

The background image shows a modern, multi-story university building with a grid of windows. In the foreground, a curved, elevated walkway with a metal grate surface runs along a body of water. A person is walking on the walkway, carrying a bag. The sky is blue with some light clouds. The text 'Annual Report' is in a large, bold, teal font. Below it, 'Legal Protection' and 'EUR 2020' are in a smaller, teal font. The building has 'MUSIK UNIVERSITÄT' visible on its facade.

Annual Report

Legal Protection
EUR 2020

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1. Abbreviations

ACB	Advisory Committee for Notices of Objections
AKB	Advisory Committee for Complaints and Notices of Objections
Awb	General Administrative Law Act
CBHO	Higher Education Appeals Tribunal
CBE	Board of Appeal for Examinations
CWG	Staff Disputes Committee
COG	Committee for Undesirable Conduct
CvB	Executive Board
CWI	Committee for Scientific Integrity
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
GAS	Student Arbitration Committee
GNIO	Board of Appeal for Non-Initial Programmes
GIA	Disputes Advisory Committee Iudicium Abeundi
KAC	Complaints Advisory Committee
KWI EUR	EUR Complaint Regulations Academic Integrity
LOWI	National Board for Research Integrity
RSM	Rotterdam School of Management
WHW	Higher Education and Research Act

2. Foreword

This year, a number of initial remarks need to be made. For the implementation of Article 7.63a WHW, concerning notices of objections of students, the Student Arbitration Committee (hereinafter GAS) has been set up. Previously, notices of objections of students were dealt with by the Advisory Committee for Objections (hereinafter ACB). Because of the fact that notices of objections of students have to be dealt with in accordance with the provisions in the WHW, it was decided to formally implement this by setting up the GAS, with its own regulations in which the specific rules of procedure are described. The number of cases dealt with by the ACB in 2020 consequently went down, with a simultaneous increase in the number of cases dealt with by the GAS. The notices of objections of students against the iudicium abeundi are likewise handled by the GAS. Consequently, the Disputes Advisory Committee Iudicium Abeundi (hereinafter GIA) is no longer dealt with separately in this annual report.

The Covid-19 crisis has had an impact on the number complaints submitted to the Legal Protection Facility (hereinafter FR). For example, it can be seen from the figures that the number of complaints in relation to 'internal matters' has gone down due to the home working measures. Furthermore, during the pandemic the CBE adopted the same policy as the courts in the Netherlands, as a result of which no hearings were held in the first months of the pandemic and then later on digital hearings were held. This consequently led to a backlog of cases at the CBE, which will be made up in the first quarter of 2021.

The table below provides a complete overview of the number of cases for each legal protection body that have resulted in recommendations or a judgement, compared to the number of cases dealt with in the previous three years. A detailed overview of each legal protection body is presented in the following sections.

	2020	2019	2018	2017
Total	88	87	62	69
ACB	6	17	11	6
CBE	*44	52	44	57
CWI	*2	3	2	4
GAS	*27	1	-	-
GNIO	*6	6	5	1
KAC**	0	3	0	0
COG	3	5	0	1

Table 1 – Number of cases dealt with

* The number of cases dealt with in 2020 differs from the number of cases submitted in 2020, because many cases will only be completed in 2021.

** This is an ad hoc advisory committee.

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

	2020	2019	2018	2017
Total	593	644	349	333
ACB	6	32	37	31
CBE	219	191	304	209
CWI	5	4	2	3
GAS	68	0	1	0
GNIO	7	6	5	1
KAC*	0	3	0	0
FR	277	396	--**	73
COG	3	5	0	1

Table 2 – Number of cases submitted

* This is an ad hoc advisory committee.

** The number of cases submitted to the FR this year is not yet clear due to some major changes within the department.

3. Advisory Committee for Notices of Objections (ACB)

§ 3.1 Statutory framework (Article 7:13 Awb)

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

In addition to the introduction of the GAS described in the foreword, it should also be pointed out that the Civil Servants (Normalisation of Legal Status) Act (hereinafter Wnra) entered into force on 1 January 2020. As a result, the employees of the EUR are no longer civil servants, and the ACB is no longer authorised to handle any disputes between the employees and the EUR.

§ 3.2 Number of cases

	2020	2019	2018	2017
Total	8	35	37	31
Settled or withdrawn	3	14	23	22
Recommendations**	6	17	11	9
- Inadmissible	2	3	3	3
- Unfounded	0	10	8	4
- Well founded	0	4	0	2
- Partially well founded	4	0	0	0
Number of cases pending after 31 December	0	*1	*3	-

Table 3 – Outcome of the objections dealt with

* Recommendations about these cases were made in the following year.

§ 3.3 Handling time (Article 7:10 Awb)

On the grounds of the Dutch General Administrative Law Act, the decision period in respect of notices of objection is twelve weeks, calculated from the day after the day on which the date for submitting a notice of objection has expired. The period that is necessary to conduct an investigation into the possibility of a settlement has suspensive effect.

Taking this into consideration, in all cases recommendations were made within the statutory period.

§ 3.4 External appeals (Article 7:12, 6:23 Awb)

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). In 2020, an objection against one ruling was lodged with the administrative court.

4. Student Arbitration Committee (GAS)

§ 4.1 Statutory framework (Article 7.63a WHW)

Under Article 7.63a of the WHW, the EUR has to establish a disputes advisory committee that issues recommendations to the Executive Board about notices of objections of students and extraneous students in relation to decisions other than those where the Board of Appeal for Examinations is competent.

After the introduction of the aforementioned article of the WHW, the task of the disputes advisory committee within the EUR was assigned to the Advisory Committee for Objections (hereinafter called: ACB). The procedure prescribed in the WHW for the disputes advisory committee, however, differs on certain important points from the procedure of the ACB (which is only based on the Awb).

For that reason, in 2020 the GAS was appointed, and the GAS regulations were adopted. In this way, disputes of students and extraneous students are now dealt with by a separate committee, completely in line with the provisions of the WHW.

Furthermore, the notices of objections that were dealt with by the Disputes Advisory Committee Iudicium Abeundi (hereinafter GIA) now fall under the jurisdiction of the GAS. A separate Chairperson and members were appointed within the GAS for the hearing of these specific notices of objections.

§ 4.2 Number of cases

	2020
Total	66
Settled or withdrawn	36
Decentralised selection nominations*	27
– Inadmissible	2
– Unfounded	24
– Well founded	1
Iudicium Abeundi rulings**	0
– Inadmissible	0
– Unfounded	0
– Well founded	0
Recommendations other subjects*	0
Cases in progress after 31 December	3

Table 4 – Outcomes GAS advice

* Previously dealt with by the Advisory Committee for Objections (ACB).

** Previously dealt with by the Disputes Advisory Committee Iudicium Abeundi (GIA).

§ 4.3 External appeals to the CBHO (Article 7.64 WHW)

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

	2020	2019
Total	5	1
– Withdrawn	1	0
– Unfounded	4	0
– Well founded	1	0
– Inadmissible	0	0
In progress after 31 December	0	*1

Table 5 - Number of appeals lodged with the Higher Education Appeals Tribunal

* Decisions in these cases were made in the following year.

5. Board of Appeal for Examinations (CBE)

§ 5.1 Statutory framework (Article 7.59a paragraph 3, Article 7.60, and Article 7.61 WHW)

Chapter 7, title 4, of the Dutch Higher Education and Research Act (WHW) 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 Board of Appeal for Examinations must limit itself to a judicial review of the lawfulness of a decision. In accordance with the WHW, the efficiency aspects of a contested decision by a body of the institution are not relevant for appeal proceedings before the Board of Appeal for Examinations. 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 (Awb). This means that, apart from a few exceptions, the WHW and Awb apply to proceedings before the Board of Appeal for Examinations.

§ 5.2 Number of cases

	2020	2019	2018	2017
Total	212	191	304	209
EMC	21	16	18	14
ESE	40	57	85	56
ESHCC	9	17	6	9
ESHPM	5	4	23	20
ESL	68	44	93	53
ESPhil	2	3	6	0
ESSB	36	33	27	16
EUC	2	1	1	0
RSM	29	16	45	41

Table 6 – Number of appeals submitted per faculty

	2020	2019	2018	2017
Total	5,98	5,88	10,17	7,31
EMC	0,59	0,49	0,60	0,49
ESE	1,13	1,75	2,84	1,96
ESHCC	0,25	0,52	0,20	0,31
ESHPM	0,14	0,12	0,77	0,70
ESL	1,92	1,35	3,11	1,85
ESPhil	0,06	0,09	0,20	0,00
ESSB & EUC*	1,07	1,05	0,94	0,56
RSM	0,82	0,49	1,51	1,43

Table 7 – Number of appeals per faculty, per 1000 students per faculty

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

	2020	2019	2018	2017
Total	35439	32507	29895	28598
EMC	3920	3744	3571	3472
ESE	7461	7094	6402	6243
ESHCC	2309	2076	1863	1705
ESHPM	1542	1285	1170	1032
ESL	5699	5279	4860	4836
ESPhil	884	864	796	763
ESSB & EUC	5768	5185	4547	4014
RSM	7856	6980	6686	6533

Table 8 – Number of students per faculty

The anonymised judgements can be found on the [EUR website](#).

	2020	2019	2018	2017
Total	219	191	304	209
Settled/withdrawn	154	132	243	156
Decisions:	44	52	51	57
– Inadmissible	6	8	11	5
– Unfounded	28	36	28	42
– Well founded	9	8	12	10
Number of cases pending after 31 December	21	*7	*10	*4

Table 9 – Outcome of the appeals dealt with

* These cases were dealt with in the following year.

	Unfounded	Well founded	Inadmissible	Total
Total	28	9	6	43
EMC	3	2	1	6
ESE	5	2	0	7
ESL	13	2	0	15
ESSB	4	2	4	10
ESHCC	2	0	0	2
ESHPM	0	0	0	0
ESPhil	1	0	1	2
RSM	0	1	0	1
EUC	0	0	0	0

Table 10 – Outcome of the appeals dealt with per faculty

§ 5.3 Handling time (Article 7.61 paragraph 4 WHW)

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

The Covid-19 crisis has led to a backlog of cases, which will be worked away in the first quarter of 2021.

§ 5.4 External appeals to the CBHO (Article 7.64 WHW)

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

	2020	2019	2018	2017
Total	5	4	8	4
Withdrawn	0	0	0	0
Unfounded	2	4	8	4
(Partially) Well founded	3	0	0	0
Inadmissible	0	0	0	0
Lack of competence	0	0	0	0

Table 11 - Number of judgements rendered by the CBHO

6. Committee for Scientific Integrity (CWI)

§ 6.1 Statutory framework (Article 1.7 WHW)

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 Conduct on Scientific Integrity](#) has elaborated these principles and serves as a guideline for the university in the sense of 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 Committee for Scientific Integrity investigates the complaint and issues advice to the Executive Board (CvB), after which, within four weeks, the Executive Board establishes its (initial) judgement. In 2020, new regulations were adopted for the CWI.

§ 6.2 Recommendations

	2020	2019	2018	2017
Total received complaints	5	5	2	4
Admissible	2	2	2	3
Informative	0	1	0	0
Inadmissible	0	0	0	1
In progress after 31 December	3	2	0	0

Table 12 – Outcome of the complaints dealt with

§ 6.3 Handling time (Article 4 subsection d.i. KWI)

The time limit for advice in respect of dealing with a complaint submitted to the Committee for Scientific Integrity is twelve 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.

§ 6.4 External appeals submitted to the LOWI (Article 5 paragraph 2 KWI)

Within six weeks of receiving the (initial) judgement of the Executive Board, the complainants and the accused can ask the [National Board for Research Integrity](#) (LOWI) to issue advice in respect of that judgement, and this happened twice in 2020. One of these cases is still ongoing, while in the other case, the LOWI ruled that the complaint was well founded.

7. Legal Protection Facility (FR)

§ 7.1 Statutory framework (Article 7.59a WHW)

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

§ 7.2 Complaints

Department	2020	2019	2018
Total	277	396	--
ACB/CBE/COG/CWI/GAS	85	42	--
Faculty / Dean *	50	179	--
Internal **	61	62	--
Student Administration ***	73	113	--
Other ****	8	0	--

Table 13 – Number of complaints submitted per category

* Complaints about a study programme or faculty

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

*** Complaints about admission, tuition fees, etc

**** Other complaints

§ 7.3 Handling time (Article 7.59b WHW, Article 9:11 paragraph 1 Awb)

The period within which a complaint must be dealt with is six weeks after receipt of the complaint. In respect of the handling periods for matters referred on to the ACB, CBE, COG, CWI or the GAS, please refer to the relevant chapter.

§ 7.4 External applications to the National Ombudsman (Articles 9:12 paragraph 2, 9:17, and 9:24 Awb)

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

No applications were submitted to the National Ombudsman after the handling of a complaint.

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

8. Board of Appeal for Non-Initial Programmes (GNIO)

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

The Board of Appeal for Non-Initial Programmes is a facility for participants/students enrolled in accredited Non-Initial Programmes offered by the EUR. Students cannot lodge an appeal with the CBE against decisions taken by the examination boards of these programmes. Without this special facility, they would have to appeal against a decision in the civil courts. 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 the [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 the cost price of each case dealt with.

§ 8.2 Number of cases

	2020	2019	2018	2017	2016
Total	7	7	5	1	1
EMC	0	1	1	0	0
ESL	0	0	1	0	0
Master City Developer	0	0	0	0	0
Maritime Economics and Logistics (MEL)	3	1	0	0	0
International Institute of Social Studies	2	3	0	0	0
Institute for Housing and Urban Development Studies (IHS)	1	2	3	1	1
Erasmus School of Accounting and Assurance	1				
In progress after 31 December	1	0	0	0	0

Table 14 – Number of cases GNIO

§ 8.3 Handling time (article 21 paragraph 1 Regulations 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 period that is necessary to conduct an investigation into the possibility of a settlement has suspensive effect.

Taking this into consideration, in all cases recommendations were made within the statutory period.

§ 8.4 External appeals to the civil courts (article 25 Regulations Board of Appeal for Non-initial Programmes)

A ruling of the Board of Appeal for Non-Initial Programmes can only be overturned by submitting it to a civil court for assessment within two months after the parties have been sent the binding

advice. The court can 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 assessment within the period detailed above shall render the ruling inviolable. No advice was submitted to the courts for testing.

9. Committee for Undesirable Conduct (COG)

§ 9.1 Introduction

Previously, the Complaints Committee for Undesirable Conduct (COG) was known as the Committee for Sexual Harassment, Aggression and Violence. The regulations of the COG entered into force on June 2020. A number of substantive changes were made when the regulations were adopted. First of all, the regulations were amended in line with the provisions of the Awb on the right to complain. Furthermore, under the new regulations, a complaint is submitted directly to the Committee, and not to the Executive Board first. This will save time and limit the number of people with inside information, which is desirable in cases of a confidential nature.

Furthermore, under the new regulations, all complaints are handled by the Committee, which is independent, and this will serve to enhance confidentiality and professionalism. In the event of a breach of confidentiality by one of the parties, as a last resort the Committee can take measures to protect confidentiality. The Committee also has to issue its advice about whether a complaint is founded or unfounded. If it does not consider this possible, then it has to explain the reasons for this in the advice. Last of all, the regulations were amended with the inclusion of a clause whereby legal costs will be compensated (up to a maximum amount).

§ 9.2 Statutory framework (Article 3 Working Conditions Act, General Equal Treatment Act, Article 7.63A WHW, and Title 9.1 Awb)

The [EUR complaints procedure for undesirable behaviour and misconduct](#) provides the possibility of lodging a complaint with the COG regarding (sexual) harassment, aggression, violence, bullying and discrimination. The Committee decides how written complaints submitted to it regarding undesirable behaviour are dealt with.

The COG issues advice to the Executive Board about the submitted complaints. 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.

§ 9.3 Recommendations

	2020	2019	2018	2017	2016
Total received complaints	3	5	0	1	0
(Partially) Well founded	0	1	0	0	0
Unfounded	1	2	0	1	0
Settled	1				
Advice follow-up investigation	0	1	0	0	0
Handling discontinued	2	0	0	0	0
Pending on 31 December	0	1	0	0	0

Table 15 – Outcome of the complaints dealt with

§ 9.4 Handling time (Article 9:11 Awb)

The period within which a complaint must be dealt with is ten weeks after receipt of the complaint. All complaints were dealt with on time in 2020.

§ 9.5 External applications to the National Ombudsman (Articles 9:12 paragraph 2, 9:17, and 9:24 Awb)

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 concerning the way in which a complaint was dealt with.

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

10. Staff Disputes Committee (CGW)

On 1 January 2020, the Civil Servants (Normalisation of Legal Status) Act (Wnra) entered into force. As a result, the employees of the EUR are no longer civil servants, and consequently the ACB is no longer authorised to handle any disputes between the EUR and its employees. Disputes on subjects covered by employment law have to be dealt with by the civil courts. In addition, the Association of Universities in the Netherlands (VSNU) has agreed with the trade unions that a sectoral employee disputes committee, known as the Staff Disputes Committee (CGW) will be established, which will deal with a number of specific disputes. Only disputes relating to the subjects listed below can be submitted to the CGW EUR:

- a. employee performance assessments;
- b. change of job without prior consultation or agreement with the employee about such;
- c. refusal of a promotion to the functional scale;
- d. awarding, refusal, withdrawal or repayment of study facilities;
- e. refusal to give permission for the performance of ancillary activities;
- f. observance of salary agreements and the implementation of the options model;
- g. observance of the leave entitlements.

No disputes were submitted to the CGW this year.

11. Outlook 2021

The Outlook 2020 stated that the Legal Protection team wanted to try and automate the workflow of the different committees. Although it was not possible to accomplish this goal in 2020 on account of the Covid-19 crisis, the aim will be to complete the automatisisation process in 2021.

The rules of procedure of the Advisory Committee for Notices of Objections (ACB) EUR were adopted on 16 December 2010 and describe the way in which notices of objections against decisions of administrative bodies of the EUR are dealt with by the ACB. After the rules of procedure entered into force, title 9.1 was added to the Awb. Title 9.1 Awb regulates the way in which complaints about the conduct of an administrative body have to be dealt with. The ACB rules of procedure were never amended in line with this. For that reason, it was recommended that an ad hoc committee should be set up, made up of members within the ACB, to handle complaints about the conduct of an administrative body. This complaint handling procedure has been included in the revised regulations of the ACB. The inclusion of the right to complain has led to the proposed change of name: Advisory Committee for **Complaints** and Notices of Objections (AKB). It is expected that the regulations of the AKB, after the advice of the University Council has been issued, will be adopted by the Executive Board in the first quarter of 2021. In addition to notices of objections, the AKB will also handle complaints that are not dealt with by the COG or the CWI.

