

Yes, but

Erasmus
ERASMUS UNIVERSITEIT

Annual report

Legal Procedures

EUR 2022



Table of contents

| | |
|---|-----------|
| Abbreviations | 2 |
| Preface | 3 |
| 1. Advisory Committee for Complaints and Objections (AKB) | 5 |
| § 1.1 Statutory framework (art. 7:13 Awb, Title 9.1 Awb) | 5 |
| § 1.2 Objections | 6 |
| § 1.3 External appeals (art. 7:12, 6:23 Awb) | 6 |
| § 1.4 Number of complaints | 7 |
| § 1.5 External applications to the Nationale Ombudsman (art. 9:12 section 2, 9:17 and 9:24 Awb) | 7 |
| 2. Board of Appeal for Examinations (CBE) | 8 |
| § 2.1 Statutory framework (art. 7.59a paragraph 3, 7.60 and 7.61 WHW) | 8 |
| § 2.2 Number of cases | 8 |
| § 2.3 External appeals to the Higher Education Appeals Tribunal, CBHO (art. 7.64 WHW) | 10 |
| | 10 |
| 3. Staff Disputes Committee (CGW) | 11 |
| 4. Whistleblower Committee (CK) | 12 |
| § 4.1 Introduction | 12 |
| § 4.2 Statutory framework (Whistleblower Act, Title 9.1 Awb and the AVG) | 12 |
| § 4.3 Reports | 12 |
| § 4.4 Interpretation | 12 |
| § 4.5 Handling time (art. 8 Whistleblower Act) | 13 |
| § 4.6 External reports to the House for Whistleblowers | 13 |
| 5. Committee on Undesirable Behaviour (COG) | 14 |
| § 5.1 Introduction | 14 |
| § 5.2 Statutory framework (art. 3 Working Conditions Act, Algemene wet gelijke behandeling, art. 7.63a WHW and Title 9.1 Awb) | 14 |
| § 5.3 Recommendations | 14 |
| § 5.4 External applications to the Nationale Ombudsman (art. 9:12, 9:17 and 9:24 Awb) | 14 |
| § 5.5 Interpretation | 15 |
| 6. Committee on Scientific Integrity (CWI) | 16 |
| § 6.1 Statutory framework (art. 1.7 WHW) | 16 |
| § 6.2 Recommendations | 16 |
| § 6.3 External appeals submitted to the LOWI (art. 5 paragraph 2 KWI) | 16 |
| § 6.4 External appeals submitted to the National Ombudsman (art. 9:12 paragraph 2, 9:17 and 9:24 Awb) | 16 |
| | 16 |
| 7. Legal Procedures Facility (FR) | 17 |

| | |
|--|-----------|
| § 7.1 Statutory framework (art. 7.59a WHW) | 17 |
| § 7.2 Complaints | 17 |
| 8. Student Objection Advisory Committee (GAS) | 18 |
| § 8.1 Statutory framework (art. 7.63a WHW) | 18 |
| § 8.2 Number of cases | 18 |
| § 8.3 External appeals to the CBHO (art. 7.64 WHW) | 18 |
| 9. Board of Appeal for Non-Initial Programmes (GNIO) | 20 |
| § 9.1 Statutory framework (art. 7:900 Dutch Civil Code) | 20 |
| § 9.2 Number of cases | 20 |
| § 9.3 External appeal to the civil courts (art. 25 GNIO Regulations) | 20 |
| § 9.4 Scope of handling disputes by GNIO | 20 |

Abbreviations

| | |
|-----------------|---|
| AKB | Advisory Committee for Complaints and Notices of Objections |
| AVG | General Data Procedures Regulation |
| Awb | General Administrative Law Act |
| CBHO | Higher Education Appeals Tribunal (from January 1, 2023, the Administrative law Department of the Council of State) |
| 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 Universiteit Rotterdam |
| FGG | Faculty of Medicine and Health Sciences |
| FR | Legal Procedures 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

This annual report relates to objections, appeals and complaints that were handled in the period between January 1, 2022, and December 31, 2022. In 2022 268 cases have been handled by a Legal Procedure committee of the EUR and 296 cases have been handled by the Legal Procedures Facility. The report concerns cases submitted by (prospective and former) students and extraneï and other stakeholders involved at EUR, such as employees and guest lecturers.

EUR has established several independent complaints, objections and disputes committees, which are supported in the performance of their tasks by the Legal Procedures department. The Legal Procedures department provides the official secretariat. These committees and colleges advise the Executive Board and administrative bodies on the handling of objections and complaints. In addition, the LP department provides the official secretariat for appeals to the CBE where appeals can be lodged against decisions of examiners and examination boards.

Students and extraneï can submit their objections, appeals and complaints to one digital counter: the Legal Procedures Facility. The Legal Procedures department directs the submitted objections, appeals and complaints to the correct authority for handling. Submitters will receive confirmation of receipt and information about the further procedure.

Stakeholders other than students or external students can also file an objection or complaint against decisions of EUR administrative bodies with these administrative bodies, the Executive Board or the various independent committees and boards, via the Legal Procedures Facility or directly.

Table 1 - Number of complaints, disputes, appeals and objections received

| | 2022 | 2021 | 2020 | 2019 |
|--------------|------|------|------|------|
| Total | 576 | 681 | 585 | 637 |
| AKB | 10 | 27 | 6 | 35 |
| - Appeals | 8 | 11 | 6 | 32 |
| - Complaints | 2 | 16 | 0 | 3 |
| CBE | 207 | 307 | 219 | 191 |
| CWI | 1 | 0 | 5 | 4 |
| GAS | 50 | 65 | 68 | 0 |
| GNIO | 3 | 18 | 7 | 6 |
| FR | 296 | 254 | 277 | 396 |
| COG | 9 | 9 | 3 | 5 |
| CK | 0 | 1 | 0 | 0 |
| CGW | 0 | 0 | 0 | 0 |

Table 2 contains a numerical overview of the total number of complaints, disputes, appeals and objections handled. During the handling of a submitted case, sometimes a case is settled, or a case is withdrawn. Due to a lag effect (not all cases that are filed can be completed within the same year), table 2 provides an overview of all cases settled in the period between January 1, 2022 and December 31, 2022.

Table 2 - Number of cases handled by a legal procedure committee

| | 2022 | 2021 | 2020 | 2019 |
|-------------|------|------|------|------|
| Total | 89 | 130 | 90 | 87 |
| AKB | 9 | 20 | 6 | 20 |
| -Appeals | 5 | 6 | 6 | 17 |
| -Complaints | 4* | 14 | 0 | 3 |
| CBE | 46 | 71 | 44 | 52 |
| CWI | 1 | 5 | 2 | 3 |
| GAS | 36 | 24 | 27 | 1 |
| GNIO | 2 | 6 | 6 | 6 |
| COG | 9 | 4 | 3 | 5 |
| CK | 1** | 0 | 0 | 0 |
| CGW | 0 | 0 | 0 | 0 |

* AKB handled two complaints from 2021 and two complaints from 2022 (4 in total)

** CK handled the notification which was filed in 2021, in 2022

1. Advisory Committee for Complaints and Objections (AKB)

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

The [AKB](#) advises the EUR administrative bodies and the Executive Board on objections, administrative appeals and the handling of complaints.

Objection

The AKB is an independent advisory committee that advises the administrative bodies of the EUR on the handling of objections. Anyone whose interest is directly affected by a decision of an administrative body of the EUR can submit an objection against the decision. After the advice has been issued, the administrative body that took the disputed decision, taking the advice into account, decides again in an decision on objection.

Pursuant to art. 7:13 Awb and art. 3.7 EUR Regulations Advisory Committee for Complaints and Objections 2021, the AKB can act as an independent advisory committee for all administrative bodies of the EUR and issue advice on an objection. Objections against decisions of the Executive Board are submitted to the AKB directly or via the Legal Procedures Facility¹. With a few exceptions, objections from students and extranei are not advised by the AKB, but by the GAS (see Chapter 8).

Some of the objections are withdrawn by mutual agreement.

Complaint

In addition, anyone may submit a complaint about the behavior of an administrative body or a person working under the authority of an administrative body. Pursuant to Art. 9:14 Awb in conjunction with art. 3.7 of the EUR Regulations Advisory Committee for Complaints and Objections 2021, the AKB can act as an independent advisory committee for all administrative bodies of the EUR and issue advice on a complaint about the behavior of that administrative body. Complaints addressed to the Executive Board are submitted to the AKB directly or via the Legal Procedures Facility².

¹ Students and extranei can submit their objections via the Legal Procedures Facility

² Students and extranei can submit their complaints via the Legal Procedures Facility

After advice from the AKB, the administrative body will inform the complainant in writing and with reasons of the findings of the investigation, the advice about this, whether the advice is followed and any consequences associated with it.

§ 1.2 Objections

Table 3 - Outcome of objections handled

| | 2022 | 2021 | 2020 | 2019 |
|-------------------------------|------|------|------|------|
| Total | 8 | 6 | 10* | 34 |
| Settled or withdrawn | 2 | 2 | 3 | 14 |
| Advices | 5 | 4 | 7 | 20 |
| - Inadmissible | 0 | 2 | 2 | 3 |
| - Unfounded | 4 | 2 | 0 | 10 |
| - Well founded | 0 | 0 | 1 | 4 |
| - Partially well founded | 0 | 0 | 4 | 3 |
| - Dismissal | 1 | | | |
| In progress after 31 December | 1 | | | |

* The WNRA was introduced on January 1, 2020 and the GAS was introduced in 2020 (according to Article 7.63a WHW). This has led to fewer objections from the AKB.

Details

In 2022, the AKB was engaged as an ad hoc objection advisory committee on behalf of nine objections to decisions by the Executive Boards of the Universities of Groningen, Delft, Eindhoven, Leiden, Maastricht, Twente, Utrecht, Amsterdam (UvA), Wageningen and the Erasmus Universiteit Rotterdam against decisions with the same content.

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

A decision on objection can be appealed to the administrative court. In 2022, one decision on objection was appealed to the administrative court.

§ 1.4 Number of complaints

Table 4 - Outcomes of complaints handled

| | 2022 | 2021 | 2020 | 2019 |
|-------------------------------|------|------|------|------|
| Total | 4* | 16 | 0 | 3 |
| Complaint advices | 2 | 13 | 0 | 2 |
| – Inadmissible | 0 | 0 | 0 | 0 |
| – Unfounded | 1 | 5 | 0 | 2 |
| – Well founded | 1 | 0 | 0 | 0 |
| – Handling discontinued | 0 | 8 | 0 | 0 |
| Settled or withdrawn | 0 | 1 | 0 | 1 |
| In progress after 31 December | 0 | 2 | | |

* in 2022, two complaints filed in 2021 and 2 complaints filed in 2022 were processed (total of 4)

§ 1.5 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 with the National Ombudsman against the complaint handling.

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 procedures 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.

Before the CBE considers the appeal, the notice of appeal is sent to the body against which the appeal is directed, in order to see whether an amicable settlement is possible. If the appeal is directed against a decision of an examiner, the appeal is sent to the examination board concerned.

A student may file an appeal if, in the student's opinion, a decision, or the refusal to make a decision, violates established rules or violates reasonableness and fairness. The CBE reviews whether this has been met.

Practice shows that settlements are reached in many cases. In 2022, an amicable settlement was eventually reached between the parties in 157 cases out of 207 cases filed. When no settlement is reached, the CBE takes the appeal further. A hearing is scheduled and after this will follow a decision.

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

§ 2.2 Number of cases

Table 5 - Number of appeals submitted by faculty

| | 2022 | 2021 | 2020 | 2019 |
|-------------|------|------|------|------|
| Total | 207 | 307 | 212 | 191 |
| FGG | 15 | 22 | 21 | 16 |
| ESE | 44 | 72 | 40 | 57 |
| ESHCC | 9 | 9 | 9 | 17 |
| ESHPM | 7 | 15 | 5 | 4 |
| ESL | 38 | 48 | 68 | 44 |
| ESPhil | 2 | 2 | 2 | 3 |
| ESSB & EUC* | 49 | 66 | 38 | 34 |
| RSM | 43 | 73 | 29 | 16 |

* The EUR annual report publishes the number of students for the ESSB & EUC combined.

Table 6 – Of the total number of students at EUR, 5.78% of students have appealed to the CBE in 2022. The table then shows what percentage of students within that faculty have filed an appeal.

| | 2022 | 2021 | 2020 | 2019 |
|-------------|------|------|------|------|
| Total | 5.78 | 8.24 | 5.98 | 5.88 |
| FGG | 0.42 | 0.59 | 0.59 | 0.49 |
| ESE | 1.23 | 1.93 | 1.13 | 1.75 |
| ESHCC | 0.25 | 0.24 | 0.25 | 0.52 |
| ESHPM | 0.19 | 0.40 | 0.14 | 0.12 |
| ESL | 1.06 | 1.29 | 1.92 | 1.35 |
| ESPhil | 0.06 | 0.05 | 0.06 | 0.09 |
| ESSB & EUC* | 1.37 | 1.77 | 1.07 | 1.05 |
| RSM | 1.20 | 1.96 | 0.82 | 0.49 |

* The EUR annual report publishes the number of students for the ESSB & EUC faculties combined

Table 7 – Outcomes of administrative appeals handled. This graph shows that the majority of appeals are settled/withdrawn.

| | 2022 | 2021 | 2020 | 2019 |
|-------------------------------|------|------|------|------|
| Total | 203* | 318 | 205 | 194 |
| Settled or withdrawn | 147 | 237 | 161 | 142 |
| Decisions: | 46 | 71 | 44 | 52 |
| – Inadmissible | 6 | 6 | 6 | 8 |
| – Unfounded | 31 | 50 | 28 | 36 |
| – Well founded | 9 | 15 | 9 | 8 |
| In progress after 31 December | 14 | 10 | | |

* 207 cases were filed in 2022. Because 10 cases from 2021 were handled in 2022 and 14 cases from 2022 will be handled in 2023, the total number of cases heard in 2022 comes to $207 + 10 - 14 = 203$.

Table 8 - Outcomes of appeals handled per faculty

| | Unfounded | Well Founded | Inadmissible | Total |
|--------|-----------|--------------|--------------|-------|
| Totaal | 31 | 9 | 6 | 46 |
| FGG | 1 | 3 | 0 | 4 |
| ESE | 12 | 1 | 0 | 13 |
| ESL | 6 | 3 | 3 | 12 |
| ESSB | 3 | 0 | 1 | 4 |
| ESHCC | 0 | 0 | 0 | 0 |
| ESHPM | 0 | 0 | 2 | 2 |
| ESPHIL | 0 | 0 | 0 | 0 |
| RSM | 8 | 1 | 0 | 9 |
| EUC | 1 | 1 | 0 | 2 |

§ 2.3 External appeals to the Higher Education Appeals Tribunal, CBHO (art. 7.64 WHW)

An appeal against a decision of the CBE may be lodged with the CBHO. As of January 1, 2023, due to a change in the law, appeals will no longer be possible at the CBHO, but at the Council of State. Rulings of the CBHO can be reviewed at the [Council of State](#). The case law of the CBHO will also remain relevant at the Council of State.

During the appeal to the CBE there will be legally assessed whether the decision was lawful. The CBHO also applies this legal test but may come to a different judgment after weighing the facts.

Table 9 – Number of judgements handled by CBHO, on decisions of the CBE

| | 2022 | 2021 | 2020 | 2019 |
|-----------------------|------|------|------|------|
| Total | 9 | 10 | 5 | 4 |
| Withdrawn | 0 | 1 | 0 | 0 |
| Unfounded | 5 | 6 | 2 | 4 |
| (Partly) well founded | 2 | 2 | 3 | 0 |
| Inadmissible | 1 | 0 | 0 | 0 |
| Lack of competence | 1 | 1 | 0 | 0 |

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, which means that the Awb no longer applies while the civil court has become competent to rule labor disputes between the EUR and employees. As a result, the AKB is also no longer authorized to handle appeals on the legal status of employees.

It was agreed with the employee organizations by the then VSNU (UNL) that employers would establish a sectoral employee dispute committee as an independent advisory committee, which would advise the employer regarding the handling of some specific labor law disputes. A dispute on the following exhaustively listed subjects can be submitted to the CGW:

- 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 since January 1, 2020.

4. Whistleblower Committee (CK)

§ 4.1 Introduction

The Executive Board 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 organization, it recognizes that wrongdoing may occur. Those who report wrongdoing in good faith should be protected.

Any suspicion of unlawful or immoral practices, involving major social or institutional interests, which may have taken place under the responsibility of the EUR, can be reported within the rules described in the "Rules for Reporting Suspicions of Wrongdoing in the EUR". These Whistleblower Rules provide information about the procedure but also offer protection to the person reporting the abuse. As part of the integrity policy of the EUR, the procedure offers the possibility of having suspicions of wrongdoing investigated by a CK composed of a chairman and members who do not work within the EUR.

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 Klokkenluiders' 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

Table 10 - Outcomes of reports received

| | 2022 | 2021 |
|-------------------------------|------|------|
| Total | 1* | 1 |
| – Withdrawn | 0 | 0 |
| – Unfounded | 1 | 0 |
| – Well founded | 0 | 0 |
| – Inadmissible | 0 | 0 |
| In progress after 31 December | 0 | 1 |

*the case filed in 2021 was advised on in 2022

§ 4.4 Interpretation

The 2021 notification was handled by the CK in 2022. The outcome was that the report was unfounded. It should be noted that the report led to an investigation, the results of which were shared with the organization.

§ 4.5 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.

§ 4.6 External reports 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 Rules, 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.

5. Committee on Undesirable Behaviour (COG)

§ 5.1 Introduction

Complaints about undesirable behavior are filed with the COG and handled according to the provisions of the Awb. A complaint can be filed by the complainant directly to the COG, which limits the circle of insiders, this due to the confidential nature of these matters.

§ 5.2 Statutory framework (art. 3 Working Conditions Act, Algemene wet gelijke behandeling, art. 7.63a 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, in compliance with the complaints procedure. The COG provides the Executive Board with advice on the complaint submitted. Based on 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

Table 11 - Outcomes of complaints handled

| | 2022 | 2021 | 2020 | 2019 |
|-------------------------------|------|------|------|------|
| Total complaints received | 9 | 9 | 4 | 5 |
| (Partially) well founded | 1 | 0 | 0 | 1 |
| (Partially) unfounded* | 1 | 4 | 1 | 2 |
| Not admissible | 0 | 1 | 0 | 0 |
| Withdrawn | 1 | 1 | 0 | 0 |
| Referred to AKB | 0 | 1 | 0 | 1 |
| Handling discontinued** | 3 | 2 | 3 | 0 |
| Behandeld door extern bureau | 2 | 0 | 0 | 0 |
| In progress after 31 December | 1 | 0 | 0 | 1 |

* This also concerns the committee's conclusions that no judgment can be made

** This includes complaints that have been referred to other organizations for handling, the situation in which the defendant has no legal relationship with the EUR, the facts or consequences are not sufficiently tangential to the EUR

§ 5.4 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 1 year. No reports have been received that a petition has been lodged against the handling of a complaint.

§ 5.5 Interpretation

The COG must make a judgment on the merits of a complaint. If the complaint is declared founded, the complainant has made it plausible that the conduct complained actually occurred.

This definition implies that, in the opinion of the COG, if a complaint is declared unfounded, it has not been made plausible that the conduct took place. Such a judgment is unnecessarily harsh. After all, the complainant has had reason to file a complaint and a declaration of unfoundedness may create the idea that the complainant has not been heard (sufficiently). For this reason, when the conduct cannot be made plausible (at that time), the COG will advise the Executive Board not to make a judgment in the future. This is in line with how the National Ombudsman comes at a judgment. When, after investigation, the National Ombudsman does not consider it possible to give a ruling on the (partial) merits of a complaint, he does not consider it possible to give a judgment.

In a few cases, complaints have been set aside. Reasons for this include situations where the accused does not have a legal relationship with EUR or where the conduct and/or the facts or consequences of the conduct do not have sufficient common ground with EUR. Furthermore, in one case the Executive Board decided to have an external investigation agency investigate the complaint(s).

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 two weeks.

§ 6.2 Recommendations

Table 12 - Outcomes of complaints handled

| | 2022 | 2021 | 2020 | 2019 |
|-------------------------------|------|------|------|------|
| Total complaints handled | 1 | 5 | 4** | 3 |
| Well founded | 0 | 1 | 2 | 2 |
| Handling discontinued* | 0 | 1 | 0 | 1 |
| Unauthorised* | 0 | 3 | 0 | 0 |
| Ingetrokken | 1 | 0 | 0 | 0 |
| In progress after 31 December | 0 | 0 | 0 | 0 |

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

** 4 cases were processed in 2020: 2 filed in 2019 and 2 filed in 2020

§ 6.3 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 2022.

§ 6.4 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. No complaints were filed with the National Ombudsman in 2022.

7. Legal Procedures 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 Procedures. Based on the [Werkwijzer meldingen studenten en extranei](#), Legal Procedures forwards the received reports - within 48 hours - to the competent handler. Legal Procedures is usually not informed by the handler how the request or complaint was handled. Many times a report results in a decision open to objection or appeal. Reports from individuals who are not students or extranei are also handled by the facility.

§ 7.2 Complaints

Table 13 - Number of complaints submitted per category

| | 2022 | 2021 | 2020 | 2019 |
|---------------------------|------|------|------|------|
| Total | 210 | 254 | 277 | 396 |
| AKB/CBE/GAS/CWI/ | 86 | 84 | 85 | 42 |
| Faculty / dean* | 88 | 129 | 50 | 179 |
| Internal** | 0 | 1 | 61 | 62 |
| Student Administration*** | 11 | 21 | 73 | 113 |
| Others | 25 | 19 | 8 | 0 |

* Complaints about the program or faculty

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

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

8. Student Objection Advisory Committee (GAS)

§ 8.1 Statutory framework (art. 7.63a WHW)

The [GAS](#) gives advice to the Executive Board on objections by students and extraneï regarding written decisions of bodies of the institution which the CBE is not authorized to rule and which have been taken on the basis of the WHW or regulations arising from it.

§ 8.2 Number of cases

Table 14 - Outcomes GAS advices

| | 2022 | 2021 | 2020 |
|-------------------------------------|------|------|------|
| Total | 50 | 66 | 63 |
| Settled or withdrawn | 24 | 40 | 36 |
| Advices | 20 | 25 | 27 |
| – Inadmissible | 0 | 0 | 2 |
| – Unfounded | 20 | 23 | 24 |
| – Well founded | 0 | 2 | 1 |
| Judicium Abeundi rulings | 1 | 1 | 0 |
| – Inadmissible | 0 | 1 | 0 |
| – Unfounded | 1 | 0 | 0 |
| – Well founded | 0 | 0 | 0 |
| Cases in progress after 31 December | 5 | | |

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

Students can appeal the decision on objection to the CBHO. As of January 1, 2023, as a result of a change in the law, appeals will no longer be possible at the CBHO but at the Council of State.

The legal representation of the Executive Board at the CBHO is provided by Legal Advice in those cases where Legal Advice conducted the defense for the GAS. In cases where the defense for the GAS has not been conducted by Legal Advice, Legal Procedures provides the legal representation of the Executive Board.

Table 15 - Number of appeal cases lodged with the CBHO / Raad van State

| | 2022 | 2021 | 2020 | 2019* |
|-------------------------------|------|------|------|-------|
| Totaal | 3 | 0 | 5 | 1 |
| – Withdrawn | 0 | 0 | 1 | 0 |
| – Unfounded | 1 | 0 | 4 | 0 |
| – Well founded | 0 | 0 | 1 | 0 |
| – Inadmissible | 1 | 0 | 0 | 0 |
| In progress after 31 December | 1 | 0 | 0 | 1 |

* Appeals to the CBHO in this year are against decisions on objections made by the former Advisory Committee on Objections (ACB), which in that year also handled student objections

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

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

The GNIO is a facility for participants enrolled in NVAO 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 (based on art. 7:900 Dutch Civil Code) when the program in question has declared the GNIO competent in its general conditions and the participant has expressly declared that he accepts the ruling as binding to be issued by the GNIO (art. 8 Regulations [GNIO](#)). The costs incurred for the proceedings at the GNIO are reimbursed by the study program.

§ 9.2 Number of cases

Table 16 - Number of cases GNIO, divided by faculty

| | 2022 | 2021 | 2020 | 2019 |
|---|------|------|------|------|
| Total | 3 | 19 | 7 | 7 |
| Erasmus MC | 1 | 0 | 0 | 1 |
| ESL | 0 | 0 | 0 | 0 |
| Master City Developer | 0 | 0 | 0 | 0 |
| Maritime Economics and Logistics | 0 | 2 | 3 | 1 |
| International Institute of Social Studies | 1 | 1 | 2 | 3 |
| Institute for Housing and urban development Studies | 0 | 16 | 1 | 2 |
| Erasmus School of Accounting and Assurance | 0 | 0 | 1 | 0 |
| Cases in progress after 31 December | 1 | | | |

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

Annulment of a binding opinion of the GNIO can only take place by submitting it to the civil court for review within two months after the binding opinion has been sent to the parties. The court will annul the binding opinion if the opinion, in view of its contents or manner of formation, would be unacceptable in the given circumstances according to standards of reasonableness and fairness. By not submitting the advice to the court for review within the aforementioned period, the ruling becomes unassailable. No opinions have been submitted to the court for review.

§ 9.4 Scope of handling disputes by GNIO

As of January 1, 2023, it has been decided to (1) extend the disputes handled by the GNIO to all non-primary programs provided by the EUR public law institution and (2) limit them to only those programs offered by the EUR public law institution. As of that date, the GNIO will only be

authorized to handle disputes within the private training programs provided by the public-law entity EUR.

