

EUR-Regulations of procedure of the Board of Appeals for Examinations 2022

As referred to in section 7.62 of the WHW (Dutch Higher Education and Research Act)

This is a translated version. If any conflict arises between the translation and the Dutch version, the Dutch version shall prevail.

The Regulations have been adopted by the Board of Appeals for Examinations on 9 December 2021 ([art. 7.62 paragraph 1 WHW](#))

The Board has agreed with the Regulations on 16 December 2021 ([art. 7.62 paragraph 2 WHW](#))

These rules shall come into force on 1 January 2022.

Chapter I – Definitions	4
Article 1.1 – Definitions.....	4
Chapter II – General Provisions.....	5
Article 2.1 – The statutory framework.....	5
Article 2.2 – The Appeal (art. 7.61. paragraph 1 WHW)	5
Article 2.3 – Confidentiality (art. 7:18 paragraph 2, 6 and 8 Awb).....	5
Article 2.4 – Data processing	6
Chapter III – The CBE.....	6
Article 3.1 – Appointment.....	6
Article 3.2 – Composition, Recusal and Exemption	6
Article 3.3 – Dismissal	7
Article 3.4 – The Secretary	7
Article 3.5 – Remuneration for the Chair and members	7
Article 3.6 – Modus operandi	7
Chapter IV – The Procedure	7
Article 4.1 – Appeal instructions.....	7
Article 4.2 – Filing an Appeal.....	8
Article 4.3 – Legal aid.....	8
Article 4.4 – The Parties’ witnesses and experts	8
Article 4.5 – Non-verifiable statement	9
Article 4.6 – Immediate urgency (art. 7.61. paragraph 6 WHW).....	9
Article 4.7 – Amicable settlement (art. 7.61. paragraph 3 WHW).....	9
Article 4.8 – Skipping of amicable settlement attempt	9
Article 4.9 – Remedy of omission and adjournment of the term for the Verdict	10
Article 4.10 – Suspensive effect.....	10
Article 4.11 – A new Decision	10
Article 4.12 – Withdrawal of an Appeal.....	10
Article 4.13 – Not proceeding with the hearing (art. 7:16 and 7:17 Awb)	10
Article 4.14 – Written preparation	11
Article 4.15 – Preparations for the hearing	11
Article 4.16 – The hearing.....	11
Article 4.17 – Language.....	12
Article 4.18 - Verdict	12
Chapter V – Final provisions	13
Article 5.1 – Interpretation	13

Article 5.2 – Translation 13

Article 5.3 – Publication 13

Article 5.4 – Short title 13

Article 5.5 – Non-applicability of prior Regulations..... 13

Article 5.6 – Applicable law..... 13

Article 5.7 – Responsibility for maintenance of Regulations 13

Chapter I – Definitions

Article 1.1 – Definitions

1. For the purposes of these rules, 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 ([art. 1:1 Awb](#));
- Appeal A written appeal submitted by the party concerned against a Decision ([art. 6:4 Awb](#) et seq.) or refusal to take a Decision.
- AVG General Data Protection Regulations
- Awb General Administrative Law Act;
- CBE The Board of Appeals for Examinations ([art. 7.60 WHW](#));
- CBHO The Appeals Tribunal for Higher Education ([art. 7.64 WHW](#));
- Chair The person appointed as Chair of the commission by the Executive Board and who chairs the commission during the handling of the Objection, Appeal and/or the Complaint;
- Decision A Written decision by or on behalf of an Administrative Authority of the EUR, constituting a public-law act ([art 1:3 Awb](#)). The following are also deemed equivalent to a Decision:
 - a. a Written Refusal to issue a Decision and
 - b. a failure to issue a timely Decision;
- Defendant The representative of the Administrative Authority that took the contested Order;
- Electronic Security Any kind of electronic encryption that restricts the ability to edit a document including but not limited to:
 - Password protection, an electronic signature and or other forms of encryption;
 - Copy block and/or restriction of the ability to duplicate a document in a digital way or otherwise by printing or digital sharing.
- EUR Legal entity established under public law, officially known as 'Erasmus Universiteit Rotterdam';
- Examiner Person designated by the Examinations Committee to conduct interim examinations and determine the result thereof ([art. 7.12c. WHW](#));
- Executive Board Executive Board of the EUR; an Administrative Authority as referred to in [article 1:1 paragraph 1 sub a Awb](#);
- To exempt/Exemption A decision not to take a seat on a committee for the handling of an Objection, Appeal or Complaint;
- Inspectorate of Education The inspectorate of Education ([art. 1 WOT](#));
- Investigation The gathering of information and the issue of advice to the Administrative Authority concerning the Objection and/or the Complaint;
- Party/Parties The Party Concerned and/or Defendant;
- Party concerned The person whose interests are directly involved in the Decision. A (Prospective or former) student, or a (prospective or former) external candidate ([art. 7.59a paragraph 3 WHW](#));
- Personal data Any information about an identified or identifiable natural person;

- To recuse/Recusal The recusal of the Chair or a member of the committee for the handling of an Appeal and/or Complaint on the basis of grounds that could jeopardize the independence or impartiality;
 - Regulations The EUR-Regulations of procedure of the Board of Appeals for Examinations 2022
 - Secretary Secretary of the CBE;
 - Student-member A person who is enrolled and admitted at EUR as referred to in [Chapter 7, section 3 WHW](#) and who has been appointed by the Board as a member of the CBE;
 - WHW The Dutch Higher Education and Research Act ([Wet op het hoger onderwijs en wetenschappelijk onderzoek](#));
 - Working day As referred to in the General Extension of Time Limits Act, all days with the exception of Saturdays, Sundays and generally recognized public holidays;
 - Writing, in Writing By letter or e-mail ([art. 2:13-2:17 Awb](#));
2. Where the singular is used in these Regulations, the plural can also be used, and vice versa.

Chapter II – General Provisions

Article 2.1 – The statutory framework

1. Appeals are handled in accordance with [articles 7.60., 7.61., 7.62. and 7.63. WHW](#) and, insofar applicable, in accordance with the provisions of the Awb.

Article 2.2 – The Appeal ([art. 7.61. paragraph 1 WHW](#))

1. The Party Concerned may file a written Appeal with the CBE against:
 - a. Decisions as mentioned in the [articles 7.8b, paragraph 3 and 5, and 7.9 paragraph 1 WHW](#),
 - b. Decisions regarding the successful completion of the final examination, as referred to in [article 7.9d. WHW](#),
 - c. Decisions, not being decisions of general application, taken on the basis of the provisions of or pursuant to [section 2 of chapter 7 WHW](#), with a view to admission to examinations,
 - d. Decisions taken on the basis of the additional investigation referred to in [article 7.25. paragraph 5 and 7.28. paragraph 4 WHW](#),
 - e. Decisions of examination boards and examiners,
 - f. Decisions of committees as referred to in [article 7.29. paragraph 1 WHW](#), and
 - g. Decisions taken on the basis of [article 7.30b. WHW](#) for the purpose of admission to the degree programs as mentioned in that Article.

Article 2.3 – Confidentiality ([art. 7:18 paragraph 2, 6 and 8 Awb](#))

1. If an important reason lies in the fear of damage to physical or mental health of the Party Concerned, access to the relevant documents may be reserved to an authorized representative who is either a lawyer or a doctor.
2. The CBE may or may not, at the request of the Party Concerned, determine that the Appeal and all documents relating to the case will not be made available for inspection prior to the hearing insofar as secrecy is required for serious reasons. The Parties will be notified of the application of this provision.

Article 2.4 – Data processing

1. The Personal Data collected and processed by the CBE is necessary for handling the Appeal and for coming to a verdict.
2. The processing of these Personal Data by the CBE is necessary to comply with a legal obligation that rests on EUR ([Art. 7.61 WHW](#)), namely to offer legal protection to students and external candidates ([art. 6 paragraph 1 sub c, art. 9 paragraph 2 sub b AVG](#) in conjunction with [art. 30 paragraph 1 sub a UAVG](#)).
3. Third Parties only receive the Personal Data within the framework of these Regulations and/or when this is required by law.
4. Personal Data is processed in accordance with the EUR Privacy Policy.

Chapter III – The CBE

Article 3.1 – Appointment

1. The Board appoints Chairs and members for a term of five years. Student-members are appointed for a term of two years. The Chairs and the members may be reappointed ([art. 7.60. paragraph 4 WHW](#)).
2. At least two Chairs are appointed ([art. 7.62. paragraph 1g WHW](#)).
3. The CBE consists of a maximum of fifteen members ([art. 7.60. paragraph 3 WHW](#)).
4. The Chair meets the requirements for appointment as a judicial officer, as referred to in article 5 of the Legal Status of Judicial Officers Act ([art. 7.60. paragraph 5 WHW](#)).
5. Half of the members of the CBE consists of teachers or members of the academic staff respectively ([art 7.60. paragraph 4 WHW](#)).
6. The Chairs and the members are not part of the Executive Board or the Inspectorate of Education ([art. 7.60. paragraph 4 WHW](#)).

Article 3.2 – Composition, Recusal and Exemption

1. The CBE has one chamber of which the composition changes.
2. The CBE decides with two members and a Chair.
3. The Appeal is handled by a CBE of which the Chair and the members are not or have not been involved in the Decision or with the Parties.
4. The Chair or another member of the CBE may Exempt themselves.
5. Recusal ([art. 8:18 Awb](#)):
 - The Parties may Recuse the Chair, a member of the CBE or the entire CBE until the conclusion of the hearing.
 - A Recusal should be submitted before the conclusion of the hearing at the latest and should then be submitted to the Secretary in writing, well-substantiated and addressed to the CBE, within two working days.
 - A special chamber of the CBE will be composed which shall hear the Party and the person whose Recusal is requested in each other's presence and shall come to a Decision as soon as possible. The Decision must state the reasons, and the Party and the person whose been Recused shall be notified without delay.
 - In the event of abuse of the right to Recuse, the CBE may decide that a following request will not be handled.
 - No legal remedy is available against this Decision by the CBE ([art. 6:3](#) in conjunction with [art. 1:3 Awb](#)).

6. The term within which a verdict on the Appeal must be issued shall be extended by the term necessary for a Decision on the Recusal.
7. In the event of a Recusal and/or Exemption, the CBE member concerned shall be replaced by another member or a new CBE shall be appointed.

Article 3.3 – Dismissal

1. The Chair or a member will be resigned at their own request and in case of the in [article 7.60, paragraph 6, second sentence WHW](#) referred case.
2. After being heard, the Chair or another member may be dismissed from the CBE if the Board feels there are important reasons for their dismissal ([art. 7.60, paragraph 6 third sentence WHW](#)).
3. In addition to the provisions referred to in [articles 7.60, paragraph 6 WHW](#), the Chairs and members are furthermore dismissed if they have ceased to hold the capacity that was the ground for their appointment as members of the CBE.
4. Membership of the CBE expires by operation of law if a position is accepted that is incompatible with membership of the CBE as referred to [article 3.1 paragraph 6 of this Regulations](#). The Chair and the members are expected to inform the Secretary without delay.

Article 3.4 – The Secretary

1. The CBE is assisted by a Secretary who, to execute the work, follows the instructions of the Chair ([art. 7.62, paragraph 1 under f WHW](#)).
2. The Secretary conducts all correspondence on behalf of the CBE and is authorized to represent the CBE at the CBHO.

Article 3.5 – Remuneration for the Chair and members

1. The Chair and members of the CBE receive remuneration according to the Committee Fee and Indemnity Regulations EUR.

Article 3.6 – Modus operandi

1. The CBE rules on Appeals submitted by the Party Concerned in the context of [article 7.61. WHW](#).
2. Until the conclusion of the Investigation, the organs and staff members as well as the Examiners of the EUR provide the CBE the information which the CBE deems necessary for the performance of its task ([art 7.63. WHW](#)).
3. The Parties are free to respond to the procedural documents until the conclusion of the Investigation ([art. 7:23 Awb](#)).
4. The CBE may consult witnesses and experts, whether or not they are affiliated with EUR. A report is being drawn up of this consultation.
5. The Investigation is led by the Chair.

Chapter IV – The Procedure

Article 4.1 – Appeal instructions

1. The Appeal should be addressed to the CBE in Writing and in the Dutch or English language.

2. If the Appeal is written in a language other than Dutch or English and it needs to be translated in order to be handled properly, the Party Concerned must arrange its translation ([Section 2.6](#), [Section 4.5, paragraph 2](#), and [Section 6.5, paragraph 3, Awb](#)).
3. The Appeal must be signed by the Party Concerned; it must state the name, student number, address, e-mail and telephone number of the Party Concerned; it must state the date it was written and include a description of the Decision against which the Appeal is directed, the reasons for the Appeal and a copy of the Decision to which the dispute pertains ([Section 6.5 Awb](#)).
4. An Appeal filed electronically may be fully or partially refused pursuant to [Section 2.15 Awb](#).
5. Electronically supplied data and documents provided with Electronic Security may be refused ([art. 2:15 paragraph 2 Awb](#)).

Article 4.2 – Filing an Appeal

1. The term for filing an Appeal in Writing is six weeks and begins on that day after the Decision was announced or considered to have been rejected ([art. 6:7 and art. 6:8 Awb](#)). If the Appeal is directed against the failure to take a Decision in time, it is not bound by a time limit ([art. 6:12 Awb](#)).
2. The Appeal is filed in due time if it has been received before the term mentioned in paragraph 1 has expired. If the Appeal is sent by post, it is considered to have been filed in due to time if it has been posted before the term expired, on condition that it was received no later than one week after the term has expired ([art. 6:9 Awb](#)).
3. If the Appeal is filed after the term mentioned in paragraph 2 has expired, the CBE shall not proceed with the dismissal of the Appeal due to a failure to file the Appeal within the time limit if it cannot be reasonably considered that the Party Concerned was in default ([art. 6:11 Awb](#)).
4. If the Appeal has been submitted to an Administrative Body of EUR other than the CBE within the appeal period, the Appeal including the accompanying documents will be sent to the CBE after the date of receipt has been noted on it with simultaneous notification thereof to the Party Concerned ([art. 6:15 Awb](#)).
5. The CBE shall confirm the receipt of the Appeal in Writing ([art. 6:14 Awb](#)).

Article 4.3 – Legal aid

1. If a Party is represented by virtue of an authorisation, the documents relevant to the case shall be sent to the authorised representative ([art. 6:17 Awb](#)).
2. The authorisation must be granted in Writing; it must state the date on which it was drawn up and it must be signed by the Party Concerned and his or her authorised representative ([art. 2:1 Awb](#)).
3. If a Party is represented by a legal counsel, the Written Authorisation referred to in paragraph 2 will not be required.
4. Any costs for representation are to be borne by the Party who is represented. The Party Concerned may be eligible for legal aid (subsidised legal assistance) from the Legal Aid Board. See www.rvr.org.

Article 4.4 – The Parties' witnesses and experts

1. Witnesses and experts may be heard at the Parties' request ([art. 7:22 Awb](#)), on condition the CBE has been notified in Writing of that fact at least ten calendar days prior to the hearing and the notice includes the personal details of the witnesses and experts ([art. 8:60, paragraph 4, Awb](#)). The notification that witnesses or experts will attend the hearing does not result in adjournment of the hearing unless the Chair decides otherwise.

2. Any costs arising from hearing those witnesses and experts are to be borne by the Party who brought them.

Article 4.5 – Non-verifiable statement

1. A statement which is not verifiable shall not be taken into consideration by the CBE.

Article 4.6 – Immediate urgency ([art. 7.61. paragraph 6 WHW](#))

1. The Chair of the CBE shall, following a request to that effect from the Party Concerned, take an interim relief Decision if immediate urgency requires this.
2. Before a Decision following the request for an interim relief will be made the CBE will send the request to the Defendant with the request to send a motivated reaction to the request to the CBE within five working days
3. If the reaction of the Defendant entails an agreement of the requested interim relief a settlement is reached, and the request will not be handled.
4. If the motivated reaction of the Defendant entails a rejection of the requested interim relief, the Chair will decide after hearing the parties, or at least summoning the parties, if an interim relief will be made ([art. 7.61. paragraph 2 WHW](#)).
5. The Defendant sends all documents relating to the request for interim relief to the CBE and the party concerned immediately after the Defendant has rejected the request.
6. The interim relief judge of the CBHO can also take an interim relief following a request to that effect from the Party Concerned, if immediate urgency, in regard to the interests involved, require this ([art. 8:81 Awb](#)).

Article 4.7 – Amicable settlement ([art. 7.61. paragraph 3 WHW](#))

1. The CBE will send the Appeal to the Defendant, with the request to explore with the Party Concerned within three weeks as to whether an amicable settlement is possible. A copy of that request will be sent to the party concerned.
2. If the disputed Decision is taken by an Examiner the exploring referred to in the first paragraph will happen to the Examination Board concerned.
3. The Defendant informs the CBE within three weeks after the receipt of the Appeal and the request as referred to in the first or second paragraph, with reasons of the outcome of the settlement exploration.
4. The CBE can agree with a request for postponement, after the receipt of a Written request to this effect from the Parties. The legal term of ten weeks within the CBE has to come to a verdict([art. 7.61. paragraph 4 WHW](#)) will be postponed for the period for which the parties have requested postponement to investigate the possibilities of an amicable settlement.
5. If an amicable settlement has been reached, the Party Concerned shall withdraw the Appeal immediately and in Writing. On receipt of the notice that the Appeal has been withdrawn, the CBE shall terminate the handling of the Appeal and the Respondent shall be notified of that termination in Writing.
6. If the Party Concerned does not withdraw the Appeal in Writing, an amicable settlement will have proved impossible, and the CBE shall handle the Appeal as soon as possible.

Article 4.8 – Skipping of amicable settlement attempt

1. The Parties can jointly decide to skip the amicable settlement attempt. The parties must inform the CBE immediately in writing after which the CBE will handle the Appeal.
2. The CBE can decide to handle the Appeal without having attempted an amicable

settlement, if:

- a. The Party Concerned despite being invited twice by the Defendant for the amicable settlement attempt does not appear at the amicable settlement meeting.
- b. If the Party Concerned is not available within the settlement period of three weeks. ([art. 7.61. paragraph 3, fourth sentence WHW](#));
- c. The disputed Decision was taken over six months ago, the party concerned has not lodged an appeal in time and has not suggested arguments on the basis of which it can be assessed whether or not there is an excusable exceeding of the term with due observance of the provisions in [article 4.9 of the Regulations](#);
- d. The Party Concerned has not rectified the omission within the term as mentioned in [article 4.9 paragraph 1 of the Regulations](#), after it has been verified if the request for rectification of the omission is send to the (email)address provided by the party concerned.

Article 4.9 – Remedy of omission and adjournment of the term for the Verdict

1. If the requirements presented in [Article 4.1 of the Regulations](#) are not met, the CBE will give the Party Concerned the opportunity to remedy the omission within a period of ten working days ([art. 6.6 Awb](#)).
2. The term of ten weeks within the CBE has to come to a verdict ([art. 7.61. paragraph 4 WHW](#)) shall be suspended as from the day following the day on which the party concerned has been requested to remedy the omission until the day on which the omission is remedied or the term set for it expires unused ([art. 7:24 paragraph 3 Awb](#)).
3. If the Party Concerned does not remedy the established omissions within ten working days, the Appeal may be declared inadmissible.

Article 4.10 – Suspensive effect

1. The Appeal does not suspend the effects of the Decision against which it is directed, unless otherwise decided by, or pursuant to, a legal provision ([art. 6.16 Awb](#)).

Article 4.11 – A new Decision

1. The Appeal also automatically affects a Decision to withdraw, change or replace the contested Decision, unless the Parties do not have sufficient interest in such a withdrawal, change or replacement ([art. 6.19 Awb](#)).
2. The Defendant shall notify the CBE of the new Decision as soon as possible.

Article 4.12 – Withdrawal of an Appeal

1. The Party Concerned may withdraw an Appeal filed with the CBE at any time.
2. The Appeal may be withdrawn orally during the hearing. An official report will be made of this.
3. If the Appeal is withdrawn, the CBE shall immediately terminate its handling. The CBE shall immediately notify the Defendant in Writing.

Article 4.13 – Not proceeding with the hearing ([art. 7:16 and 7:17 Awb](#))

Without prejudice to the making of a ruling, the hearing may be waived if:

- a. The Appeal is apparently inadmissible;
- b. The Appeal is apparently unfounded;
- c. The Party Concerned does not wish to exercise his or her right to a hearing;

- d. The Party Concerned does not indicate whether he or she wishes to exercise his or her right to a hearing within a reasonable term set by the CBE.

Article 4.14 – Written preparation

1. The Defendant informs the CBE within three weeks, with submission of the related documents, of the outcome of the settlement attempt. If an amicable settlement could not be reached, the Defendant shall also submit the documents relating to the case within the mentioned term of three weeks ([art. 7.61 paragraph 3 WHW](#)).
2. A copy of the documents relating to the case as referred to in the first paragraph will be sent to the party concerned by the CBE.
3. Additional documents must be received by the CBE no later than eleven calendar days before the hearing takes place ([art. 7:18 Awb](#)).

Article 4.15 – Preparations for the hearing

1. The CBE determines the date and time of the hearing as soon as possible after receiving the Appeal.
2. The Parties will be summoned in writing for the hearing. The summons shall duly observe a term of five working days prior to the hearing as far as possible.
3. From the determined time of the hearing will only be deviated in the event of educational obligations and personal circumstances as referred to in [article 7.51 paragraph 2 sub c, d and e WHW](#) of the Party Concerned. The Chair will determine whether the personal circumstances are cause to postpone the hearing. The defendant will be notified of such Decision. The term to issue a Decision as referred to in [article 4.18 paragraph 1 of the Regulation](#) will be extended with the term between the established date of the hearing and the new date to be determined for the hearing.
4. Against the Decision of the Chair as referred to in section three of this article there is no legal remedy available ([art. 6:3](#) in conjunction with [art. 1:3 Awb](#)).
5. At the request of the parties' consultation of the documents relating to the case can be obtained. This is possible until one week before the hearing. The Secretary will inform the parties thereof in the notice.

Article 4.16 – The hearing

1. The Appeal will be handled in a public hearing of the CBE, unless the CBE at the request of a party or for serious reasons decides otherwise ([art. 7:19 paragraph 2 Awb](#)), or if the hearing is waived ([art. 4.13 of the Regulations](#)).
2. The hearing is held by the CBE or assigned to the Chair or another member of the CBE. The Chair or the member of the CBE will inform the entire CBE about what was presented at the hearing. The entire CBE then reaches a verdict.
3. The Parties are heard in each other's presence. By virtue of its office or at the Parties' request, the CBE may hold the hearings separately if it is plausible that a joint hearing could obstruct a meticulous handling or that facts or circumstances could be made known during the hearing that should remain confidential for compelling reasons ([art. 7:20 paragraph 2 Awb](#)).
4. If the Parties are heard separately, each of them will be informed of what was presented during the hearing without their presence ([art. 7:20 paragraph 3 Awb](#)).
5. Whether or not at the request of the Parties, the CBE may waive the application of paragraph 4 of this article, insofar as secrecy is required for serious reasons, with due observance of the provisions in [article 7:20 paragraph 4 Awb](#).

6. The decision to assign the hearing to the Chair of the CBE or a member of the CBE, the decision to hear the Parties separately or the decision to hold the hearing in closed session is not eligible for Objection or Appeal ([art. 6:3](#) in conjunction with [art. 1:3 Awb](#)).
7. If documents are submitted during the hearing of the CBE, the Chair will give the Parties the opportunity to take note and to respond to these documents.
8. The Parties may change the content of the Appeal and the response as well as the grounds on which they are founded until the conclusion of the hearing, unless the CBE is of the opinion that the Opposing Party is unreasonably disadvantaged due to that change
9. The CBE may make an audio recording of the hearing. The audio recording shall remain in the CBE's possession and shall be destroyed either after the term for appeal has expired or the CBHO has issued a decision.
10. If one of the Parties or if both Parties have not appeared at the hearing, the CBE will ensure that that Party or both Parties has been summoned in the right way.
11. If a Party who is not present has been summoned in the right way, the hearing shall proceed without that Party being present.
12. If it appears before the conclusion of the hearing that the Investigation has not been completed, the Chair may determine that the hearing will be continued at a time to be determined by the CBE.
13. A report will be drawn up of the hearing ([art. 7:21 Awb](#)). The report forms part of the verdict of the CBE.
14. Before the hearing is closed, the Chair will announce when the verdict will be announced ([art. 7.61 WHW](#)).

Article 4.17 – Language

1. The Dutch language is used during the hearing and in the verdict ([art. 2:6 Awb](#)).
2. If the Party Concerned cannot speak Dutch, the Party Concerned may bring someone to the hearing who speaks Dutch.
3. The Party Concerned may be assisted by a professional interpreter at his or her own expense. When a request for legal aid is accepted by the Legal Aid Board, the counsel from the Legal Aid Board may request a sworn and subsidised interpreter. See www.rechtsbijstand.nl.

Article 4.18 - Verdict

1. The CBE will reach a verdict within ten weeks, calculated from the day following the expiry of the term for submitting the Appeal ([art. 7.61. paragraph 4 WHW](#)) with due observance of the provisions in [articles 3.26 paragraph 5, 4.9 paragraph 2 and 4.15 paragraph 3](#) of the Regulations.
2. Further extension of the term within which the decision on the Appeal is made is possible if the Parties agree in Writing to such an extension or if extension.
3. The verdict will be signed by the Chair and the Secretary of the CBE, a copy of the verdict is sent to the parties and published anonymously on the EUR website.
4. The CBE can reach an oral verdict immediately after the hearing has been closed. The oral decision shall be put in writing by the Secretary.
5. The Party Concerned can lodge an Appeal against a decision of the CBE with the CBHO within six weeks after the announcement of the verdict. This possibility is also mentioned in the verdict. The Party Concerned can also lodge an appeal with the CBHO in the event that the CBE does not make a decision

Chapter V – Final provisions

Article 5.1 – Interpretation

1. In cases relating to these Regulations for which these Regulations make no provision or if these Regulations allow for more than one interpretation, the Awb and the WHW shall be leading and the Chair of the CBE shall issue a decision
2. The Chair may issue a decision that deviates from the provisions of, or pursuant to, these Regulations.
3. No legal remedies are available against a decision as mentioned in the second paragraph of this article ([art. 6:3](#) in conjunction with [art. 1:3 Awb](#)).

Article 5.2 – Translation

1. If these Regulations are translated and any conflict arises between the translation and the Dutch version, the Dutch version shall prevail.

Article 5.3 – Publication

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

Article 5.4 – Short title

1. These Regulations are referred to as: EUR-Regulations of procedure of the Board of Appeals for Examinations 2022.

Article 5.5 – Non-applicability of prior Regulations

1. All prior Regulations and decisions cease to apply with the coming into force of the Regulations.

Article 5.6 – Applicable law

1. The Regulations governed solely by Dutch law.

Article 5.7 – Responsibility for maintenance of Regulations

1. The Regulations are administered by the General Management Directorate, Legal Affairs Department.

Appendix 1: Complaint procedure belonging to
the EUR-Regulations of procedure of the Board
of Appeals for Examinations
2022

Preamble

As a body of EUR the CBE is also an Administrative Authority. This procedure describes the way in which complaints about the conduct of the CBE, a member of the CBE or the Secretariat of the CBE will be handled. The complaint has to be about the conduct of the CBE, not about the content of the decision made by the CBE. A complaint can be submitted in Writing to the Chair of the CBE and will be handled in accordance with this procedure.

Chapter I – Definitions

Article 1.1 – Definitions

1. For the purposes of these rules, the terms below are defined as follows:
 - AKB The Advisory Committee for Complaints and Objections, the permanent Advisory Committee for handling Notices of Objection and Complaints installed by the Executive Board;
 - CBE The Board of Appeals for Examinations ([art. 7.60. WHW](#));
 - Chair The person appointed as Chair of the commission by the Executive Board and who chairs the commission during the handling of the Objection, Appeal and/or the Complaint;
 - Complaint Complaint as referred to in [art. 9:1 Awb](#);
 - Complainant The person who submits a Complaint to the Chair of the CBE.
 - Complaint procedure Complaint procedure belonging to the EUR-Regulations of procedure of the Examinations Appeals Board 2022
 - EUR Legal entity established under public law, officially known as 'Erasmus University Rotterdam';
 - Executive Board Executive Board of the EUR; an Administrative Authority as referred to in [Section 1:1 paragraph 1 sub a Awb](#);
 - To recuse/recusal The recusal of the Chair or a member of the committee for the handling of an Objection, Appeal and/or Complaint on the basis of grounds that could jeopardize the independence or impartiality;
 - Regulations EUR-Regulations of procedure of the Examinations Appeals Board 2022;
 - Secretary Secretary of the CBE;
 - Writing, in Writing By letter or e-mail ([art. 2:13-2:17 Awb](#));
2. Where the singular is used in these Regulations, the plural can also be used, and vice versa.

Chapter II – General provisions

Article 2.1 – Complaint

1. A Written Complaint may be submitted against the conduct of the CBE, a member of the CBE or the Secretary in the context of the complaint handled by the CBE.

Article 2.2 – Non-handling of the complaint

1. Complaints regarding the independence and impartiality of the CBE or a member of the CBE, for which the Regulations provides the possibility of recusal will not be handled. The Complainant will be notified of this in Writing as soon as possible, but no later than four weeks after receipt of the Complaint.
2. Complaints concerning a decision of the CBE will not be handled. The Complainant will be notified of this in Writing as soon as possible, but no later than four weeks after receipt of the Complaint
3. Complaints that arise during the handling of an appeal against the decision of the CBE at the CBHO will not be handled until a decision is made on the Appeal by the CBHO.

4. A Complaint relating to conduct that took place more than a year before the Complaint was filed will not be handled.

Article 2.3 – Handling of the complaint

1. A Complaint is handled by a chamber of the CBE, not involved in the handling of the Appeal. This chamber investigates the Complaint and is responsible for handling it.

Article 2.4 – The AKB

1. The CBE can request the AKB to issue advice about the complaint. The Complainant and the person to whose conduct the Complaint relates will be notified in writing of the request to the AKB to issue advice.
2. The handling of the complaint by the AKB will take place in accordance with chapter 4 of the EUR Regulations of the Advisory Committee for Complaints and Objections 2021.
3. Notwithstanding article 6.15 of the EUR Regulations of the Advisory Committee for Complaints and Objections 2021 the AKB will issue an advice to the CBE.

Chapter III – Outcome of handling the complaint

Article 3.1 – Term for handling the complaint

1. The Chair will give a judgment of the complaint within six weeks – or if the AKB is issuing advice – within ten weeks after receiving the complaint and sends a notice to the parties.
2. The CBE is allowed to adjourn this term with four weeks. The Complainant and the person to whose conduct the Complaint relates will be notified in writing of the adjournment. If the AKB is issuing advice, the CBE will transfer the possibility to adjourn the term with four weeks to the AKB.

Article 3.2 – Outcome of the complaint after advice

1. With the judgment of the Chair, the Complainant also receives the advice of the AKB, if the AKB has been requested to advise. If the judgment of the Chair deviates from the advice, the reasons for that deviation shall be stated in the judgment.
2. If the Complaint relates to a Chair, the advice of the AKB is binding.
3. No objection or appeal can be lodged against the judgment on the Complaint.