

A photograph of the Erasmus University Rotterdam building, a tall, modern structure with many windows. In the foreground, there is a courtyard with a pond, a walkway, and some trees. A person is walking on the walkway. The text 'Annual Report Legal Protection' is overlaid on the image.

Annual Report

Legal Protection

**Erasmus
University
Rotterdam**

Legal Protection EUR 2018

Board of Appeal for Examinations - CBE

Advisory Committee for Notices of Objections - ACB

Complaints Committee for Undesirable Conduct - SIAG

Board of Appeal for Non-Initial Programmes - GNIO

Iudicium Abeundi Disputes Advisory Committee - GIA

Confidant for Scientific Integrity - VPWI

Committee for Scientific Integrity – CWI

Freedom of Information Act - WOB

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Preface

This annual report relates to the activities of the legal protection boards that were supported by the Legal Affairs Department of Erasmus University Rotterdam in the period 1 January 2018 up to and including 31 December 2018.

A new addition to the report is the accountability for the Iudicium Abeundi Disputes Advisory Committee (GIA).

A quantitative overview is provided below of the cases submitted to the various boards and committees in the 2018 reporting year in relation to the three previous years.

	Number of cases in 2018	Number of cases in 2017	Number of cases in 2016	Number of cases in 2015
Board of Appeal for Examinations	304	209	275	226
Advisory Committee for Notices of Objections	37	31	36	54
Committee on Undesirable Behaviour and Misconduct	0	1	1	1
Board of Appeal for Non-initial Programmes	5	1	1	1
Iudicium Abeundi Disputes Advisory Committee	1	-	-	-
Confidant for Scientific Integrity	23	27	21	30
Committee for Scientific Integrity	2	3	3	5
Freedom of Information Act	14	15	32	6

304 appeals were lodged with the Board of Appeal for Examinations in 2018. The Advisory Committee for Notices of Objections received 37 notices of objections. No complaints were submitted to the Committee on Undesirable Behaviour and Misconduct in 2018. Five appeals were lodged with the Board of Appeal for Non-initial Programmes. The Iudicium Abeundi Disputes Advisory Committee, which was established in 2018, received one notice of objection. The Confidant for Scientific Integrity held 23 consultations, and the Committee for Scientific Integrity received two complaints. The WOB Coordinator dealt with 14 requests under the Freedom of Information Act.

A student can lodge an appeal with the Appeals Tribunal for Higher Education against a decision by the Board of Appeal for Examinations or a decision by the Executive Board pursuant to the Higher Education and Research Act in The Hague. The Appeals Tribunal for Higher Education is dealt with in the chapter on the Board of Appeal for Examinations (Section 1.6). 17 appeals were lodged with the Appeals Tribunal for Higher Education in 2018.

It is worth noting the large increase in cases submitted to the Board of Appeal for Examinations: in 2018, the Board of Appeal for Examinations handled 95 more cases than in 2017, an increase of more than 45 per cent. No particular reason can be found for this increase. However, it should be noted that, following the sharp decrease in the 2017 reporting year, the number of cases submitted to the Board of Appeal for Examinations again exceeded the level reached in 2016.

This annual report was compiled under the responsibility of the secretaries of the legal protection boards. They would like to thank everyone who helped to compile the various tables in this annual report.

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CBE, ACB, GNIO

W.A. Kleinjan
CBE, ACB, SIAG, GIA, GNIO

Th. J. van Laar MPA
Head of the Legal Affairs Department, WOB Coordinator until 1 June 2018

A. Rijdsdijk
WOB Coordinator as from 1 August 2018

R. te Lindert
Secretary of the Confidant for Scientific Integrity and the Committee for Scientific Integrity

1. Board of Appeal for Examinations

§ 1.1 Introduction

The number of appeal cases submitted to the Board of Appeal for Examinations has been consistently high for many years; a record number of appeals (304) were lodged in 2018.

The legal regulations and the composition of the Board of Appeal for Examinations at the end of the reporting year are briefly dealt with in Sections 1.2 and 1.3. Section 1.4 provides a quantitative overview of the appeal cases. It also includes a breakdown of the appeals per faculty. The overview includes figures on the outcomes of the appeals.

In 2018, the Board of Appeal for Examinations gave a decision on 55 appeals, of which 12 were declared well-founded, 32 unfounded and 11 inadmissible. Although considerably more appeals were lodged with the Board of Appeal for Examinations in 2018 than in previous years, the number of decisions remained about the same. This will be dealt with in greater detail in Section 1.4. Section 1.5 includes an overview of the decisions per subject and faculty. Section 1.6 includes an overview of the appeals lodged with the Appeals Tribunal for Higher Education in 2018 against decisions by the Board of Appeal for Examinations. 13 appeals were lodged against the Board of Appeal for Examinations in 2018.

§ 1.2 Legal Regulations

Chapter 7 of the Higher Education and Research Act contains a title on the legal protection of students. Article 7.60 of the Higher Education and Research Act stipulates that every university (of applied sciences) needs to establish a Board of Appeal for Examinations.

The jurisdiction of the Board of Appeal for Examinations is provided for in article 7.61 of the Higher Education and Research Act. There is only one ground for review, namely to assess for compliance with the law. This ground states that the Board of Appeal for Examinations needs to carry out reviews regarding compliance with both the written and unwritten (administrative) legal rules and legal principles. A review regarding compliance with written law concerns the question of whether the contested decision might be inconsistent with regulations formally laid down under or pursuant to the General Administrative Law Act, the Higher Education and Research Act or any other act, or with the institution's own regulations, for example the programme's Course and examination regulations, or the Examination Board's Rules & Guidelines. A review regarding compliance with unwritten law makes it possible to check

whether a decision is consistent with the general principles of proper administration or other general legal principles.

The Board of Appeal for Examinations must limit itself to a judicial review of the lawfulness of a decision. In accordance with the Higher Education and Research Act, the efficiency aspects of a contested decision by a body of the institution are not relevant for appeal proceedings before the Board of Appeal for Examinations.

A notice of appeal filed with the Board of Appeal for Examinations is considered an administrative appeal, as defined in Book 1, article 5, subsection 2 of the General Administrative Law Act. This means that, apart from a few exceptions, the General Administrative Law Act applies to proceedings before the Board of Appeal for Examinations. The Board of Appeal for Examinations observes an appeal period, as referred to in article 7.59a, subsection 4 of the Higher Education and Research Act, of six weeks.

§ 1.3 Composition of the Board of Appeal for Examinations

The members of the Board of Appeal for Examinations are appointed and dismissed by EUR's Executive Board. Apart from the External Chair, the Board of Appeal for Examinations mostly consists of academic staff members. There are three student members, including a substitute student member. The Board of Appeal for Examinations is assisted by two secretaries. In accordance with Book 7, article 6, subsection 5 of the Higher Education and Research Act, the Chair and Deputy Chairs must satisfy the eligibility criteria for judicial officers.

In accordance with its Rules of Procedure, the Board of Appeal for Examinations is usually in session with three or five members.

At the end of the reporting year, the Board of Appeal for Examinations was constituted as follows:

Members:	Position	Start and end dates of their duties in 2018
P.J.W.M. Sliepenbeek	Chair	01/01 – 31/12
Prof. H.A.M. Neumann	member	01/01 – 31/12
Prof. P.L. Meurs	member	01/01 – 31/12
Dr A.P.J. Klootwijk	member	01/01 – 31/12
Dr J.J.A.M. Schenk	member	15/03 – 31/12
M. Weekenborg	student member	01/01 – 31/12
M. Hashemi	student member	01/09 – 31/12

Substitute members:	Position	Start and end dates of their duties in 2018
F.W.H. van den Emster	Deputy Chair, also substitute member	18/09 – 31/12
Dr A.G.H. Klaassen	Deputy Chair, also substitute member	01/01 – 31/12
Dr J. van Dalen	substitute member	01/01 – 31/12
Prof. E.H. Klijn	substitute member	01/01 – 31/12
L. van Laar	substitute student member	01/09 – 31/12

In 2018, the Board of Appeal for Examinations was supported by:

S. El Ghafour-Aboulâsri LL.M	Secretary
W.A. Kleinjan	Secretary
M.K. Nageswar	Secretariat

§ 1.4 Quantitative Overview of the Appeal Cases

The tables below (Tables 1 - 4) provide a compact overview of the appeal cases submitted to the Board of Appeal for Examinations in 2018.

A total of 304 cases were submitted to the Board of Appeal for Examinations in 2018, including requests for preliminary relief. Compared with 2017, this is an increase of 95 cases. An overall increase can be seen in the number of cases relating to the various examination boards. In particular, significantly more appeals were lodged in 2018 regarding disputes at the ESL and ESE (see Table 2). There is no clear explanation for more appeals having been lodged in 2018 in relation to 2017.

One may conclude that relatively, the Board of Appeal for Examinations needed to settle fewer disputes in 2018 than in 2017. The number of appeals lodged in 2018 increased by 95 in relation to 2017, while the number of decisions by the Board of Appeal for Examinations in 2018 decreased by two decisions in relation to 2017. It is also worth noting that the number of appeals dismissed as ‘manifestly inadmissible’ and allowed as ‘well-founded’ increased while the number of appeals dismissed as ‘unfounded’ decreased in relation to 2017.

All the cases were related to the faculties and concerned appeals against decisions by examination boards or examiners, deans and admission boards.

	2018	2017	2016	2015	2014
Total number of cases submitted (incl. provisional measures)	304	209	280	231	250
Appeals	304	209	275	226	250
No appeal (referred on: CBE not authorised to handle the case)	0	0	5	5	0

Table 1 - Number of cases submitted to the Board of Appeal for Examinations

	2018	2017	2016	2015
EMC - Erasmus MC	18	14	23	13
ESE - Erasmus School of Economics	85	56	86	55
ESHCC - Erasmus School of History, Culture & Communication	6	9	4	10
ESHPM - Erasmus School of Health Policy & Management	23	20	23	7
ESL - Erasmus School of Law	93	53	54	54
ESPhil – Erasmus School of Philosophy	6	0	0	0
ESSB - Erasmus School of Social and Behavioural Sciences	27	16	18	24
EUC - Erasmus University College	1	0	0	0
RSM - Rotterdam School of Management	45	41	67	62
Total:	304	209	275	225

Table 2 – Breakdown of the appeal cases per examination board

	2018	2017	2016	2015
Appeals	304	209	275	226
Settlement/withdrawn	243	156	210	180
<u>Decisions:</u>	<u>55</u>	<u>57</u>	<u>64</u>	<u>51</u>
Inadmissible	11	5	4	6
Unfounded	32	42	51	38
Well-founded	12	10	9	7
Number of cases pending after 31 December	6	4	3	5

Table 3 – Results of the appeals

	Number of decisions	Unfounded	Well-founded	Inadmissible
EMC - Erasmus MC	8	7	2	0
ESE - Erasmus School of Economics	4	3	1	0
ESL - Erasmus School of Law	21	11	0	10
ESSB - Erasmus School of Social and Behavioural Sciences	8	4	2	1
ESHCC - Erasmus School of History, Culture & Communication	0	0	0	0
ESHPM - Erasmus School of Health Policy & Management	6	2	4	0
ESPhil – Erasmus School of Philosophy	1	0	1	0
RSM - Rotterdam School of Management	7	5	2	0
Total:	55	32	12	11

Table 4 – Decisions given in 2018 per examination board

§ 1.5 Decisions by the Board of Appeal for Examinations

11 decisions of 'manifestly inadmissible' were delivered in the 2018 reporting year. An appeal is dismissed if the student lodged his/her appeal with the Board of Appeal for Examinations after the legal appeal period of 6 weeks (commencing on the date of the contested decision) has passed and if the student does not have an explanation that 'excuses' his/her failure to meet the deadline. 'Inadmissible' means that the appeal will not be assessed further. If the Board of Appeal for Examinations finds that an appeal might not be admissible, it will give the person lodging the appeal the opportunity to state in writing why he/she lodged his/her appeal after the appeal period. He/she will be given time for this. The Board of Appeal for Examinations will then determine whether the stated reason can 'excuse' the failure to meet the deadline. If this is the case, the appeal will be handled further. However, this is seldom the case in legal practice.

55 of the 304 appeals (including preliminary relief) lodged in 2018 resulted in a hearing. Other appeals were settled during the settlement phase or withdrawn by the student. The settlement phase is an essential part of the proceedings before the Board of Appeal for Examinations. This phase is set out in article 7.61 of the Higher Education and Research Act. Recent decisions by the Appeals Tribunal for Higher Education show that the Courts consider it very important to implement this phase. If, during the course of appeal proceedings, it becomes apparent that an examination board did not conduct settlement negotiations with the person who lodged an appeal, his/her appeal may be declared well-founded.

Case No.	Faculty	Subject	Operative Part
17.208	EMC	Admission to bachelor-3	Unfounded
18.034	EMC	Admission to the master programme	Unfounded
18.093	ESE	Admission to the master programme	Unfounded
18.209	ESSB	Admission to the bachelor programme	Manifestly inadmissible
18.250	ESSB	Admission to the pre-master programme	Unfounded
17.189	RSM	Determination of the grade	Unfounded
18.276	ESE	Determination of the grade	Well-founded
18.009	ESL	Determination of the grade	Manifestly inadmissible
18.011	ESL	Determination of the grade	Manifestly inadmissible
18.016	ESL	Determination of the grade	Manifestly inadmissible
17.205	ESL	Determination of the grade	Unfounded
18.031	ESL	Determination of the grade	Unfounded
18.178	ESL	Determination of the grade	Unfounded
18.136	ESL	Determination of the grade	Manifestly inadmissible
18.128	ESL	Determination of the grade	Unfounded
18.045	ESL	Determination of the grade	Manifestly inadmissible
18.074	ESL	Determination of the grade	Manifestly inadmissible

18.092	ESL	Determination of the grade	Manifestly inadmissible
18.100	ESL	Determination of the grade	Manifestly inadmissible
18.101	ESL	Determination of the grade	Manifestly inadmissible
18.103	ESL	Determination of the grade	Manifestly inadmissible
18.086	ESL	Determination of the grade	Unfounded
18.028	ESSB	Determination of the grade	Unfounded
18.153	ESHPM	Additional assessment opportunity	Well-founded
18.150	ESHPM	Additional assessment opportunity	Well-founded
18.185	ESSB	Additional resit	Well-founded
18.229	EMC	Additional resit	Unfounded
18.070	ESSB	Sanction for plagiarism and collusion	Well-founded
18.125	RSM	Sanction for being late	Well-founded
18.126	RSM	Sanction for being late	Well-founded
18.118	ESL	Sanction for fraud	Unfounded
18.070	ESSB	Sanction for plagiarism and collusion	Well-founded
18.001	ESHPM	Retaining the additional opportunity to take preliminary examinations	Well-founded
18.054	RSM	Alternative examination method/graduate old style	Unfounded
18.246	EMC	Taking a digital test	Well-founded
17.196	EMC	Worked unlawfully as an intern	Unfounded
18.003	ESHPM	Examinations declared invalid due to fraud	Well-founded
18.037	EMC	Suspension of the programme	Unfounded
18.067	ESHPM	Request for special facilities	Unfounded
18.098	RSM	Registering late for a subject	Unfounded
18.130	ESL	Statement of Civil Effect	Unfounded
18.280	ESL	Dispensation for the free elective course	Unfounded
18.037	EMC	Suspension of the programme	Unfounded
18.192	ESSB	Negative binding study advice	Unfounded
18.231	ESPhil	Negative binding study advice	Well-founded
18.235	RSM	Negative binding study advice	Unfounded
18.245	RSM	Negative binding study advice	Unfounded
18.174	ESL	Negative binding study advice	Unfounded
18.217	ESL	Negative binding study advice	Unfounded
18.182	ESHPM	Negative binding study advice	Unfounded
18.241	ESE	Negative binding study advice	Unfounded
18.249	ESL	Negative binding study advice	Unfounded
18.277	EMC	Negative binding study advice	Unfounded

18,263	ESE	Negative binding study advice	Unfounded
18,192	ESSB	Negative binding study advice	Unfounded

Table 5 – Decisions by the Board of Appeal for Examinations 2018

The most common subject of the submitted appeal cases in which the Board of Appeal for Examinations had to give a decision concerned the matter of ‘determination of the grade’. The Board of Appeal for Examinations gave no less than 18 decisions on this matter. 7 appeals were declared unfounded, 10 manifestly inadmissible and only 1 well-founded. Of the 18 decisions regarding ‘determination of the grade’, 15 were brought against ESL’s examination board in the 2018 reporting year.

Faculty	Total	Well-founded	Unfounded	Inadmissible
ESE	1	1	0	0
ESL	15	0	5	10
ESHCC	0	0	0	0
EMC	0	0	0	0
RSM	1	0	1	0
ESHPM	0	0	0	0
ESPhil	0	0	0	0
ESSB	1	0	1	0
Total:	18	1	7	10

Table 6 – Decisions regarding ‘determination of the grade’ in 2018

With regard to ‘negative binding study advice’ cases, the Board of Appeal for Examinations gave considerably fewer decisions in 2018 than in 2017 (namely 12 decisions in 2018 versus 21 in 2017).

§ 1.6 External appeals lodged with the Appeals Tribunal for Higher Education

A student can lodge an appeal against a decision by the Board of Appeal for Examinations to the Appeals Tribunal for Higher Education in The Hague. The legislator has not enabled examination boards or examiners to lodge an appeal against a decision by the Board of Appeal for Examinations. It is sometimes also possible to go to the Appeals Tribunal for Higher Education following a decision on an objection (i.e. if the Advisory Committee for Notices of Objections made a recommendation; see Chapter 2).

16 appeals were lodged against decisions by the Board of Appeal for Examinations and the Advisory Committee for Notices of Objections in the 2018 reporting year. The number of appeals lodged with the Appeals Tribunal for Higher Education remained stable during the past three reporting years (see Table 7). Of the 16 appeals lodged with the Appeals Tribunal for Higher

Education, 12 were lodged against decisions by the Board of Appeal for Examinations and 4 against the Advisory Committee for Notices of Objections in 2018.

	2018	2017	2016	2015
Number of Submitted Appeal Cases	13	16	16	13

Table 7 - Number of appeals lodged with the Appeals Tribunal for Higher Education

Operative Part	Total	Unfounded	Well-founded	Inadmissible	Withdrawn
Number of Submitted Appeal Cases	13	9	2	1	1

Table 8 – Decisions on appeals lodged with the Appeals Tribunal for Higher Education

The decisions by the Appeals Tribunal for Higher Education can be accessed on www.cbho.nl.

2. Advisory Committee for Notices of Objections

§ 2.1 Introduction

37 notices of objection were submitted in 2018, of which 21 related to the decentralised selection for a programme. Following a decrease last year, the number of objections increased in 2018 to well over the level of two years ago. Of the 21 objections submitted regarding the decentralised selection procedure, 19 pertained to the Medicine programme (there were 10 notices of objection in 2017) and 2 to the International Business Administration (IBA) programme.

Sections 2.2 and 2.3 deal briefly with the legal regulations and the composition of the Advisory Committee for Notices of Objections. Section 2.4 provides a quantitative overview of the objections.

	2018	2017	2016	2015
Submitted Objections	37	31	36	55
Objections	37	31	36	54
No objection (the Advisory Committee for Notices of Objections did not have jurisdiction; referral)	0	0	0	1

Table 9 - Number of objections submitted to the Advisory Committee for Notices of Objections

§ 2.2 Legal Regulations

The Advisory Committee for Notices of Objections is an advisory committee within the meaning of article 7:13 of the General Administrative Law Act. It was established in order to decide on objections. The committee is also the arbitration committee as referred to in article 7.63a of the Higher Education and Research Act, which stipulates that every higher education institution needs to establish an arbitration committee. The arbitration committee gives advice on objections regarding decisions other than those referred to in article 7.61 of the Higher Education and Research Act, which provides for the Board of Appeal for Examinations' jurisdiction.

§ 2.3 Composition of the Advisory Committee for Notices of Objections

The Advisory Committee for Notices of Objections consists of eleven members including one Chair, who is also a member of the Advisory Committee for Notices of Objections, and one Deputy Chair. There are external members (including the Chair and Deputy Chair) and members employed at EUR. All the members are functionally independent. In accordance with the provisions of the General Administrative Law Act, the Chair of the Advisory Committee for Notices of Objections does not form part of and does not work under the responsibility of the administrative body.

The Advisory Committee for Notices of Objections is made up of four sections, namely staff affairs, student affairs, electoral affairs and administrative affairs. The committee is assisted by three secretaries.

At the end of the reporting year, the Advisory Committee for Notices of Objections was constituted as follows:

Members:	Position:
J.H.M. Nijhuis	Chair/member
B.D. Peters	Deputy Chair/member
V.H.M. Beerkens	member
M.H. Carp- den Baas	member
C.M. Dirks – van den Broek	member
C.A. Dubbeldam	member
A.G.H. Klaassen	member
I.N. Fokma - Lanzing	member
P.Th.M. de Haan	member
Dr R. Pieterman	member
J.J. Sirks	member

In 2018, the Advisory Committee for Notices of Objections was supported by:		
S. El Ghafour-Aboulâsri LL.M	Secretary	Staff and Administrative Affairs
W.A. Kleinjan	Secretary	Student and Electoral Affairs
M.K. Nageswar	Secretariat	

§ 2.4 A Quantitative Overview of the Objections

A total of 37 notices of objection were submitted in the 2018 reporting year, 5 of which were for the Staff Affairs Section, 29 for the Student Affairs Section (including all 21 objections regarding the decentralised selection), none for the Electoral Affairs Section and 3 for the Administrative Affairs Section.

	2018	2017	2016	2015
Staff Affairs Section	5	4	2	16
Student Affairs Section	29	24	29	35
Electoral Affairs Section	0	1	0	2
Administrative Affairs Section	3	2	5	1
Total:	37	31	36	54

Table 10 – Number of objections submitted to the Advisory Committee for Notices of Objections

§ 2.5 Recommendations by the Advisory Committee for Notices of Objections

	2018	2017	2016	2015
Objections	37	31	36	54
Recommendations	14	6	12	18
Inadmissible	4	3*	4	1
Unfounded	10	4**	8	12
Well-founded	0	2**	0	5

Table 11 – Results of the objections

* 2 Manifestly inadmissible without a recommendation from the Advisory Committee for Notices of Objections and 1 partly well-founded, partly unfounded

** Recommendation partly well-founded, partly unfounded

	Number of recommendations	Withdrawn/ settled/ closed	Unfounded	Well- founded	Manifestly inadmissible
Staff Affairs	2	0	1	0	1
Student Affairs	9	16	8	0	1
Electoral Affairs	0	0	0	0	0
Administrative Affairs	3	0	1	0	2
Total:	14	23	10	0	4

Table 12 – Number of recommendations regarding objections per section

3. Committee on Undesirable Behaviour and Misconduct

§ 3.1 Right of Complaint

EUR has a complaints procedure for undesirable behaviour. This procedure provides for the opportunity - through the intermediary of a confidential counsellor - to lodge a complaint with the Executive Board regarding (sexual) harassment, aggression, violence, bullying and discrimination. A complaint can be submitted by a staff member or student who is or was exposed to the undesirable behaviour in his/her work or study situation at the EUR. A former staff member or student has the right to submit a complaint within three months of the end of his/her appointment or enrolment if the defendant is then still employed by EUR or registered as a student.

The Executive Board decides how complaints regarding undesirable behaviour are dealt with. A complaint is dealt with either by the Committee on Undesirable Behaviour and Misconduct or by the dean/manager of an organisational unit. In practice, this depends on the nature, scope and seriousness of the complaint and possibly a recommendation from the confidential counsellor.

§ 3.2 Legal Regulations & Complaint Handling

Articles 6 and 7 of the Committee on Undesirable Behaviour and Misconduct's Regulations set out the complaints procedure. The committee is to launch an investigation as soon as the Executive Board refers a complaint to the committee for handling. The committee will hear the complainant as soon as possible after receiving his/her complaint. It will inform the defendant(s) about the complaint and hear the defendant(s). This can be done in each other's presence, but in all the cases handled to date, complainants and defendants were always heard separately. Also, if the complainant and/or defendant so request(s), witnesses, experts or other parties directly involved can be heard.

The committee will submit a confidential and reasoned recommendation to the Executive Board within ten weeks of receiving the complaint regarding the (in)validity of the complaint and steps to be taken by the Executive Board (if any). If the 10-week period proves to be insufficient,

the committee can extend this period by four weeks. The Committee on Undesirable Behaviour and Misconduct will promptly inform the complainant and defendant about this.

§ 3.3 Composition of the Committee on Undesirable Behaviour and Misconduct

The Committee on Undesirable Behaviour and Misconduct consists of a Chair and two members, including a Deputy Chair. There are three substitute members. All the members of the Committee on Undesirable Behaviour and Misconduct are appointed and dismissed by EUR's Executive Board. The committee is supported by a secretary from the Legal Affairs Department.

The committee is chaired by Prof. H. G. van de Bunt, Emeritus Professor at the Erasmus School of Law.

At the end of the 2018 reporting year, the committee was constituted as follows:

Members:	
Prof. H.G. van de Bunt	Chair
A.G.H. Klaassen	member, also Deputy Chair
W. Bezemer	member
B.D. Peters	substitute member
M.H. Carp-den Baas	substitute member
C.A. Dubbeldam	substitute member

In 2018, the Committee on Undesirable Behaviour and Misconduct was supported by:	
W.A. Kleinjan	Secretary
R. te Lindert	Deputy Secretary
M.K. Nageswar	Secretariat

§ 3.4 Number of Complaints

A limited number of complaints to be dealt with by the Committee on Undesirable Behaviour and Misconduct were submitted during the last few reporting years. The committee did not investigate a single complaint in 2018. Only one complaint was investigated in the 2017 reporting year.

4. Board of Appeal for Non-initial Programmes

§ 4.1 Introduction

The Board of Appeal for Non-initial Programmes is a facility for those enrolled in accredited Non-initial Programmes; these students cannot lodge an appeal with the Board of Appeal for Examinations/Appeals Tribunal for Higher Education against decisions by the examination boards and examiners of these programmes. Without this facility, they would have to appeal to the civil courts against a decision by the examination board or examiner.

According to Article 6 of the Board of Appeal for Non-initial Programmes' regulations, the jurisdiction of the Board of Appeal for Non-initial Programmes is stipulated in the Course and Examination Regulations of the programme concerned. This means that the Board of Appeal for Non-initial Programmes does not automatically have jurisdiction. This was primarily meant to give the commercial programmes (e.g. EUR's LLCs) the opportunity to regulate legal protection themselves. Unlike the faculties with respect to the Board of Appeal for Examinations, programmes with respect to the Board of Appeal for Non-initial Programmes pay EUR the cost price of each case dealt with.

§ 4.2 Composition of the Board of Appeal for Non-initial Programmes

The Board of Appeal for Non-initial Programmes consists of one Chair and one Deputy Chair, who also sit on the Board of Appeal. The Board also has four members, three of whom are substitute members. The members are appointed (for three years) and dismissed by EUR's Executive Board. The Board of Appeal for Non-initial Programmes is supported by two secretaries.

At the end of the 2018 reporting year, the Board of Appeal for Non-initial Programmes was constituted as follows:

Members:	
J.H.M. Nijhuis	Chair/member
B.D. Peters	Deputy Chair/member
Dr R. Pieterman	member

Substitute members:	
V.H.M. Beerkens	substitute member
Dr J. van Dalen	substitute member
A.G.H. Klaassen	substitute member

In 2018, the Board of Appeal for Non-initial Programmes was supported by:	
S. El Ghafour-Aboulâsri LL.M	Secretary
W.A. Kleinjan	Deputy Secretary
M.K. Nageswar	Secretariat

§ 4.3 Cases Handled

A very limited number of appeal cases to be dealt with by the Board of Appeal were submitted during the last few years. Compared with previous years, an increase in appeals was noted in the 2018 reporting year. Five appeal cases to be dealt with by the Board of Appeal were submitted in 2018, while only one appeal case was dealt with per year in the period 2015-2017.

	2018	2017	2016	2015
Institute for Housing and urban development Studies (IHS)	3	0	1	1
International Institute of Social Studies (ISS)	0	1	0	0
Maritime Economics and Logistics (MEL)	0	0	0	0
Master City Developer (MCD)	0	0	0	0
Erasmus School of Law (ESL)	1	0	0	0
Erasmus Medical Centre (EMC)	1	0	0	0
Total:	5	1	1	1

Table 13 - Number of appeals lodged with the Board of Appeal for Non-initial Programmes

The table shows that the number of appeal cases to be dealt with by the Board of Appeal in 2018 increased in relation to previous years. The increase is largely reflected in the number of appeals relating to IHS. All appeal cases were eventually settled.

5. Iudicium Abeundi Disputes Advisory Committee

§ 5.1 Introduction

The Executive Board established the Iudicium Abeundi Disputes Advisory Committee on 27 November 2018. In exceptional cases, following a recommendation from the Examination Board or Dean and after carefully weighing the interests involved, the Executive Board can terminate or refuse a student's enrolment in a programme. This is possible if, by his/her (verbal) behaviour, the student has shown himself/herself unfit to practise the profession for which the programme is preparing him/her or for the practical preparations for this profession (article 7.42a of the Higher Education and Research Act). If that is the case, the Executive Board will decide on a iudicium abeundi. The student can object to such a decision.

§ 5.2 Composition of the Iudicium Abeundi Disputes Advisory Committee

The Iudicium Abeundi Disputes Advisory Committee consists of one Chair and two members. All the members of the Iudicium Abeundi Disputes Advisory Committee are appointed and dismissed by EUR's Executive Board. On 27 November, the Executive Board appointed the members for a period of three years.

At the end of the 2018 reporting year, the Iudicium Abeundi Disputes Advisory Committee was constituted as follows:

Members:	
T.L. de Vries	Chair
Prof. S.A. Danner	member
Prof. G.A.M. Widdershoven	member

In 2018, the Iudicium Abeundi Disputes Advisory Committee was supported by:	
W.A. Kleinjan	Deputy Secretary
M.K. Nageswar	Secretariat

§ 5.3 Cases handled by the Iudicium Abeundi Disputes Advisory Committee

In the 2018 reporting year, the Executive Board decided on a iudicium abeundi in only one case. This explains why only one case was submitted. This case will be dealt with in the 2019 reporting year.

6. Confidant for Scientific Integrity & Committee for Scientific Integrity

§ 6.1 Introduction

Everyone at EUR who is involved in education and research is personally responsible for maintaining academic integrity. The Netherlands Code of Conduct for Research Integrity 2018 of the Association of Universities in the Netherlands (formerly the Netherlands Code of Conduct for Scientific Practice) sets out the guiding principles of good and ethical scientific practice and the standards for good research practices derived from them, which are also endorsed by EUR. Everyone should see to it that the standards are properly adhered to. If academic integrity is presumed to have been violated, a complaint can be made to the Executive Board. The Executive Board has adopted Academic Integrity Complaints Regulations for this purpose.

§ 6.2 Complaint Handling, Investigation and Working Method

The complaint regulations regulate the working methods of the central Confidant for Scientific Integrity and the Committee for Scientific Integrity. Everyone has the right to submit a complaint to the Committee for Scientific Integrity, through the Executive Board or Confidant for Scientific Integrity or otherwise.

The Confidant for Scientific Integrity acts as a point of contact and sparring partner for questions and complaints regarding academic integrity. If the confidential counsellor sees a way to do so, he/she will try to mediate or otherwise resolve the complaint amicably and inform the complainant about the Committee for Scientific Integrity's complaints procedure.

The Committee for Scientific Integrity investigates complaints and makes relevant recommendations to the Executive Board.

§ 6.3 Appointment of a Confidant for Scientific Integrity and Composition of the Committee for Scientific Integrity

EUR's Executive Board appoints one or more confidential counsellors for a period of four year. The Doctorate Board is heard. The confidential counsellor(s) can be re-appointed for consecutive 4-year periods.

The Committee for Scientific Integrity is composed of a Chair and at least two members, including one Fixed Chair who is appointed by the Executive Board for a 4-year term.

They can be re-appointed. The members of the Committee for Scientific Integrity are appointed for a specific investigation.

Confidential counsellor for:		
Prof. P. Groenen*	(ESE)	The Woudestein faculties & ISS
Prof. P. Koudstaal*	(EMC)	The Erasmus MC
Prof. P.L. Meurs**	(iBMG)	Deputy Confidential Counsellor Woudestein faculties & ISS

Table 14 – The Confidential Counsellors for Academic Integrity

*Prof. P. Koudstaal and Prof. P. Groenen were re-appointed for a period of four years, commencing on 1 June 2016 and 1 January 2017 respectively.

**Prof. P. Meurs was appointed for a period of four years, commencing on 1 January 2017.

Alongside the confidential counsellors appointed for the entire EUR and Erasmus MC, there are a number of confidential counsellors at faculty level and sometimes department level who act as a point of contact for questions regarding academic integrity. These are not included in this annual report.

In the 2018 reporting year, the Committee for Scientific Integrity was chaired by Prof. S.P. Kaptein of the Rotterdam School of Management. The Executive Board appointed Prof. Kaptein for a period of four years, from 1 January 2017 to 1 January 2021.

Both the Confidential Counsellors for Academic Integrity and the Committee for Scientific Integrity receive official support. Secretary R. te Lindert supports the Woudestein faculties and the ISS. J. Spithoven supported the Erasmus MC until 1 September 2018. As from 1 September 2018, J. den Breeijen is the Secretary of the Committee for Scientific Integrity and Dr A. van Tilborg the Secretary of the Confidential Counsellor at the Erasmus MC.

§ 6.4 Number of Consultations and Complaints

In the 2018 reporting year, the confidential counsellors received 23 notifications regarding a request for consultation. That is four less than in the 2017 reporting year.

In these consultations, the confidential counsellor usually gave advice on how to deal with a particular integrity issue or (possible) conflict.

The consultations were usually about authorships and how to deal with them (9 times). In nine consultations, the subject-matter appeared to fall outside the definition of academic research. These were referred whenever possible.

One consultation resulted in a complaint being lodged with the Committee for Scientific Integrity, and one consultation led to mediation.

	Numbers
Consultations	23
Mediation	1
Complaints	1

Table 15 – Number of consultations and possible follow-up (mediation or complaint to the Committee for Scientific Integrity)

Two investigations were completed in the 2018 reporting year. The complaint submitted in 2018 was not settled in that year.

	2018	2017	2016	2015
Admissible	2	3	3	3
Partly admissible	0	0	0	1
Inadmissible	0	1	0	1
Total	2	4	3	5

Table 16 - Number of complaints to the Committee for Scientific Integrity

7. Freedom of Information Act

§ 7.1 Introduction

Like other Dutch administrative bodies, EUR's administrative bodies fall within the scope of the Freedom of Information Act. This means that anyone can submit a request for documented information regarding an administrative matter to EUR's Executive Board. How EUR deals with requests under the Freedom of Information Act is briefly dealt with in Section 7.2. Section 7.3 provides a quantitative overview of the WOB-related cases.

§ 7.2 Handling by EUR

The Legal Affairs Department and the WOB Coordinator are jointly responsible for dealing with requests under the Freedom of Information Act.

In the 2018 reporting year, these duties were carried out by the following WOB Coordinator and WOB staff:

WOB Coordinator:	Start and end dates of their duties in 2018
Th.J. van Laar MPA	01/01 – 01/06
A . Rijdsijk	01/08 – 31/12

WOB staff:	Start and end dates of their duties in 2018
S. Lemmen LL.M	01/01 – 01/06
Y. Ahmadi	01/08 – 31/12

§ 7.3 Quantitative Overview of the Requests

The table below provides a compact overview of the requests under the Freedom of Information Act dealt with by the WOB Coordinator in 2018.

	2018	2017	2016	2015
Requests under the Freedom of Information Act	15	15	32	6
Of which requests for the opinions of other administrative bodies	1	1	1	2
Objections against decisions	0	1	3	0

Table 20 – Requests submitted under the Freedom of Information Act

The requests under the Freedom of Information Act were related to the following subjects:

Subject	Party making the request
Master in Customs and Supply Chain Compliance (RSM BV)	1
Hazing//RSC II	2
RamBam//RSC III (withdrawn)	3
RamBam//RSC	4
SOK EUR Municipal Housing	5
Violation of integrity	6
FLQ Objection to the procurement procedure for UL furniture	7
Doctoral research	8
Introduction Period Committee	9
Introduction Period Committee II	9
Introduction Period Committee III	9
Sexual harassment and/or sexual misconduct by public sector personnel	10
VNO-NCW [Confederation of Netherlands Industry and Employers] Mutual Benefit Letter	11
Public Remuneration Task Force	12
Collaboration Agreement between the Municipality of Rotterdam and EUR (Request for an opinion from the Executive Board by the Municipality of Rotterdam)	13

Table 21 – Subjects of requests under the Freedom of Information Act

Three requests under the Freedom of Information Act were submitted by one and the same natural person, namely requests regarding 'Introduction Period Committee I, II and III'. This was not very unusual compared with 2017. All the other requests under the Freedom of Information Act were submitted by various natural and legal persons.

Also, one request for the Executive Board's opinion was submitted in the 2018 reporting year. No objections to decisions were submitted. Compared with the last year, the number of

requests under the Freedom of Information Act, other requests and notices of objection remained relatively stable in 2018.

