

Working guide handling messages from students and externals Legal Protection Facility 2021

This working guide has been adopted by the Executive Board on the 25th of May 2021.

The working guide complaints of students and externals EUR without a date will be withdrawn on the 25th of May 2021.

This working guide will come into effect on June 1, 2021.

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Preamble

An accessible and unambiguous facility has been set up for complaints and reports from EUR students and external students (in accordance with the provisions of [article 7.59a lid 1 WHW](#)). There is one desk at EUR where all complaints can be submitted: the Legal Protection Facility, located at Legal Protection: legal.protection@eur.nl

This Working guide describes the way in which reports from students and external students are handled. This usually concerns complaints or reports that are easy to resolve, but occasionally also complaints with greater impact. After receiving the complaint, the Legal Protection Facility of Legal Protection has no other role than forwarding the complaint to the correct handler.

It is often unclear to the person concerned whether a complaint (whether or not about the conduct by or on behalf of an Administrative Authority), an objection or an appeal must be submitted. The task of Legal Protection is to investigate the goal which the students wishes to achieve, so that the message is handled by the correct handler in compliance with the legal regulations.

On the handling of complaints about behavior [chapter 9 of the General Administrative Law Act](#) (Awb) is applicable. A complaint must be handled properly by an Administrative Authority, but there is no objection or appeal against the way in which the complaint has been handled. Complaints can relate to different areas. The complaint is automatically confirmed by forwarding it to the handler of the complaint, as described in article 2.5 of this working guide.

In some cases, the complaint must be regarded as an objection or appeal. If a student or external student disagrees with a decision, depending on the nature of the contested decision, this message is forwarded by the Legal Protection Facility as an appeal to the Examination Appeals Board (CBE) or as an objection to the Student Disputes Advisory Committee (GAS); Appendix 1 contains an overview of the various committees that deal with complaints, appeals and objections from students and external students within EUR.

It is important to mention that the Legal Protection Facility only has a task with regard to complaints from EUR students and external students. This entails that:

1. Participants following courses of ISS are not students/externals as intended in [Chapter 7, title 4 of the WHW](#). Such complaints should be made directly to ISS.
2. Complaints about private law activities must be submitted to the relevant private law entity (such as EUR Holding BV, RSM BV and Erasmus Enterprise BV).
3. Complaints about the perceived behavior of someone working under the responsibility of Erasmus MC will be forwarded to the Board of Directors of Erasmus MC, unless the behavior concerns taking exams and determining the results thereof (in accordance with [article 7.12c WHW](#)).

Chapter I – Definitions

Article 1.1 – Definitions

1. In this working guide, the following terms shall have the following meanings:

- Awb [General Administrative Law Act](#);
- Complaint handler The person handling the complaint;
- Accused The person against whom a Written Complaint has been submitted, who moreover has or had a Legal Relationship with the EUR; ([article 9:1 Awb](#));
- Administrative Authority An organ of a legal entity which has been established under public law, or a person or body which is invested with any public authority ([article 1:1 Awb](#));
- Party concerned The person whose interests are directly involved in the decision. A (Prospective or former) student, or a (prospective or former) external candidate ([artikel 7.59a. paragraph 3 WHW](#));
- COG The Committee for Undesirable Behaviour;
- Executive Board Executive Board of the EUR; an Administrative Authority as referred to in [article 1:1 \(1\) \(a\) Awb](#);
- CWI The Committee for Scientific Integrity, the permanent Complaints Advisory Committee set up by the Board to Investigate, to assess, and to advise the Board about Violations of Scientific Integrity;
- Decaan A Manager and Head of a Faculty as referred to in Article [article 9.14. WHW](#) and Administrative Body;
- ESHPM Erasmus School of Health, Policy & Management;
- EUC Erasmus University College;
- EUR Legal entity established under public law, officially known as ‘Erasmus Universiteit Rotterdam’;
- Examinations Committee The body that determines in an objective and expert manner whether the Person Concerned meets the conditions of the Education and Examinations Regulation ([article 7.12. paragraph 2 WHW](#));
- External candidate A Party Concerned, who is registered and admitted to EUR as an external candidate, with the rights as described in [article 7.36. WHW](#);
- Facility The EUR Legal Protection Facility, as referred to in [article 7.59a. paragraph 1 WHW](#) jo. [article 13.1 BBR-EUR](#);
- Conduct Any act or omission of an Accused, whether an actual act or a legal act under public or private law, with the exception of Complaints about policy or policy implementation in general;
- Complaint Verbal or Written Complaint by a Complainant about behaviour of the Administrative Authority;
- Report Internal report of a suspicion of Wrongdoings.
- Wrongdoing The violation of: a. a statutory requirement; or b. a risk to public health; or c. a risk for the safety of persons; or d. a risk of harm to the environment; or e. a risk to the good functioning of EUR as a consequence of an inappropriate course of action or omission, which compromises societal interests.
- Ombudsman Ombudsman The (National) Ombudsman as referred to in [article 9:17 Awb](#);

- Education and Examinations Regulation Regulations adopted by the Executive Board for each study program or group of study programs offered by the EUR, in which the applicable procedures and rights and obligations are laid down with regard to education and examinations, under which at least the requirements of [article 7:13. paragraph 2 WHW](#);
- Undesirable behaviour Behaviour that is socially and objectively regarded as inappropriate, bothersome, hurtful, threatening or unacceptable, whereby the personal integrity of another person is verbally, non-verbally, physically, digitally or otherwise compromised, including (sexual) harassment, bullying, discrimination, threats, gossip, racist behaviour, aggression. All under the restriction that the behaviour is directly connected with the Legal Relationship.
- Working guide Method for handling messages from students and externals
Legal Protection Facility 2021;
- Violation of Scientific Integrity Acts or omissions in violation of the Code of Conduct;
- Written By letter((Postbus 1738, 3000 Rotterdam) or [e-mail \(article 2:13-2:17 Awb\)](#));
- Student The person enrolled at EUR and admitted to it, as referred to in [article 7.34. WHW](#);
- Suspicion of wrongdoing A suspicion based on reasonable grounds or based on knowledge the Reporter has gained at EUR that a Wrongdoing is taking place at EUR; ([artikel 1 d. Wet Huis voor Klokkenluiders](#)), as referred to in [reglement Melding Vermoeden van Misstanden EUR 2021](#);
- Working day As referred to in the [General Extension of Time Limits Act](#), all days with the exception of Saturdays, Sundays and generally recognised public holidays;
- WHW Higher Education and Scientific Research Act.

2. Where a term is stated in the singular in the Working guide, it can also be read plural in appropriate cases and vice versa.

Chapter II – Complaints procedure

Article 2.1 – Legal framework

1. All Complaints are handled in accordance with the WHW and the Awb, in particular the provisions in [Title 9.1 of the Awb](#), unless stated otherwise in the Working guide.

Article 2.2 – Submitting the complaint

1. Complaints in Writing are submitted to the Facility by e-mail via legal.protection@eur.nl. A Complaint contains at least the name, where the party concerned is registered as a student or external student, the address, e-mail address and telephone number of the person concerned and the date and description of the Behavior against which the Complaint is directed. ([article 9:4 Awb](#)).
2. The Facility shall arrange for forwarding the Complaint to the Handler, with the Party concerned in copy.

Article 2.3 – Recovery of omissions and adjournment of the decision period ([article 9:4](#) and [9:11 Awb](#))

1. If the requirements as referred to in Article 2.2 paragraph 2 of the Working guide are not met, the Facility will give the person concerned the opportunity to rectify the omission within a period of ten Working Days.
2. If the person concerned does not rectify the observed absence within the period of ten Working Days, the Complaint cannot be processed. If the Complaint is not handled, the person concerned will receive Written notification from the Facility.

Article 2.4 – Forwarding complaint to handler

1. Complaints about alleged Undesirable Behavior will be forwarded to the [COG](#);
2. A Suspicion of Misconduct is forwarded to the [Whistleblower Committee](#);
3. Complaints about an alleged Breach of Scientific Integrity will be forwarded to the [CWI](#);
4. Complaints about a faculty are forwarded to the Decaan, Complaints about ESHPM and EUC are forwarded to the pro-Dean, respectively the Dean.
5. Complaints about a program are forwarded to the Examination Board and the program director of that program.
6. Complaints about services to and support of Students, the examination organization (in a copy also to the Examination Board) and all financial transactions are forwarded to the Education & Student Affairs).
7. Reports and Complaints about housing and facility services are forwarded to the Real Estate & Facilities (RE&F) department.
8. Reports and Complaints about IT are forwarded to the Information Technology (IT) department.
9. Reports and Complaints about the university library are forwarded to the director of the university library.
10. Reports and Complaints not falling under paragraphs 1 to 9 of this article will be forwarded to the E&S staff.

Article 2.5 – Handling the complaint

1. The Complaint will be handled by the Handler within six weeks from receipt of the Complaint at the Facility. The settlement can be adjourned by a maximum of four weeks, of which the handler will inform the person concerned in Writing ([artikel 9:11 Awb](#)).
2. If an Appeal or Objection is possible after handling by the complaint handler, this will be reported in Writing by the complaint handler to the person concerned.

Article 2.6 – Refrain from handling the complaint

1. A Complaint will not be processed if ([article 9:8 Awb](#)):
 - a. A Complaint has already been submitted about the Conduct that has been dealt with;
 - b. The Conduct took place more than one year before the Complaint was filed;
 - c. An objection or appeal can be lodged by the person concerned, unless that Conduct consists of the failure to take a Decision in time, or an objection or appeal could be lodged;
 - d. The Facility or complaint handler's request to rectify an omission has not been complied with (article 2.3 lid 2 of the Working guide).
2. An Administrative Body is not obliged to handle the Complaint if the interest of the person concerned or the weight of the Conduct is manifestly insufficient.
3. If the Complaint is not handled, the person concerned will be notified In Writing as soon as possible but no later than four weeks after receipt of the Complaint by the Facility or complaint handler. The Notice states that a petition can be lodged with the Ombudsman within one year ([article 9:12 paragraph 2 Awb](#)).

Chapter III – Final provisions

Article 3.1 – Legal protection

1. The person concerned will not be disadvantaged in his position within EUR as a result of being involved in a Complaint, insofar as he has acted in good faith. This also applies to the Defendant insofar as the Complaint is declared unfounded.

Article 3.2 – Interpretation

1. In cases not provided for by the Working guide or if the Working guide gives rise to multiple interpretations, the WHW and the Awb are leading.

Article 3.3 – Translation

1. When this Working guide has been translated and there is a conflict between the translation and the Dutch version, the Dutch version will prevail.

Article 3.4 – Publication

1. The Board will place this Working guide on the EUR website.

Article 3.5 – Quote titel

1. This Procedure is referred to as: EUR-Working guide handling messages for students and external students, Legal Protection Facility 2021.

Article 3.6 - Applicable law

1. This Working guide is exclusively governed by Dutch law.

Article 3.7 – Management Working guide

1. This Working guide is managed by the General Administrative Service, Legal Affairs Department.

Appendix 1 – Overview of all EUR commissions

Who	Which	Against which	Higher authority
<p><u>Complaint:</u> everyone</p> <p><u>Objection:</u> Interested party not student or external (zie GAS)</p>	<p>AKB</p> <p>The Advisory Committee for Complaints and Objections,</p>	<p>Complaint against conduct or objection to a decision of an administrative body of EUR or persons working under the responsibility of an administrative authority of EUR</p>	<p>Complaint: Nationale Ombudsman</p> <p>Objection: administrative judge</p>
<p>Everyone</p>	<p>COG The Committee for Undesirable Behaviour.</p>	<p>Suspected violation of undesirable behavior by EUR employee, someone with a hospitality agreement, someone who performs work for EUR other than with an employment contract, a student or external student</p>	<p>Nationale Ombudsman</p>
	<p>CWI The Committee for Scientific Integrity</p>	<p>Suspected violation of scientific integrity by university staff</p>	<p>Nationale Ombudsman</p>
	<p>CK</p> <p>Whistleblower Committee</p>	<p>Improper course of action or failure to act in which the public interest is at stake: violation of a statutory regulation, danger to public health, danger to safety of persons, danger to the environment, danger to proper functioning of public service or company</p>	<p>Nationale Ombudsman</p> <p>External report House for Whistleblowers</p>
<p>Student or external</p> <p>(Also former and future)</p>	<p>CBE</p> <p>Examination Appeals Board</p>	<p>Decisions of examination boards, examiners, colloquium-doctum committee, admission to a study programme, rejection decision following the binding study advice</p>	<p>College van Beroep voor het Hoger Onderwijs</p>
	<p>GAS</p> <p>Disputes Advisory Committee Students</p>	<p>A Written decision by or on behalf of the Board, taken on the basis of the WHW or regulations based on the WHW and aimed at legal effect, with the exception of decisions for which the CBE is competent</p>	<p>College van Beroep voor het Hoger Onderwijs</p>