receipt of the notice of appeal. The time limit for advice was adhered to in 2019, under the understanding that students regularly live abroad. Requests for postponement during the planning of a hearing were honoured for this reason, which has a suspensive effect.

§ 8.4 External appeals lodged with the courts (Article 25 of the Regulations governing the Board of Appeal for Non-Initial Programmes)

Overturing a ruling of the Board of Appeal for Non-Initial Programmes can only be tested by submitting it to a civil court within two months after the parties have been sent the binding advice. The court shall overturn the binding advice if the content or manner in which the advice is issued is, under the given circumstances, unacceptable according to the standards of reasonableness and fairness. Any failure to submit the advice to the court for testing within the period detailed above shall render the ruling inviolable.

No advice was submitted to the courts for testing.

9. Complaints committee

§ 9.1 Statutory framework (Title 9:1 of the Dutch General Administrative Law Act)

Complaints which are not dealt with by the Academic Integrity Committee or Committee on Undesirable Behaviour and Misconduct were, at the request of the Executive Board, dealt with by a committee instituted on an ad hoc basis. In 2019, this committee was made up of members from the Advisory Committee for Notices of Objection. In preparation for an announcement issued by the administrative body, the advice should deal with the content of the complaint.

§ 9.2 Recommendations

	2019
Total	3
Complaint recommendations	--
– Inadmissible	0
– Unfounded	2
– Well-founded	0
Settled	1

Table 14 – Number of complaints submitted

§ 9.3 Processing period (Article 9:11 of the Dutch General Administration Law Act)

The period within which a complaint must be dealt with is ten weeks after receipt of the complaint.

In all cases, the complaints were dealt with within the processing period.

§ 9.4 External application to the National Ombudsman (Articles 9:12 paragraph 2, 9:17 and 9:24 the Dutch General Administrative Law Act)

Within one year, an application may be submitted to the [National Ombudsman](#) objecting to the way a complaint was dealt with.

No notices have been received regarding an application being submitted about the way in which a complaint was dealt with.

For the sake of clarity: the National Ombudsman is not the same as the [ombudsman officer](#) employed by EUR.

10. Committee on Undesirable Behaviour and Misconduct

§ 10.1 Statutory framework (Article 3 of the Dutch Working Conditions Act, the Equal Treatment Act, Article 7.63A of the Dutch Higher Education and Research Act and Title 9.1 of the Dutch General Administrative Law Act)

This [EUR complaints procedure for undesirable behaviour and misconduct](#) provides the possibility of lodging a complaint with the Executive Board regarding (sexual) harassment, aggression, violence, bullying and discrimination. The Executive Board decides how any written complaints submitted to it regarding undesirable behaviour are dealt with. Dependent on the nature and seriousness of the complaint, the Executive Board may choose to obtain advice from the Committee on Undesirable Behaviour and Misconduct or a manager from an organisational unit. On the basis of the advice received, the Executive Board decides whether the complaint is well founded (or unfounded), and any measures to be taken.

§ 10.2 Recommendations

	2019	2018	2017	2016
Total	5	0	1	0
(partially) Well founded	1	0	0	0
Unfounded	2	0	1	0
Advice follow-up investigation	1	0	0	0
Pending on 31 December	1	0	0	0

Table 15 – Outcome of the complaints dealt with

§ 10.3 Processing period (Article 9:11 of the Dutch General Administration Law Act)

The period within which a complaint must be dealt with is ten weeks after receipt of the complaint.

In 2019, this time limit was exceeded in all the cases, mainly due to the complexity of the complaints and the necessity to deal with them meticulously.

§ 10.4 External application to the National Ombudsman (Articles 9:12 paragraph 2, 9:17 and 9:24 of the Dutch General Administrative Law Act)

Within one year, an application may be submitted to the [National Ombudsman](#) objecting to the way a complaint was dealt with.

No notices have been received regarding an application being submitted about the way in which a complaint was dealt with.

For the sake of clarity: the National Ombudsman is not the same as the [ombudsman officer](#) employed by EUR.

11. Confidential Counsellor for Academic Integrity

The Confidential Counsellor for Academic Integrity acts as a point of contact and sparring partner for questions and complaints regarding academic integrity. If the confidential counsellor sees a way to do so, he/she will try to mediate or otherwise resolve the complaint amicably. He/she will also inform the complainant about the Academic Integrity Committee's complaints procedure.

The confidential counsellor received 25 notifications regarding a request for consultation. In these consultations, the confidential counsellor usually gave advice on how to deal with a particular integrity issue or a (potential) conflict. From four consultations, only one resulted in a complaint being lodged with the Academic Integrity Committee.

	2019	2018	2017	2016
Consultations	20	23	27	16
Mediation	2	1	1	1
Complaints	4	2	1	4

Table 16 – Number of consultations and potential follow-up (mediation or complaint to the Academic Integrity Committee)

12. Government Information (Public Access) Act

§ 12.1 Statutory framework (Article 2 Government Information (Public Access) Act)

In the same way as other Dutch administrative bodies, EUR's administrative bodies fall within the scope of the Government Information (Public Access) Act. Consequently, everyone has the right to request information about the decisions taken. In respect of requests under the Government Information (Public Access) Act, the Legal Advice department shall advise the administrative bodies. If an objection is submitted against a decision of an administrative body, advice shall be given by Legal Protection.

§ 12.2 Requests

	2019	2018	2017	2016
Requests under the Government Information (Public Access) Act	5	14	14	31
Requests for the opinions of other administrative bodies	1	1	1	1

Table 17 – Number of requests under the Government Information (Public Access) Act

The requests under the Government Information (Public Access) Act were related to the following subjects: At the time of writing this annual report, no decision on a fifth request had been taken.

Topics	Request date	Decision date	Decision period in days
Recruiting international students	23-09-2019	06-02-2020	96
The Hoffmann Corporate Investigation I Report regarding ESHCC	08-10-2019	07-11-2019	23
The Hoffmann Corporate Investigation II Report regarding ESHCC	15-11-2019	25-01-2020	48
Covenants complementary organisations	14-10-2019	21-01-2020	69

Plagiarism complaints about a policy document issued by the Dean of ESHCC	06-11-2019	-	-
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Table 18 – Number of requests under the Government Information (Public Access) Act

§ 12.3 External appeals lodged with the court (Article 15a Government Information (Public Access) Act)

In 2019, one appeal was lodged with the Council of State. The appeal was declared unfounded.

13. Outlook 2020

In 2020, the Legal Protection team did their utmost to ensure that they made more progress towards adhering to the processing/decision periods. To support this, a start was made to design and computerise the workflow of the Board of Appeal for Examinations. After the workflow of the Board of Appeal for Examinations has been computerised, Legal Protection will ensure that the workflow of the other committees is also computerised.

The Rules of Procedure of all the legal protection bodies should be rewritten. In addition, constant attention is being paid to the recruitment of new members on to the various bodies. Legal Protection feels very strongly about all facets of diversity.

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