

Regulations of the Appeal Committee.

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Article 1: Definitions

1. In these Rules & Regulations, the terms "WHW" means the Higher Education and Scientific Research Act (*Wet op het hoger onderwijs en wetenschappelijke onderzoek*).

Article 2: Constitution of the Appeal Committee , appointment and term of office

In addition to the chairman and the deputy chairman, the Appeal Committee comprises of 5 members as well as 5 deputy members.

1. The chairman and the deputy chairman need to fulfill the requirements of art. 5 of the 'Wet Rechtspositie rechterlijke ambtenaren'
2. 3 members and 3 deputy members are selected from the students.
3. The members and deputy members are appointed for a term of four years. Student members are appointed for a term of one year.
4. (Student) members and deputy (student) members are eligible for one reappointment
5. All members are appointed by the University Board

Article 3: Deputy chairman

1. In the absence of the chairman*, he or she is replaced by the deputy chairman. (*"chairman" may be a male or a female person)

Article 4: Division into chambers

1. In order to process the appeal, the Appeal Committee is divided into chambers consisting of at least 3 members each, including the chairman, deputy chairman and a student member. There is a chamber for the management programs and one for the Accounting, Control and Fiscal Law programs.
2. The chairman decides on the composition of each chamber per appeal, on the understanding that:
 - a. the chamber is presided by chairman or by the deputy chairman
 - b. the secretary (see art. 6 and 18.3)
3. Members of a chamber involved in the dispute, are not eligible for appointment.
4. If an appointed member of a chamber is unable to attend a session, the chairman

designates another member or deputy member to replace the absentee.

Article 5: Special circumstances

1. The chairman will determine after consulting with the secretary if special circumstances occur and adjust the composition of the chamber accordingly.

Article 6: Secretary of the Committee of Appeal

1. The Appeal Committee is assisted by a secretary appointed by the University Board.
2. The University Board may assign one or more staff members to assist the secretary.
3. The appointment of a secretary of the Appeal Committee or possible staff members referred to in article 6.2 will be done in consultation with the Committee's chairman.
4. The secretary and possible staff members added based on article 6.2 exercise their duties in compliance with the instructions of the chairman of the Appeal Committee.

Article 7: Lodging an appeal

1. The appeal is addressed to the Appeal Committee and lodged with the secretary of the Committee within 15 working days of the day on which the decision is conveyed to the appellant in the prescribed manner.
2. An appeal lodged after the deadline referred to in paragraph 1 is considered inadmissible if the appellant can demonstrate the appeal was lodged as soon as could reasonably be expected.
3. It is possible to lodge a pro-forma appeal. The secretary will inform the appellant of the deadline to provide all necessary documents.

Article 8: Contents and receipt of the appeal and omissions

1. The appeal is signed and includes:
 - a. the name and address of the appellant lodging;
 - b. the name of the examiner or administrative authority who issued the disputed decision;
 - c. a clear description of the decision appealed against, accompanied by a copy of it. If the appeal is against the refusal to make a decision, then a clear description is required of the decision that should have been made in the opinion of the person lodging the appeal;
 - d. the grounds for appeal.
2. The secretary of the Appeal Committee indicates on the appeal the date of receipt, and issues an acknowledgement of receipt. The secretary notifies the Committee's chairman without delay.
3. The secretary of the Appeal Committee notifies the appellant of any omissions and requests these to be remedied before a deadline to be set by the chairperson. If the appellant does not remedy his or her omissions within the deadline set, the appeal will be inadmissible.

Article 9: Amicable settlement

1. The secretary of the Appeal Committee forwards the appeal without delay to the chairman of the administrative authority concerned in the appeal, inviting him to verify, in consultation with the parties involved, whether the dispute can be settled amicably. A copy of this invitation is sent to the appellant.
2. If the refuted decision was made by an examiner, the documents referred to in article 9.1 are forwarded to the chairman of the Exam Committee concerned. He or she is invited to verify in consultation with the appellant and the examiner in question whether the dispute can be settled amicably.
3. Within five days of receiving the appeal and the invitation referred to in articles 9.1 and 9.2 the chairman of the administrative authority concerned asks the appellant to verify in consultation whether the dispute can be settled amicably.
4. As soon as possible and in case no later than two weeks after receiving the appeal and the invitation referred to in article 9.1 and 9.2, the chairman of the administrative authority concerned notifies the Appeal Committee about the decision.
5. The Committee's secretary notifies the Committee's chairman as soon as he or she receives

notice of the decision. If the dispute has been settled amicably, the secretary of the Appeal Committee notifies all parties concerned that the dispute is settled, thus ending the appeal procedure.

Article 10: Refraining from amicable settlement

1. The chairman of the Appeal Committee may decide to refrain from efforts to settle the dispute amicably, if, in his or her opinion, such efforts are evidently pointless or would prejudice the appellant in a disproportionate manner. The chairman then sets the deadline for the submission of the records relevant to the dispute and the written defense.
2. The secretary of the Appeal Committee immediately forwards a copy of the appeal to the chairman of the administrative authority concerned in the appeal, requesting him to submit to the Appeal Committee within the deadline referred to in article 10.1 all records relevant to the dispute in question as well as a written defense. A copy of this request is sent to the appellant.
3. If the disputed decision was made by an examiner, the documents referred to in article 10.2 are forwarded to the chairman of the Exam Committee concerned.

Article 11: Preparations for the hearing

1. The parties concerned are entitled to submit further documents to the Appeal Committee up to five days before the session.
2. The Appeal Committee may, of its own accord, make any enquiries it deems necessary and seek to obtain documents relevant to the dispute. The Committee's chairman forwards without delay to the Committee members all rules and regulations applicable, at the time the examination was taken, to the examination or examination component which led to the appeal, as well as all documents the Appeal Committee deems necessary for its hearing of the appeal.

Article 12: Processing the appeal without session

1. If the Appeal Committee is of the opinion that an appeal is manifestly inadmissible or manifestly founded or unfounded, it may announce the outcome of its deliberations at all times and without having dealt with the appeal in session, regardless of the status of the appeal procedure.
2. The Appeal Committee bases its decision solely on the records related to the dispute.

Article 13: Place and time of the session and hearing summons

1. The chairman of the Appeal Committee determines, within as short a term as possible, the place and time at which the appeal will be dealt with in session.
2. In line with the directions given by the chairman, the secretary convenes the members of the chamber in question for a session within as short a term as possible.
3. The Committee's secretary summons the parties involved to be present at the session at least two weeks before the session.

Article 14: Making records available for perusal

1. At least one week prior to the hearing of the appeal in session, the secretary makes the records relevant to the dispute available to the parties involved. The secretary notifies the parties thereof in the summons.
2. The chairman may rule that documents containing highly personal information are made available for perusal only to the parties concerned.

Article 15: Representation & assistance in session and witnesses & experts

1. Parties may have an agent represent them in session or they may have a counsel to assist them. They are furthermore entitled to call witnesses and experts during the session, provided that they have notified the Appeal Committee and the opposite party in writing of the names of these persons no later than five days prior to the session. The secretary notifies the parties thereof in the summons.

2. The Committee may call witnesses and experts ex officio or at the request of the parties involved.
3. The party who brings in witnesses and/or experts is to bear their costs.

Article 16: Challenge and excusal

1. Prior to the appeal being heard in session, each member of the chamber may be challenged by one or more of the parties involved in the dispute due to facts or circumstances which could prejudice their judicial impartiality. Based on the same facts and circumstances, the members may claim their right to excusal.
2. The request of a party involved to disqualify a member of the Appeal Committee will be brought before a panel hearing the challenge. This panel is the University Board with its General Secretary acting as panel secretary.
3. The panel's decision is a final decision. The decision is either to keep the member of the Appeal Committee, who has been challenged, in place or to have him replaced by one of the other members of the Appeal Committee.

Article 17: Hearing an appeal in session

1. The appeal is heard in a public session of the Appeal Committee. In special cases, the Committee may decide to hear an appeal entirely or partly in closed session.
2. All members (or their deputies) of the chamber of the Committee need to be present at the public session. If due to unforeseen circumstances it is not possible for a chamber to appear in full, the session will be adjourned to a later date, further to be determined.
3. If one of the parties or their agent has not appeared at the hearing despite having, in the opinion of the chairperson, been duly notified, the appeal will be dealt with at the hearing without the presence of that party.
4. The chairman of the Committee presides over the hearing. He or she gives all the parties involved the opportunity to present their position. While in session, the parties act in compliance with the directions given by the chairperson. If they fail to do so, the chairman is entitled to expel them.
5. The Committee's secretary attends the hearing and takes minutes of the deliberations made during the session.
6. If enquiry appears to have been incomplete, the Committee may rule that the session be continued later, at a time to be set by the Committee but within a week. Instructions can be given to the parties involved as to the evidence.
7. Prior to closing the hearing of the appeal in session, the chairman sets a date for conveying the outcome of the procedure. If possible, the outcome is announced within 10 working days of the closing of the session in written form.

Article 18: Deliberations and outcome

1. The Appeal Committee deliberates and reaches its decision in the Committee Room. It bases its decision on the records that were made available for perusal and on what was brought forward or submitted, in the course of the session.
2. The Committee of Appeal will add to the grounds for appeal on its own initiative. The Committee may add to the facts on its own initiative.
3. The secretary is present at the deliberations. He or she may cast an advisory vote.
4. Anyone participating in the deliberations is under a pledge of secrecy in regard of everything that is said in the Committee Room.

Article 19: Conveyance of the outcome

1. The decision represents the majority opinion held by the members of the chamber. There is no mention made in the decision of the voting conduct or of dissenting opinions.
2. The decision is dated and includes:
 - a. the names and places of residence of the parties involved as well as the names of their agents;
 - b. the grounds on which the decision is based;
 - c. the decision; and
 - d. the names of the Committee members who made the decision.
3. The decision is signed by the Committee's chairman and its secretary. Copies are sent to the

parties involved. It is made available to interested parties. If the appeal concerns a decision made by an examiner, the Exam Committee in question is also sent a copy of the outcome of the appeal procedure.

4. The decision is binding on all parties.

Article 20: Joinder and separation

1. The Committee may on its own initiative or on the request of the parties, decide to deal with appeals on the same or a related topics jointly and is also entitled to deal with joined multiple cases separately.

Article 21: Provisional remedy

1. In cases where the appellant's interests require a provisionally enforceable measure, the appellant may apply to the chairman of the Appeal Committee for provisional measures along with the reasons for making this request.
2. The provisions of the articles 8, 10, 11, paragraphs 1, 2 and 3; 13, 14, 15, 17, paragraphs 1, 2, 3 and 6; 19, paragraphs 2 and 3 as well as 19, paragraphs 1 and 3 apply mutatis mutandis to the request for a provisional remedy as referred to in article 7.61, paragraph 6, of the WHW.
3. The Committee's chairman will decide on the request after he or she has heard or at least adequately summoned the parties involved. If so, the provisions of the articles 15, 17, paragraph 1, 2, 3 and 6, as well as 18, paragraph 2 and 3, apply mutatis mutandis.
4. The provisional measure ceases to have effect as soon as the Committee reaches a decision in the matter, in as far as no other time indication is specified in the decision.

Article 22: Reviewing a judgment

The Committee may, at the request of one of the parties, review a decision on the grounds of the facts or circumstances that:

- a. occurred prior to the passage of the decision;
- b. before the passage of the decision, were not known and could not in all reasonableness have been known to the individual who applies for a review; and
- c. might have led to a different decision if they would have been known by the Committee.

Article 23: Cases not covered by these Regulations

1. In cases not covered by these Regulations, the decision rests with the chairman of the Appeal Committee. If necessary, he or she submits to the Committee members a proposal to alter or amend these rules.