

## ORDER REGULATIONS FOR EUR BUILDINGS, GROUNDS AND FACILITIES 2020

These Regulations were adopted by the Executive Board on 21 April 2020

These Regulations enter into force on 1 May 2020

<b>Chapter 1 – General .....</b>	<b>3</b>
Article 1.1 – Definitions.....	3
<b>Chapter 2 – General rules .....</b>	<b>4</b>
Article 2.1 – General rules .....	4
Article 2.2 – Identification obligation.....	4
<b>Chapter 3 – Further rules of the Manager .....</b>	<b>4</b>
Article 3.1 – Further rules of the Manager .....	4
<b>Chapter 4 – General Measures .....</b>	<b>4</b>
Article 4.1 – Enforcement by the Board, the Manager and the security adviser.....	4
Article 4.2 – Notice and Decision.....	5
Article 4.3 – Measures of the Board .....	5
Article 4.4 – Measures of the Manager .....	5
Article 4.5 – Measures of the security adviser .....	5
Article 4.6 – Renewal.....	5
Article 4.7 – End of Measures .....	6
<b>Chapter 5 – Provisional denial of access .....</b>	<b>6</b>
Article 5.1 – Procedure for provisional denial of access by the Board .....	6
Article 5.2 – Procedure for provisional denial of access by the Manager.....	6
<b>Chapter 6 – Temporary denial of access and temporary Deregistration .....</b>	<b>6</b>
Article 6.1 – Procedure for temporary denial of access by the Board.....	6
Article 6.2 – Procedure for temporary Deregistration by the Board .....	7
Article 6.3 – Procedure for temporary denial of access by the Manager .....	7
Article 6.4 – Procedure for temporary denial of access by the security adviser .....	7
<b>Chapter 7 – Definitive denial of access and definitive Deregistration .....</b>	<b>8</b>
Article 7.1 – Warning .....	8
Article 7.2 – Procedure for definitive denial of access .....	8
Article 7.3 – Procedure for definitive Deregistration .....	8
<b>Chapter 8 – Reporting .....</b>	<b>8</b>
Article 8.1 – Reporting on behalf of EUR .....	8
<b>Chapter 9 – Legal protection .....</b>	<b>8</b>
Article 9.1 – Legal protection of Students .....	8
Article 9.2 – Legal protection of Trainees, Third Parties and Officers.....	8
<b>Chapter 10 – Final provisions .....</b>	<b>9</b>
Article 10.1 – Interpretation .....	9
Article 10.2 – Administration of Regulations .....	9
Article 10.3 – Translation.....	9
Article 10.4 – Publication .....	9
Article 10.5 – Entry into force .....	9
Article 10.6 – Short title.....	9
Article 10.7 – Applicable law.....	9
Article 10.8 – Withdrawal .....	9

## Chapter 1 – General

### Article 1.1 – Definitions

1. For the purposes of these Regulations, the terms below are defined as follows:
 

Any Person/All Persons:	Any Course Participant, Third Party, Officer or Student present in a Building or on the Grounds or who makes use of a Facility;
AWB:	The Dutch General Administrative Law Act;
BBR-EUR:	EUR's Administration and Management Regulations;
Board:	The Executive Board of Erasmus University Rotterdam;
Building:	every building accessible to people, partially or fully enclosed by walls, covered or otherwise. The Building is owned by EUR or is used by EUR or is located on Grounds of EUR;
BW:	The Dutch Civil Code;
Course Participant:	A person following a study programme, training programme or course at EUR which is not covered by Article 7.3 and Article 7.3a of the WHW;
Decision:	A written decision of an administrative body, containing a public law legal action, as referred to in Article 1:3 of the AWB;
Deregistration:	Termination of the Student's enrolment;
EUR:	Erasmus University Rotterdam;
Facility:	A facility of EUR;
Grounds:	Each piece of land owned by EUR or that is in use by EUR or on which a Building is located;
In Writing/Written:	Laid down in writing on paper or 'by electronic means';
Manager:	The person assigned by the Board to perform the administrative tasks, on behalf of and under the responsibility of the Board;
Measure:	Action against Any Person who has violated Article 2.1 of these Regulations;
Notice:	Written notice on behalf of the EUR legal entity under public law, to a Course Participant, Third Party, Officer or Student;
Officer:	Staff Member or a person with another title (order etc.) working for the administrative unit, with or without a defined position (SAP-HR);
Regulations:	Order Regulations EUR Buildings, Grounds and Facilities;
Staff:	Persons who have an employment contract with EUR or are seconded elsewhere on assignment;
Student:	A person who is enrolled at EUR for an initial programme offered by EUR and who makes use of the educational and examination facilities of EUR on that basis. This includes persons who are registered as external candidates;
Third Party:	Any Person, not being a Course Participant, Student or Officer, who is present in a Building or on the Grounds or who makes use of a Facility;
Warning:	Written warning from the Board or the Manager to anyone who violates Article 2.1 of these Regulations. The Warning in any event covers the rules, guidelines or instructions that were violated;
WHW:	The Dutch Higher Education and Research Act.

## Chapter 2 – General rules

### Article 2.1 – General rules

1. All Persons must act in compliance with statutory obligations and in accordance with the unwritten rules of generally accepted conduct.
2. All Persons must comply with the rules, guidelines and instructions of the Board and the further rules, guidelines and instructions of the Manager in relation to the Buildings, Grounds or Facilities.
3. All Persons must respect the rights of EUR and of other parties.
4. All Persons must also observe what is described in the preceding paragraphs of this Article outside the Buildings, Grounds and Facilities.
5. All Persons must follow the instructions issued by the security advisor in relation to the Buildings, Grounds and Facilities.

### Article 2.2 – Identification obligation

1. All Persons must be able to present proof of identity at all times at the request of the security adviser.

## Chapter 3 – Further rules of the Manager

### Article 3.1 – Further rules of the Manager

1. Within the frameworks set by the Board, the Manager may impose further rules, guidelines and instructions in relation to the Buildings, Grounds and Facilities for which the Manager is responsible.
2. The Manager notifies the Board of further rules, guidelines and instructions that have been established.
3. The further rules, guidelines and instructions of the Manager are posted on the website of the administrative unit.

## Chapter 4 – General Measures

### Article 4.1 – Enforcement by the Board, the Manager and the security adviser

1. The Board may impose both temporary and final Measures on Any Person who violates Article 2.1 of these Regulations.
2. The Manager may impose a temporary Measure for 10 working days on a Course Participant, a Third Party or a Student who violates Article 2.1 of these Regulations.
3. The security adviser may impose a temporary Measure for two months on a Third Party who violates Article 2.1 of these Regulations.
4. A Measure may be imposed on Staff Members in addition to the invocation of contractual and/or labour-law obligations or the imposition of labour-law measures.<sup>1</sup>
5. On imposing the Measure, the Board or the Manager may impose further conditions.
6. Measures may be imposed in the event of conduct by Any Person outside the Buildings and Grounds that could reflect on good order inside the Buildings and Grounds or on the educational situation.

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<sup>1</sup> *The rights and obligations of labour law arising from, inter alia, the Dutch Civil Code, the Dutch Universities Collective Labour Agreement, any other collective schemes and the individual employment contracts apply in relation to the Staff employed by EUR.*

## **Article 4.2 – Notice and Decision**

1. Measures relating to a Course Participant, Third Party or Officer are imposed by means of a Notice.
2. Measures relating to Students are imposed by means of a Decision.

## **Article 4.3 – Measures of the Board**

1. The Board may take the following Measures against Any Person who violates Article 2.1 of these Regulations.
  - a. Provisional denial of access to Buildings and Grounds;
  - b. Provisional denial of the use of Facilities;
  - c. Temporary denial of access to Buildings and Grounds;
  - d. Temporary denial of the use of Facilities;
  - e. Final denial of access to Buildings and Grounds;
  - f. Final denial of use of the Facilities.
2. In particular, the Board may take the following Measures in relation to a Student who violates Article 2.1 of these Regulations by means of a Decision:
  - a. exclusion from participation in a test or examination;
  - b. exclusion from participation in a course;
  - c. temporary termination of the enrolment, as referred to in Article 7.57h(1) of the WHW;
  - d. final termination of the enrolment, as referred to in Article 7.57h(2) of the WHW;

## **Article 4.4 – Measures of the Manager**

1. The Manager may take the following Measures in relation to a Course Participant, a Third Party or a Student who violates Article 2.1 of these Regulations, in as far as these Measures may be imposed for a maximum of 10 working days:
  - a. Provisional denial of access to Buildings and Grounds;
  - b. Provisional denial of the use of Facilities;
  - c. Temporary denial of access to Buildings and Grounds;
  - d. Temporary denial of the use of Facilities.
2. In particular, the Manager may take the following Measures in relation to a Student who violates Article 2.1 of these Regulations by means of a Decision:
  - a. exclusion from participation in a test or examination;
  - b. exclusion from participation in a course.
3. If the Manager imposes a Measure, a copy of this Measure will be sent to the Board and to the Integrated Security Coordinator.

## **Article 4.5 – Measures of the security adviser**

1. The security adviser may impose a temporary denial of access to the Buildings and the Grounds or to use of the Facilities on a Third Party that violates Article 2.1 of these Regulations, In Writing, for a maximum period of two months.
2. This Measure is imposed by means of a Notice.
3. If the security advisor imposes a Measure, a copy of the Notice will be sent to the Board and to the Integrated Security Coordinator.

## **Article 4.6 – Renewal**

1. The Board may renew temporary Measures imposed on Students if the total term remains below the maximum of one calendar year. The Board may renew all other Measures without restriction.
2. The Manager may renew a temporary Measure by a maximum of 10 working days.

3. The security advisor may renew a temporary Measure by a maximum of two months, without restriction.

### **Article 4.7 – End of Measures**

1. Measures imposed for a specific term lapse by virtue of law when the term has expired.
2. Parties on whom a Measure is imposed may address a Written request to the Board or the Manager to end or limit the Measure.
3. Measures for which no term is set may end or may be limited if, in the view of the Board or the Manager, there are sound reasons for this.
4. The Board decides on the request referred to in the preceding paragraph after the Manager concerned has been consulted.
5. The Board or the Manager may impose further conditions on the termination or limitation of the Measure.
6. If the Board or the Manager takes the view that the conditions referred to in Article 4.7(5) of these Regulations have not been met, the original Measure will be reinstated.

## **Chapter 5 – Provisional denial of access**

### **Article 5.1 – Procedure for provisional denial of access by the Board**

1. At the request of the Manager or otherwise, the Board may provisionally deny Any Person who violates Article 2.1 of these Regulations access to Buildings and Grounds and the use of Facilities.
2. On a request of the Manager, as referred to in the preceding paragraph, a copy of this will be sent at the same time to the party against whom the Measure is directed.
3. A party on whom a provisional Measure is imposed, as referred to in Article 5.1(1) of these Regulations, will be given an opportunity to present his or her views before the Measure is taken, in as far as this is possible.
4. In cases in which there is a threat of danger to Any Person, the Buildings, the Grounds or the Facilities, a Measure, as referred to in Article 5.1(1) of these Regulations, may be imposed without granting an opportunity to the party on whom the Measure is imposed an opportunity to present his or her views. To that end, the Board must assess and justify the Measure.

### **Article 5.2 – Procedure for provisional denial of access by the Manager**

1. The Manager is authorised to impose provisional denial of access on a Course Participant, a Third Party or a Student who violates Article 2.1 of these Regulations in relation to access to the Buildings and Grounds and the use of Facilities, for a maximum term of 10 working days.
2. The party on whom the provisional Measure, as referred to in the preceding paragraph, is imposed will be given an opportunity to present his or her views before the Measure is taken, in as far as this is possible.
3. In cases in which there is a threat of danger to Any Person, the Buildings, the Grounds or the Facilities, a Measure, as referred to in Article 5.2(1) of these Regulations, may be imposed without granting an opportunity to the party on whom the Measure is imposed an opportunity to present his or her views. To that end, the Manager must assess and justify the Measure.

## **Chapter 6 – Temporary denial of access and temporary Deregistration**

### **Article 6.1 – Procedure for temporary denial of access by the Board**

1. The Board may temporarily deny Any Person who violates Article 2.1 of these Regulations access to Buildings and Grounds and the use of Facilities.

2. Temporary denial of access, as referred to in the preceding paragraph, may be imposed on Students for a maximum term of one calendar year.
3. The party on whom the Measure is imposed will be given an opportunity to present his or her views before the Measure is taken, in as far as this is possible.
4. In cases in which there is a threat of danger to Any Person, the Buildings, the Grounds or the Facilities, a Measure, as referred to in Article 6.1(1) of these Regulations, may be imposed without granting an opportunity to the party on whom the Measure is imposed an opportunity to present his or her views. To that end, the Board must assess and justify the Measure.

### **Article 6.2 – Procedure for temporary Deregistration by the Board**

1. At the request of the Manager or otherwise, the Board may temporarily deregister a Student for a maximum term of one calendar year, as referred to in Article 7.57h(1) of the WHW.
2. On a request of the Manager, as referred to in the preceding paragraph, a copy of the request will be sent to the Student at the same time.
3. Before the Decision is taken, the Student, on request or otherwise, will be given an opportunity to present his or her views, as referred to in Article 4:8 of the AWB.
4. If the Board decides on temporary Deregistration, the Board will terminate the enrolment from the start of the following month, as referred to in Article 7.42(3) of the WHW, for a maximum term of one calendar year.
5. A Decision on temporary Deregistration may be imposed together with temporary denial of access.

### **Article 6.3 – Procedure for temporary denial of access by the Manager**

1. The Manager is authorised to impose provisional denial of access on a Course Participant, a Third Party or a Student who violates Article 2.1 of these Regulations for a maximum term of 10 working days.
2. If the Manager imposes temporary denial of access for a maximum of 10 working days, the Board and the Integrated Safety Coordinator will be notified. The notice will also state whether further final Measures are requested.
3. The party on whom the Measure, as referred to in Article 6.3(1) of these Regulations, is imposed will be given an opportunity to present his or her views before the Measure is taken by the Manager, in as far as this is possible.
4. In cases in which there is a threat of danger to Any Person, the Buildings, the Grounds or the Facilities, a Measure, as referred to in Article 6.3(1) of these Regulations, may be imposed without granting an opportunity to the party on whom the Measure is imposed to present his or her views. To that end, the Manager must assess and justify the Measure.

### **Article 6.4 – Procedure for temporary denial of access by the security adviser**

1. The security adviser is authorised to impose temporary denial of access on a Third Party who violates Article 2.1 of these Regulations for a maximum of two months.
2. If the security adviser imposes temporary denial of access for two months, as referred to in the preceding paragraph, the Board and the Integrated Safety Coordinator will be notified. The notice will also state whether further final Measures are requested.
3. The party on whom the Measure is imposed will be given an opportunity to present his or her views before the Measure is taken by the security adviser, in as far as this is possible.
4. In cases in which there is a threat of danger to Any Person, the Buildings, the Grounds or the Facilities, a Measure, as referred to in Article 6.4(1) of these Regulations, may be imposed without granting an opportunity to the party on whom the Measure is imposed an opportunity to present his or her views. To that end, the security adviser must assess and justify the Measure.

## Chapter 7 – Definitive denial of access and definitive Deregistration

### Article 7.1 – Warning

1. The Board may impose a definitive denial of access and definitive Deregistration Measure, as referred to in Article 4.3(1)(e), Article 4.3(1)(f), Article 4.3(2)(c) and Article 4.3(2)(d) of these Regulations, following a Warning.

### Article 7.2 – Procedure for definitive denial of access

1. At the request of the Manager or the security adviser or otherwise, the Board may definitively deny Any Person who violates Article 2.1 of these Regulations access to Buildings and Grounds and the use of Facilities.
2. On a request of the Manager, as referred to in the preceding paragraph, a copy of the request will be sent at the same time to the party against whom the Measure is directed.
3. The party on whom the Measure is imposed will be given an opportunity to present his or her views before the Measure is taken by the Board, in as far as this is possible.

### Article 7.3 – Procedure for definitive Deregistration

1. At the request of the Manager or otherwise, the Board may deregister a Student, as referred to in Article 7.57h(2) of the WHW.
2. On a request of the Manager, as referred to in the preceding paragraph, a copy of the request will be sent to the Student at the same time.
3. Before the Decision is taken, the Student, at the request of the Manager or otherwise, will be given an opportunity to present his or her views, as referred to in Article 4:8 of the AWB.
4. If the Board decides on Deregistration of a Student, the Board will terminate the enrolment from the start of the following month, as referred to in Article 7.42(3) of the WHW.
5. A Decision on Deregistration may be imposed together with definitive denial of access.

## Chapter 8 – Reporting

### Article 8.1 – Reporting on behalf of EUR

1. In the event of suspicion of a criminal offence, the Board, the Manager, the Integrated Security Coordinator and the Integrated Security Policy Assistant may report this to the competent authorities on behalf of EUR.

## Chapter 9 – Legal protection

### Article 9.1 – Legal protection of Students

1. On the basis of the WHW and the AWB, a Student may appeal against the Decision before the competent administrative court and file an objection with the competent administrative body.
2. The objection or appeal does not lead to suspension of the Decision.

### Article 9.2 – Legal protection of Trainees, Third Parties and Officers

1. On the basis of the Dutch Civil Code, a Course Participant, Third Party or Officer may claim withdrawal of the Notice before the competent civil court.
2. The legal proceedings do not lead to suspension of the Notice.

## Chapter 10 – Final provisions

### Article 10.1 – Interpretation

1. In cases relating to the matters regulated in these Regulations for which these Regulations make no provision or if these Regulations allow for more than one interpretation, the Board shall take a decision in accordance with the principles of reasonableness and fairness.
2. The Board may take a decision differing from the provisions of or pursuant to these Regulations.

### Article 10.2 – Administration of Regulations

1. These Regulations are administered by: Real Estate and Facilities.

### Article 10.3 – Translation

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

### Article 10.4 – Publication

1. The Board will post these Regulations on the university website.

### Article 10.5 – Entry into force

1. These Regulations enter into force on: 15 April 2020.

### Article 10.6 – Short title

1. These Regulations are referred to as: Order Regulations for EUR Buildings, Grounds and Facilities, 2020.
2. These Regulations are abbreviated as: EUR Order Regulations.

### Article 10.7 – Applicable law

1. These Regulations are governed solely by Dutch law.

### Article 10.8 – Withdrawal

1. Previous versions of the Order Regulations EUR Buildings and Grounds will be withdrawn when these Regulations enter into force.