

Yes, but

Erasmus
ERASMUS UNIVERSITEIT

Annual report Legal Protection EUR 2021



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Abbreviations

AKB	Advisory Committee for Complaints and Notices of Objections
AVG	General Data Protection Regulation
Awb	General Administrative Law Act
CBHO	Higher Education Appeals Tribunal
CBE	Board of Appeals for Examinations
CGW	Staff Disputes Committee
CK	Whistleblower Committee
COG	Committee for Undesirable Conduct
Executive Board	EUR Executive Board
CWI	Committee for Scientific Integrity
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
FGG	Faculty of Medicine and Health Sciences
FR	Legal Protection Facility
GAS	Student Objection Advisory Committee
GNIO	Disputes Advisory Committee for Non-Initial Programmes
LOWI	National Board for Research Integrity
RSM	Rotterdam School of Management
WHW	Higher Education and Scientific Research Act

Preface

Legal Protection, part of Legal Affairs, supports the complaint and objection advice committees and the Board of Appeals for Examination of Erasmus University Rotterdam (EUR). It also manages the Legal Protection Facility (art. 7.59a first paragraph WHW).

This annual report is only a numerical overview of the processing of complaints, appeals and notices of objections per year.

The table below (1) provides a total overview of the number of requests, complaints, notices of objections and appeals received by Legal Protection in relation to the three previous years. In addition, table two shows the number of emails processed in 2021 as a result of the cases filed with the various committees. Due to a lag effect (not all cases filed at the end of a reporting year can be completed within that same year) table three provides an overview of all cases handled by Legal Protection per year, including cases filed in previous year but handled in the following year.

	2021	2020	2019	2018
Total	681	585	644	349
AKB	27	6	35	37
- Appeals	11	6	32	37
- Complaints	16	0	3	0
CBE	307	219	191	304
CWI	0	5	4	2
GAS	65	68	0	1
GNIO	18	7	6	5
FR**	254	277	396	--*
COG	9	3	5	0
CK	1	0	--	--

Table 1 - Number of cases filed

* The number of cases submitted to the FR was not recorded in 2018

** The FR handles all cases within 48 hours

	2021
Total	51.939
AKB	1.031
CBE	8.756
CWI	349
GAS	1.884
GNIO	587
FR	4.431
COG	763
CK	165
Secretaries	33.073

Table 2 - Number of e-mails processed

	2021	2020	2019	2018
Total	130	88	87	62
AKB	20	6	20	11
- Appeals	6	6	17	11
- Complaints	14	0	3	0
CBE	71	44	52	44
CWI	5	2	3	2
GAS	24	27	1	--
GNIO	6	6	6	5
COG	4	3	5	0
CK	0	--	--	--

Table 3 - Number of settled cases

1. Advisory Committee for Complaints and Objections (AKB)

§ 1.1 Statutory framework (art. 7:13 Awb, Title 9.1 Awb)

The [AKB](#) advises on complaints and notices of objection.

A person whose interest is directly affected by a decision of an administrative body (Executive Board; Dean; Doctorate Board) of the EUR may submit a notice of objection. It follows from article 7:13 Awb that every administrative body of the EUR can request the AKB to give an advice on the objection. Notices of objection against decisions by the Executive Board are submitted directly to the AKB. With a few exceptions, notices of objection by students and extraneous students are not advised on by the AKB, but by the GAS (see Chapter 8).

In addition, anyone may submit a complaint about the conduct of an administrative body or a person working under the authority of an administrative body. The AKB can be asked by any administrative body of the EUR to give advice on the complaint (art. 9:14 Awb). Complaints about the Executive Board must be submitted directly to the AKB.

After the AKB has given its advice, the administrative body will inform the complainant or objector in writing, stating its reasons, of the findings of the investigation, the advice given and whether the advice will be followed, including any consequences thereof.

§ 1.2 Objections

	2021	2020	2019	2018
Totaal	6	**10	*34	*34
Settled or withdrawn	2	3	14	23
Advices**	4	7	20	11
- Inadmissible	2	2	3	3
- Unfounded	2	0	10	8
- Well founded	0	1	4	0
- Partially well founded	0	4	3	0
Cases pending after 31 december	1			

Table 4 - Outcome of objections handled

*After 2019, the WNRA was introduced, which means that staff EUR can no longer file a notice of objection against a decision taken by the employer

**In 2020, the GAS was introduced, which handles appeals of students and extraneous (according to article 7.63a WHW), see further in chapter 8.

§ 1.3 Handling time for notices of objection (art. 7:10 Awb)

The in the Awb defined period to decide on notices of objection is twelve weeks, calculated from the day after the day on which the period for submitting the notice of objection expired. Further postponement may be granted with the consent of the interested party(ies). Taking this into account, advice was given within the statutory period in all cases.

§ 1.4 External appeals (art. 7:12, 6:23 Awb)

A decision on objection can be appealed to the administrative court. In 2021 no decision on objection has been appealed to the administrative courts.

§ 1.5 Number of complaints

	2021	2020	2019	2018
Total	14	0	3	0
Settled or withdrawn	1	0	1	0
Complaint advice	13	0	2	0
- Inadmissible	0	0	0	0
- Unfounded	5	0	2	0
- Well founded	0	0	0	0
- Handling discontinued	8	--	--	--
In progress after 31 December	2			

Table 5 - Outcomes of complaints handled

§ 1.6 Handling time for complaints (art. 9:11 Awb)

The handling time for a complaint is ten weeks after receiving it. A postponement of the term on advising on the complaint is possible with the consent of the interested party/ies. Taking this into account, advice was given within the statutory period in all cases.

§ 1.7 External applications to the Nationale Ombudsman (art. 9:12 section 2, 9:17 and 9:24 Awb)

The complainant can file a petition with the [Nationale Ombudsman](#) against the handling of a complaint within one year. The defendant cannot submit a petition to the Nationale Ombudsman, they must first submit a complaint to the Executive Board. No reports were received that a petition was filed against the complaint handling.

§ 1.8 Processed e-mails AKB-mailbox

In 2021, a total of 95 e-mails were sent and 224 were received from the AKB mailbox. Thus, a total of 319 emails were processed in the AKB mailbox in the past year.

It should be noted that a large proportion of the e-mail traffic relating to AKB cases originated from the mailboxes of the secretaries responsible for handling these cases. The number of e-mails sent and received from the AKB mailbox therefore gives a distorted picture of the workload involved in dealing with these cases in 2021.

2. Board of Appeal for Examinations (CBE)

§ 2.1 Statutory framework (art. 7.59a. paragraph 3, 7.60. and 7.61. WHW)

Chapter 7, Title 4 of the WHW covers the legal protection offered to students and extranei. Each institution of higher education has a [CBE](#). The CBE is authorised to decide on appeals against decisions of Examination Boards and examiners, binding study advice and admission to exams within the framework of initial study programmes.

The CBE must limit itself to assessing the legitimacy of the decision. The efficiency aspects of a contested decision of an institution's body are not covered by proceedings before the CBE on the grounds of the WHW. An appeal to the CBE is regarded as an administrative appeal as referred to in article 1:5, second paragraph of the Awb.

Decisions of the CBE are published - anonymously - on the [EUR website](#).

§ 2.2 Number of cases

	2021	2020	2019	2018
Total	307	212	191	304
ESE	72	40	57	85
ESHCC	9	9	17	6
ESHPM	15	5	4	23
ESL	48	68	44	93
ESPhil	2	2	3	6
ESSB	66	38	34	28
FGG	22	21	16	18
RSM	73	29	16	45

Table 6 - Number of appeals submitted by faculty

	2021	2020	2019	2018
Total	8.24	5.98	5.88	10.17
ESE	1.93	1.13	1.75	2.84
ESHCC	0.24	0.25	0.52	0.20
ESHPM	0.40	0.14	0.12	0.77
ESL	1.29	1.92	1.35	3.11
ESPhil	0.05	0.06	0.09	0.20
ESSB	1.77	1.07	1.05	0.94
FGG	0.59	0.59	0.49	0.60
RSM	1.96	0.82	0.49	1.51

Table 7 - Number of appeals per 1000 students per faculty compared to the total number of students at the EUR. Calculation based on the October 1st census.

	2021	2020	2019	2018
Total	318	205	194	294
Settled or withdrawn	237	161	142	243
Decisions:	71	44	52	51
-Inadmissible	6	6	8	11
-Unfounded	50	28	36	28
-Well founded	15	9	8	12
Cases in progress after 31 December	10			

Table 8 - Outcomes of appeals handled

	Unfounded	Well-founded	Inadmissible	Total
Total	50	15	6	71
ESE	12	3	1	16
ESL	7	4	1	12
ESSB	12	0	2	14
ESHCC	0	1	0	1
ESHPM	2	1	0	3
ESPHIL	1	1	0	2
FGG	7	1	1	9
RSM	9	4	1	14

Table 9 - Outcomes of occupations handled by faculty

§ 2.3 Handling time (art. 7.61 paragraph 4 WHW)

The CBE decides within ten weeks, calculated from the day after the deadline for submitting the appeal. The backlog that arose in 2020 due to the Covid-19 crisis has been completely cleared in 2021.

In 2021, two cases were decided on after the statutory time limit for deciding.

§ 2.4 External appeals to the CBHO (art. 7.64 WHW)

An appeal against a decision of the CBE may be lodged with the CBHO (in the first and only instance). Decisions of the CBHO can be read at www.cbho.nl.

	2021	2020	2019	2018
Total	10	5	4	8
Withdrawn	1	0	0	0
Unfounded	6	2	4	8
(Partly) Well founded	2	3	0	0
Inadmissible	0	0	0	0
Lack of competence	1	0	0	0

Table 10 – Number of judgements rendered by the CBHO

§ 2.5 Processed e-mails CBE mailboxes

In 2021, 3,033 e-mails were sent from the CBE mailbox and 5,723 e-mails were received. Thus, a total of 8,756 emails were processed in the CBE mailbox in the past year.

3. 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 AKB is no longer authorized 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 Universities of The Netherlands has agreed with the trade unions that a sectoral employee disputes committee, known as the Staff Disputes Committee (CGW) would be established, which deals 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.

4. Whistleblower Committee (CK)

§ 4.1 Introduction

The Executive Board of the EUR considers it of great importance that possible wrongdoing within the EUR can be dealt with in a safe setting. Although the EUR strives for an honest and open organisation, it recognises that wrongdoing may occur.

Those who report wrongdoing in good faith should be protected. The Whistleblowers' Committee (CK) is the committee for the investigation of alleged wrongdoing where the public interest is at stake. It is not concerned with alleged breaches of scientific integrity or undesirable behaviour.

Anyone may report improper actions or omissions under the responsibility of Erasmus University Rotterdam to the Whistleblower's Committee.

Following the report of the Whistleblower Committee, the Executive Board may take measures if necessary.

§ 4.2 Statutory framework (Whistleblower Act, Title 9.1 Awb and the AVG)

The ['Rules for Reporting Suspicions of Wrongdoing in the EUR' \(Whistleblower Rules\)](#) provide for the possibility of reporting suspicions of wrongdoing to the Whistleblower Committee.

A Report will be handled in accordance with the Dutch 'Huis voor Klokkeluiders' Act and, if applicable, the provisions of the General Administrative Law Act (Awb), in particular Title 9.1 Awb, and the AVG, unless otherwise provided in the Regulations.

§ 4.3 Reports

	2021
Total	1
-Withdrawn	0
-Unfounded	0
-Well founded	0
-Inadmissible	0
In progress after 31 December	1

Table 11 - Outcomes of reports received

§ 4.4 Handling time (art. 8 Whistleblower Act)

Within six weeks after receiving the report, the committee shall decide whether or not to take the report into consideration.

The person(s) concerned shall be regularly informed by the committee of the progress of the treatment.

The committee aims to advise the Board within one year after the start of the investigation. If this deadline cannot be met, the parties involved are informed accordingly.

§ 4.5 Reporting to the House for Whistleblowers

At any stage of the procedure, an external report of suspected wrongdoing can be made to and via the [Whistleblower House](#).

This external report does not qualify as a breach of confidentiality as referred to in Article 2.4 of the Whistleblower Regulations, as regards the information provided to the Whistleblower House. For the rest, the duty of confidentiality remains intact.

If there is a reasonable suspicion of a criminal offence or a serious danger to public health or the safety of the environment, the reporter can report this directly to the competent authority.

§ 4.6 Processed e-mails CK mailboxes

In 2021, no e-mails were sent from the CK mailbox and 165 e-mails were received.

It should be noted that the vast majority of e-mail traffic relating to CK cases was sent from the mailboxes of the secretaries responsible for dealing with these cases. The number of mails sent and received from the CK mailbox therefore gives a distorted picture of the workload involved in dealing with these cases in 2021.

5. Committee on Undesirable Behaviour (COG)

§ 5.1 Introduction

Erasmus University Rotterdam (EUR) considers it of great importance that staff and students can function in a pleasant and stimulating working and study atmosphere. Nevertheless, it may happen that an employee or a student does not feel treated with sufficient respect within the EUR. Sometimes this involves sexual harassment, other times bullying or discrimination, and sometimes physical aggression. A formal complaint can be handled by the manager of the organisational unit where the complainant works or studies, or by the Committee on Undesirable Behaviour set up by the Executive Board. A complaint can be filed directly with the Committee on Undesirable Behaviour.

§ 5.2 Statutory framework (art. 3 Working Conditions Act, Awgb, 7.63a of the WHW and Title 9.1 Awb)

The [EUR complaints procedure for undesirable behaviour and misconduct](#) provides the possibility of lodging a complaint to the COG regarding (sexual) harassment, aggression, violence, bullying and discrimination. The Committee decides how to deal with a written complaint about undesirable behaviour submitted to the COG. The COG provides the Executive Board with advice on the complaint submitted. On the basis of the advice received, the Executive Board decides whether the complaint is well founded or not and decides on any measures to be taken.

§ 5.3 Recommendations

	2021	2020	2019	2018
Total complaints received	9	3	5	0
(Partially) Well founded	0	0	1	0
(Partially) Unfounded	4	1	2	0
Withdrawn	2	1	0	0
Referred to AKB	1	0	1	0
Handling discontinued*	2	2	0	0
In progress after 31 December	0			

Table 12 - Outcomes of complaints handled

* Cases at Erasmus MC and at the EUR-Holding B.V. are being investigated by those organisations.

§ 5.4 Handling time (art. 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 2021.

§ 5.5 External applications to the Nationale Ombudsman (art. 9:12, 9:17 and 9:24 Awb)

A petition against the handling of a complaint can be submitted to the [Nationale Ombudsman](#) within one year. No reports have been received that a petition has been lodged against the handling of a complaint.

§ 5.6 Processed emails COG mailbox

In 2021, a total of 21 e-mails were sent from the COG mailbox and 742 e-mails were received. Thus, a total of 763 e-mails were processed in the COG mailbox in the past year.

It should be noted that the vast majority of e-mail traffic relating to COG cases took place from the mailboxes of the secretaries responsible for handling these cases. The number of mails sent and received from the COG mailbox therefore gives a distorted picture of the workload involved in dealing with these cases in 2021.

6. Committee on Scientific Integrity (CWI)

§ 6.1 Statutory framework (art. 1.7 WHW)

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

The [Dutch Code of Conduct for Scientific Integrity](#) elaborates on these principles and serves as a guideline for the university as referred to in the WHW.

One of the means of testing academic integrity is the right to complain if (the suspicion exists that) employees of the university are violating academic integrity. The right to complain is laid down in the [EUR Scientific Integrity Complaints Regulations](#). The CWI investigates the complaint and advises the Executive Board, after which the Executive Board will determine its (initial) judgement within four weeks.

§ 6.2 Recommendations

	2021	2020	2019	2018
Total complaints handled	5	4	5	2
Well founded	1	2	2	2
Handling discontinued*	1	0	1	0
Unauthorised*	3	0	0	0
In progress after 31 December	0			

Table 13 - Outcomes of complaints handled

*Cases at Erasmus MC and at the EUR-Holding B.V. are investigated by the CWI of that organisation.

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

The time limit for handling a CWI complaint is twelve weeks after receipt of the complaint. The Executive Board gives a preliminary opinion within fourteen weeks of receiving the complaint. One case was not settled within the recommendation period because the nature of the complaint and the care required in handling it made this impossible.

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

Complainant(s) and defendant(s) can [ask the LOWI for](#) advice within six weeks after receiving the (initial) opinion of the Executive Board, this has happened zero times in 2021.

§ 6.5 External appeals submitted to the National Ombudsman (art. 9:12 paragraph 2, 9:17 and 9:24 Awb)

The complainant may file an appeal with the [National Ombudsman](#) against the handling of a complaint within one year.

§ 6.6 Processed e-mails CWI mailbox

In 2021, 59 emails were sent from the CWI mailbox and 290 were received. In total, therefore, 349 emails were processed in the CWI mailbox in the past year.

It should be noted that part of the email traffic relating to CWI cases originated from the mailboxes of the secretaries charged with handling these cases. The number of emails sent and received from the CWI mailbox therefore gives a distorted picture of the workload involved in dealing with these cases in 2021.

7. Legal Protection Facility (FR)

§ 7.1 Statutory framework (art. 7.59a WHW)

Pursuant to article 7.59a. WHW, every institution of higher education must offer a facility to which students and extranei can send their requests, complaints and notices of objection and appeals. The EUR has placed this facility with Legal Protection. Based on the [Werkwijzer meldingen studenten en extranei](#), Legal Protection forwards the received reports - within 48 hours - to the competent handler.

The facility also handles reports from persons who are not students or extranei.

§ 7.2 Complaints

	2021	2020	2019	2018
Total	254	277	396	--
AKB/CBE/COG/CWI/GAS	84	85	42	--
Faculty/Dean*	129	50	179	--
Internal**	1	61	62	--
Student Administration***	21	73	113	--
Others****	19	8	0	--

Table 14 - Number of complaints submitted per category

* Complaints about the programme or faculty

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

*** Complaints about admission, tuition fees, etc.

**** Other complaints

§ 7.3 Processed e-mails Legal Protection mailbox

In 2021, 1,002 e-mails were sent from the Legal Protection mailbox and 3,429 e-mails were received. So in the past year a total of 4,431 e-mails have been processed in the Legal Protection mailbox.

8. Student Objection Advisory Committee (GAS)

§ 8.1 Statutory framework (art. 7.63a WHW)

Pursuant to Article 7.63a of the WHW, the EUR must set up a Student Objection Advisory Committee ([GAS](#)) that advises the Executive Board on notices of objection from students and extranei regarding decisions other than those where the Board of Appeal for Examinations is competent.

§ 8.2 Number of cases

	2021	2020
Total	66	63
Settled or withdrawn	40	36
Advices*	25	27
-Inadmissible	0	2
-Unfounded	23	24
-Well founded	2	1
Iudicium Abeundi rulings**	1	0
-Inadmissible	1	0
-Unfounded	0	0
-Well founded	0	0
Cases in progress after 31 December	1	

Table 15 - Outcomes GAS advices

* Previously handled by the Advisory Committee for Complaints and Objections (AKB)

** Previously handled by the Iudicium Abeundi Disputes Committee (GIA)

§ 8.3 External appeals to the CBHO (art. 7.64 WHW)

Students can lodge an appeal against a ruling on an objection (of first and last resort) with the CBHO. The legal representation of the Executive Board is done by Legal Advice. In cases in which a Legal Protection committee or board has advised, this legal representation takes place in consultation with Legal Protection.

	2021	2020	2019
Total	0	5	1
-Withdrawn	0	1	0
-Unfounded	0	5	0
-Well founded	0	1	0
-Inadmissible	0	0	0
In progress after 31 December	0		

Table 16 - Number of appeal cases lodged with the CBHO.

§ 8.4 Processed e-mails GAS mailbox

In 2021, a total of 557 emails were sent from the GAS mailbox and 1,327 emails were received. Thus, a total of 1,884 emails were processed in the GAS mailbox in the past year.

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

§ 9.1 Statutory framework (art. 7:900 Dutch Civil Code)

The Board of Appeal for Non-Initial Programmes is a facility for participants enrolled in accredited Non-Initial Programmes offered by the EUR, the EUR-Holding B.V. or one of its operating companies. No appeals can be lodged at the CBE against decisions taken by these programmes. Without this special facility, students would have to appeal against a decision in the civil courts. The GNIO can issue a binding advice when the Course and Examination Regulations of the relevant programme has declared the GNIO competent (Regulations [GNIO](#)). The costs incurred for the proceedings at the GNIO are reimbursed by the study programme.

§ 9.2 Number of cases

	2021	2020	2019	2018
Total	19	7	7	5
Erasmus MC	0	0	1	1
ESL	0	0	0	1
Master City Developer*	0	0	0	0
Maritime Economics and Logistics*	2	3	1	0
International Institute of Social Studies	1	2	3	0
Institute for Housing and Urban Development Studies*	16	1	2	3
Erasmus School of Accounting and Assurance*	0	1	0	0
Cases in progress after 31 December	1			

Table 17 - Number of cases GNIO

*Programmes provided by EUR-Holding B.V.

§ 9.3 Handling time (art. 21 paragraph 1 Regulations Board of Appeal for Non-initial Programmes)

The GNIO decides within ten weeks after 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, advices were given within the statutory period in all cases.

§ 9.4 External appeal to the civil courts (art. 25 GNIO Regulations)

A ruling by the GNIO can only be overturned by submitting it to a civil court for assessment within two months after the binding advice has been sent to the parties. 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 standards of reasonableness and fairness. Any failure to submit the advice to the court for assessment within the aforementioned period, shall render the ruling inviolable.

No appeals have been submitted to the court for review.

§ 9.5 Processed e-mails GNIO mailbox

In 2021, a total of 149 e-mails were sent from the GNIO mailbox and 438 e-mails were received. Thus, a total of 587 e-mails were processed in the GNIO mailbox in the past year.

