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Abbreviations

AKB Advisory Committee for Complaints and Objections

AVG General Data Procedures Regulation

Awb General Administrative Law Act

CBHO Higher Education Appeals Tribunal (from January 1, 2023,

the Administrative law Department of the Council of State)

CBE Board of Appeals for Examinations

CGW Staff Disputes Committee
CK Whistleblower Committee

COG Committee on Undesirable Behaviour

Executive Board EUR Executive Board

CWI Committee Scientific Integrity

EMC Erasmus Medical Centre

ESE Erasmus School of Economics

ESHCC Erasmus School of History, Culture Communication
ESHPM Erasmus School of Health Policy & Management

ESL Erasmus School of Law

ESPhil Erasmus School of Philosophy

ESSB Erasmus School of Social and Behavioural Sciences

EUC Erasmus University College
EUR Erasmus University Rotterdam

FGG Faculty of Medicine and Health Sciences

FR Facility Legal Protection

GAS Student Objection Advisory Committee

GNIO Disputes Advisory Committee for Non-Initial Education

LOWI National Board for Research Integrity

RSM Rotterdam School of Management

RvS Administrative Law department of the Council of State

WHW Higher Education and Scientific Research Act

Preface

This annual report relates to objections, appeals and complaints that were handled by the Facility Legal Protection, the advisory committees and the Board of Appeal for the Examinations from January 1st 2023 to December 31st 2023.

In total 580 cases were handled by the advisory committees and the Board of Appeal for the Examinations, of which 114 cases have led to a formal advice to the Executive Board or a verdict. The Facility Legal Protection has independently – without involvement of the committees or the CBE – processed 250 reports. The reports concerned cases submitted by (prospective and former) students and extraneï and other stakeholders involved at EUR, such as employees and quest lecturers.

The Executive Board has installed eight (8) independent complaints, objections and disputes committees, which are supported in the performance of their tasks by the Legal Procedures department. The committees and colleges advised the Executive Board and administrative bodies of the university on the handling of objections and complaints. In addition, the Legal Procedures department provides the official secretariat for appeals to the Board of Appeal for the Examinations where appeals can be lodged against decisions of examiners and examination boards and for disputes submitted to the GNIO (for participants of non-Initial education) and the CGW (for staff).

As prescribed in the Higher Education and Scientific Research Act (WHW) students and extraneï can submit their objections, appeals and complaints to one digital counter: the Facility Legal Protection (FR). In practice, issues from across the university community are raised through that counter. The Legal Procedures department directs the submitted objections, appeals and complaints to the correct authority for handling. Submitters will receive confirmation of receipt and information about the further procedure.

Table 1 – Number of complaints, disputes, appeals and objections <u>received</u>

	2023	2022	2021	2020
Total	580	573	683	575
AKB	14	10	22	10
- Objections	7	8	6	10
- Complaints	7	2	16	0
CBE	228	207	307	212
CWI	4	1	5	2
GAS	71	45	66	63
GNIO	1	3	19	7
FR	250	296	254	277
COG	8	9	9	4
СК	2	2	1	0
CGW	2	0	0	0

Table 2 contains a numerical overview of the total number of cases that led to a ruling or advice. If a submitted case is settled, this case is not listed in the table below. You can find that data under the specific data per legal procedure committee.

Table 2 – Number of cases <u>handled</u> by a legal protection committee.

	2023	2022	2021	2020
Total	77	88	138	86
AKB - Objections - Complaints	6 4 2	8 6 2	19 4 15	7 7 0
СВЕ	38	53	79	43
CWI	0	0	1	2
GAS	29	22	27	27
GNIO	1	2	6	6
COG	2	3	5	1
СК	0	0	1	0
CGW	1	0	0	0

Advisory Committee for Complaints and Objections, AKB

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

The <u>AKB</u> advises the EUR administrative bodies and the Executive Board on objections, administrative appeals and the handling of complaints.

Objection

An interested party may submit an objection directly to Legal Procedures against a decision of an EUR administrative body. As an independent advisory body, the AKB advises the Executive Board on the handling of objections. After receiving the AKB's opinion or advice, the Executive Board decides on the objection (taking into account the AKB's advice).

With some regularity, the AKB advises not only the Executive Board but also other EUR administrative bodies when asked. This is done under Article 7:13 Awb and Article 3.7 EUR Regulations of the Advisory Committee on Complaints and Objections 2021 (hereinafter: AKB Regulations).

Apart from a few exceptions, the GAS instead of the AKB advises on objections submitted by students and extraneï (see chapter 8 above).

Not all objections submitted lead to an opinion or advice and a decision on the objection. Some of the objections are withdrawn by mutual agreement during the process.

Complaint

In addition, anyone can file a complaint about the conduct of a governing body or a person working under the authority of a governing body. This means that people who are not part of the university community can also file a complaint.

Pursuant to Article 9:14 of the Awb in conjunction with Article 3.7 of the AKB Regulations, the AKB can act as an independent advisory committee for all administrative bodies of the EUR after receiving a request to that effect and issue an opinion or advice on a complaint about the conduct of that administrative body.

After being advised by the AKB, the governing body will inform the complainant in writing, giving reasons, of the findings of the investigation, the opinion thereon, whether the opinion will be followed and any consequences that will be attached.

§ 1.2 Number of objections

Table 3 - Outcome of objections handled

	2023	2022	2021	2020
Total	7	8	6	10*
Settled or withdrawn	3	2	2	3
Advices	4	6	4	7
- Inadmissible	0	0	2	2
- Unfounded	4	4	2	0
- Well founded	0	0	0	1
 Partially well founded 	0	1	0	4
- Recusal	0	1		

^{*} On 1 January 2020, the WNRA was introduced and in 2020, the GAS was introduced ((according to article 7.63a WHW). This has led to fewer objections to the AKB and treatment by the GAS.

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

A decision on an objection can be appealed to the administrative judge of the District Court. In 2023, two objection decisions were appealed to the administrative judge. Both cases were declared unfounded by the court.

§ 1.4 Aantal klachten

Table 4 – Outcome of complaints handled

	2023	2022	2021	2020
Total	7	2	16	0
Advices	2	2	15	0
– Inadmissible	0	0	0	0
– Unfounded	1	1	6	0
– Well founded	0	1	0	0
- Partially well founded	0	0	1	
- Not processed	1	0	8	0
Settled/withdrawn	2	0	1	0
No response received from complainant	3	0	0	

§ 1.5 External applications to the Nationale Ombudsman (art. 9:12 paragraph 2, 9:17 and 9:24 Awb)

The complainant can file a petition with the <u>Nationale Ombudsman</u> against the handling of a complaint within one year. The defendant can only submit a petition to the Nationale Ombudsman, after he has submitted a complaint to the Executive Board.

No reports were received that a petition was submitted to the Nationale Ombudsman against the complaint handling.

2. Board of Appeal for Examinations, CBE

§ 2.1 Wettelijk kader (artikel 7.59a lid 3, artikel 7.60 en artikel 7.61 WHW)

Chapter 7, Title 4 of the WHW covers the legal protection offered to students and extraneï. Each institution of higher education has a <u>CBE</u>. The CBE is authorized to decide on appeals against decisions of Examination Boards and examiners, binding study advice and admission to exams within the framework of initial study programmes.

Before the CBE considers the appeal, the notice of appeal is sent to the body against which the appeal is directed, after which that body checks with the person concerned whether an amicable settlement is possible. If the appeal is directed against a decision of an examiner, the appeal is sent to the examination board concerned.

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

Practice shows that settlements are reached in many cases. In 2023, out of 228 cases filed, 93 cases eventually reached an amicable settlement between the parties. When no settlement is reached, the CBE takes the appeal further. Unless a case is withdrawn in the interim, a hearing is scheduled after which a decision follows.

All decisions of the CBE are published - anonymously - on the EUR website: EUR-website.

§ 2.2 Numerical overview cases

Table 5 - Number of appeals submitted by faculty, abbreviations are listed on page 2

	2023	2022	2021	2020
Total	228	207	307	212
FGG	20	15	22	21
ESE	55	44	72	40
ESHCC	8	9	9	9
ESHPM	17	7	15	5
ESL	39	38	48	68
ESPhil	2	2	2	2
ESSB & EUC*	45	49	66	38
RSM	42	43	73	29

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

Table 6 - What percentage of students within that faculty appealed to the CBE

	2023	2022	2021	2020
FGG	0.56	0.42	0.59	0.59
ESE	0.82	1.23	1.93	1.13
ESHCC	0.34	0.25	0.24	0.25
ESHPM	1.19	0.19	0.40	0.14
ESL	0.80	1.06	1.29	1.92
ESPhil	0.24	0.06	0.05	0.06
ESSB & EUC*	0.77	1.37	1.77	1.07
RSM	0,55	1.20	1.96	0.82

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

Table 8 - Outcomes treated appeals by faculty

	2023	2022	2021	2020
Total	228	207	316	204
Settled or withdrawn	190	154	237	161
Decisions:	38	53	79	43
– Inadmissible	7	7	6	6
– Unfounded	29	37	56	28
– Well founded	2	9	17	9

Table 8 - Outcomes treated appeals by faculty

	Unfounded	Well founded	Inadmissible	Total
Total	29	2	7	38
FGG	0	0	0	0
ESE	9	2	1	12
ESL	9	0	1	10
ESSB	1	0	1	2
ESHCC	1	0	0	1
ESHPM	0	0	0	0
ESPHIL	1	0	0	1
RSM	5	0	1	6
EMC	3	0	3	6

§ 2.3 External appeals to the Afdeling bestuursrechtspraak RvS (artikel 7.64 WHW)

An appeal against a decision of the CBE may be lodged to the Afdeling bestuursrechtspraak RvS. From 1 January 2023, the RvS will replace the former Higher Education Appeals Tribunal (CBHO). Rulings of the RvS can be reviewed at the RvS. The case law of the CBHO will also remain relevant at the Council of State.

On appeal to the CBE, the legal test is whether the decision was lawful. The RvS also applies this legal test but may come to a different judgement after weighing the facts.

Table 9 - Number of RvS rulings on decisions of the CBE

	2023	2022	2021	2020
Total	3	9	10	5
Withdrawn	0	0	1	0
Unfouded	3	5	6	2
(Partly) Wel Founded	0	2	2	3
Inadmissible	0	1	0	0
No jurisdiction	0	1	1	0

3. Staff Disputes Committee, CGW

On 1 January 2020, the Civil Servants Normalisation of Legal Status Act (Wnra) entered into force. As a result, the employees of the EUR are no longer civil servants, and consequently, the Awb no longer applies while the civil court has become competent to adjudicate labour disputes between EUR and employees. As a result, also the AKB is no longer authorized to handle any disputes between the EUR and its employees. As a result, the AKB is also no longer authorised to handle objections on the legal status of employees.

In addition, the former VSNU (the Universities of the Netherlands, UNL) has agreed with the trade unions that a sectoral employee disputes committee, known as the Staff Disputes Committee (CGW) would be established as an independent advisory committee, which would advise the employer about the handling of some <u>specific labour law disputes</u>. A dispute on the following exhaustively listed topics can be submitted to the <u>CGW</u>. Only disputes relating to the subjects listed below can be submitted to the CGW EUR:

- A. Staff appraisal;
- b. Change of position without prior agreement or understanding on the matter with employee;
- c. Refusal of promotion to functional scale;
- d. Granting, rejection, withdrawal or repayment of study facilities;
- e. Refusal of permission to perform ancillary activities;
- f. Compliance with salary agreements and implementation of the selection model;
- g. Compliance with leave entitlements.

Table 10 - Number of cases since 2020

	2023	2022	2021	2020
Total	2	0	0	0
Withdrawn	1	0	0	0
Unfouded	0	0	0	0
(Partly)Wel Founded	0	0	0	0
Inadmissible	1	0	0	0
No jurisdiction	0	0	0	0

4. Whistleblower Committee, CK

§ 4.1 Introduction

The Executive Board of the EUR considers it of great importance that possible wrongdoing within the EUR can be dealt with in a safe setting. Although the EUR strives for an honest and open organization, it recognizes that wrongdoing may occur. The person who reports wrongdoing in good faith is protected within the legal framework of the Wet bescherming klokkenluiders.

Any suspicion of unlawful or immoral practices, involving major social or institutional interests, which may have taken place under the responsibility of the EUR, can be reported within the rules described in the <u>Wistleblower Regulations 2023</u>. These Whistleblower Regulations provide information on the procedure and also offer legal protection to the person reporting the wrongdoing. As part of EUR's integrity policy, the procedure offers the possibility of having suspicions of wrongdoing investigated by a CK composed of a chairman and members who are not employed within EUR.

After reporting by the CK on the outcome of the matter under investigation to the Executive Board, the Executive Board may decide to take action.

§ 4.2 Statutory framework (Whistleblower Act, Title 9.1 Awb and the AVG)

The <u>Wistleblower Regulations 2023</u> provides for the possibility of making a report to the CK about suspected wrongdoing. A report is handled according to the Whistleblowers Protection Act and, where applicable, the provisions of the Awb, in particular Title 9.1 Awb, and the AVG.

§ 4.3 Reports

Table 11 - Outcomes of reports received

	2023	2022	2021
Total	2	2	1
– Withdrawn	1	0	0
– Unfouded	0	0	1
 Wel Founded 	0	0	0
– Inadmissible	0	0	0
 Complaints not processed 	1	2	0

§ 4.4 Handling time

Within six weeks of receiving the report, the CK will decide whether to consider the report. Concerned person(s) are regularly informed by the CK about the progress in handling.

§ 4.5 External reports to the House for Whistleblowers

At any stage of the procedure, an external report of suspected wrongdoing can be made to and via <u>Huis voor Klokkenluiders</u>. This external report does not qualify as a breach of confidentiality as referred to in Article 2.4 of the Whistleblower Regulations, as regards the information provided to the Whistleblower House. For the rest, the duty of confidentiality remains intact.

If there is a reasonable suspicion of a criminal offence or a serious danger to public health or the safety of the environment, the reporter can report this directly to the competent authority.

5. Committee Undesirable Behaviour, COG

§ 5.1 Introduction

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

§ 5.2 Statutory framework (art. 3 Working Conditions Act, Awgb, art. 7.63a WHW and Title 9.1 Awb)

The <u>Regulations Undesirable behaviour</u> provides the possibility of lodging a complaint to the COG regarding (sexual) harassment, aggression, violence, bullying and discrimination. The COG decides how to deal with a written complaint about undesirable behaviour submitted to the COG, in compliance with the complaints procedure. The COG provides the Executive Board with advice on the complaint submitted. Based on the advice received, the Executive Board decides whether the complaint is well founded or not and decides on any measures to be taken.

§ 5.3 Advices

Table 12 - Outcomes of complaints handled

	2023	2022	2021	2020
Total complaints received	8	9	9	4
(Partially) well founded	0	1	0	0
(Partially) unfounded	1	1	4	1
Not admissible	1	0	1	0
Withdrawn	2	1	1	0
Referred to AKB	1	0	1	0
Handling discontinued*	3	3	2	3
Unable to advise on (un)merits	0	1	0	0
Handled by external office	0	2	0	0

^{*}This also concerns the committee's conclusions that no judgment can be made.

^{**} This includes complaints that have been referred to other organizations for handling, for example, or the situation where the defendant has no legal relationship with the EUR.

§ 5.4 External applications to the Nationale Ombudsman (art. 9:12, 9:17 and 9:24 Awb)

A petition against the handling of a complaint can be submitted to the <u>Nationale Ombudsman</u> within one year. No reports have been received that a petition has been lodged against the handling of a complaint.

§ 5.5 Clarification

The COG is asked to rule on the merits of a complaint about undesirable behaviour. If the complaint is declared founded, the complainant has made it sufficiently plausible that the conduct complained of actually took place. This framework implies that, in the case of a declaration of unfoundedness, insufficient plausibility has been shown that the conduct took place. In situations where the COG is unable to give an opinion, in line with the way in which the National Ombudsman arrives at an opinion, it will be indicated that it is not possible, on the basis of the facts and circumstances submitted, to give an opinion on the (partial) validity or unfoundedness of a complaint.

In a few cases, complaints have been set aside. The reason for this is generally that the person complained about does not have a legal relationship with the EUR. Furthermore, in one case the Executive Board decided to have an external investigation agency investigate the complaint(s).

6. Committee Scientific Integrity, CWI

§ 6.1 Statutory framework (art. 1.7 WHW)

The EUR attaches great value to integrity and the ethical aspects of scientific research. All those involved bear personal responsibility for acting in an academically ethical way. The following principles form the basis of research with integrity: honesty, meticulousness, transparency, independence and responsibility.

The <u>Nederlandse gedragscode wetenschappelijke integriteit</u> on these principles and serves as a guideline for the university as referred to in the WHW.

One of the means of testing scientific integrity is the right to complain (if suspicion exists that) EUR employees are violating scientific integrity. The CWI handles complaints in accordance with the EUR 2020 Scientific Integrity Complaints Regulations. The CWI investigates the complaint and advises the Executive Board after which the Executive Board will determine its (initial) judgement within four weeks.

Table 13 – Outcomes of complaints handled

	2023	2022	2021	2020
Total complaints handled	4	1	5	2
Well founded	0	0	1	2
Discontinuation*	4	0	1	0
No jurisdiction*	0	0	3	0
Withdrawn	0	1	0	0

^{*} Cases at Erasmus MC and at the EUR-Holding B.V. are examined by that organization's CWI.

§ 6.3 External appeals submitted to the LOWI (art. 5 paragraph 2 KWI)

Complainant(s) and defendant(s) can ask the <u>LOWI</u> for advice within six weeks after receiving the (initial) opinion of the Executive Board, this has not happened in 2023.

§ 6.4 External appeals submitted to the Nationale Ombudsman (art. 9:12 paragraph 2, 9:17 and 9:24 Awb)

The complainant may file an appeal with the <u>National Ombudsman</u> against the handling of a complaint within one year. In 2023 there have not been submitted any appeals with the Nationale Ombudsman.

7. Facility Legal Protection, FR

§ 7.1 Statutory framework (art. 7.59a WHW)

Pursuant to article 7.59a WHW, every institution of higher education must offer a facility to which students and extranei can send their requests, complaints and notices of objection and appeals. The EUR has placed this facility with Legal Procedures. Based on the Werkwijzer meldingen studenten en extranei Legal Procedures forwards the received reports - within 48 hours - to the competent handler. Legal Procedures is usually not informed by the handler how the request or complaint has been handled. Many times, a notification leads to a decision open to objection or appeal, after which substantive processing takes place. The facility also handles reports from people who are not students or extranei.

§ 7.2 Reports

Table 14 – Number of reports submitted per category.

	2023	2022	2021	2020
Total	250	210	254	277
AKB/CBE/GAS/CWI	95	86	84	85
Faculty/dean *	86	88	129	50
Housekeeping **	3	0	1	61
Student administration ***	25	11	21	73
Other	41	25	19	8

^{*}Complaints about the program or faculty

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

^{***}Complaints about admission, tuition fees, etc.

8. Student Objection Advisory Committee, GAS

§ 8.1 Statutory framework (art. 7.63a WHW)

The <u>GAS</u> advises the Executive Board on notices of objection from students and extranei regarding decisions other than those where the Board of Appeal for Examinations is competent, which are taken pursuant to the WHW or regulations arising therefrom.

§ 8.2 Aantal zaken

Table 15 – Outcome advices GAS

	2023	2022	2021	2020
Total	71	45	66	63
Settled or withdrawn	42	24	40	36
Advices in general	29	21	26	27
– Inadmissible	2	0	0	2
Unfounded	24	20	23	24
– Well founded	2	0	2	1
ludicium Abeundi rulings	1	1	1	0
– Inadmissible	0	0	1	0
– Unfounded	1	1	0	0
– Well founded	0	0	0	0

§ 8.3 External appeals to the RvS (art. 7.64 WHW until 1 january 2023)

Students can lodge an appeal against a ruling or a decision on objection to the Afdeling bestuursrechtspraak van de RvS. From 1st January 2023, the Raad van State (RvS) has replaced the former Higher Education Appeals Tribunal (CBHO). Rulings of the RvS can be reviewed at the RvS. The case law of the CBHO will also remain relevant at the Council of State.

The legal representation of the Executive Board is done by Legal Advice. In cases in which the defence before the GAS was conducted by Legal Advice, Legal Advice provides legal representation of the Executive Board.

Tabel 16 - Number of appeal cases lodged with the CBHO / RvS

	2023	2022	2021	2020
Totaal	6	3	0	6
– Withdrawn	0	0	0	1
Unfounded	5	2	0	4
 Well founded 	0	0	0	1
– inadmissible	1	1	0	0

9. Disputes Resolution Committee for Non-initial Education, GNIO

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

The <u>GNIO</u> is a facility for participants enrolled in Non-Initial Programmes offered by the public-law institution EUR (art. 1.3. lid 1 WHW). The judicial procedure at the CBE is not available for decisions issued to participants of Non-initial programmes. Without special provision, students would have to appeal such a decision to the civil courts. The GNIO issues a binding opinion (pursuant to Section 7:900 of the Civil Code), in those cases when:

- The non-initial programme concerned has declared the GNIO competent to advise on disputes in its general terms and conditions and
- The person who submitted the dispute expressly declares to accept the opinion to be issued by the GNIO as binding (art. 8 GNIO).

Expenses incurred for treatment at the GNIO will be reimbursed by the study programme.

§ 9.2 Number of cases

Table 17 – Number of cases GNIO, listed per faculty

	2023	2022	2021	2020
Total	1	3	19	7
EMC	0	1	0	0
ESL	0	0	0	0
Master City Developer	0	0	0	0
Maritime Economics and Logistics	0	0	2	3
International Institute of Social	1	2	1	2
Studies				
Institute for Housing and urban	0	0	16	1
development Studies				
Erasmus School of Accounting	0	0	0	1
and Assurance				

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

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

§ 9.4 Scope of handling disputes by GNIO

On the 1st of January 2023 it was decided:

- to extend the disputes handled by the GNIO to all non-initial programmes provided by the public-law institution EUR and
- to limit the disputes handled by the GNIO to only the programmes offered by the public-law institution EUR.

As of that date, the GNIO is only authorized to handle disputes within the private law courses of the public law institution EUR.

10. Website Legal Procedures

The <u>website</u> of Legal Procedures Department succinctly presents key information. For example, this website:

- describes the objection, appeal, dispute and complaint procedure,
- introduces the legal protection committees and colleges
- and annual reports are published there.

Legal Procedures has conducted a web analysis for the year 2023, which shows frequent and prolonged visits to the website. The data and information resulting from this web analysis are completely anonymous and in line with <u>the General Data Protection Regulation</u> (AVG).

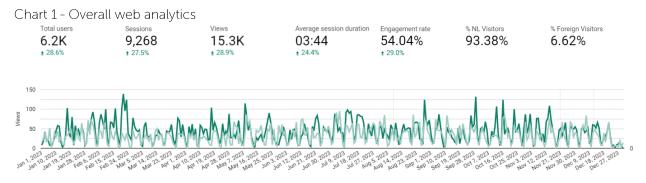


Chart 1 shows that the Legal Procedures <u>website</u> had 6,200 visitors in 2023. In total, the website had 15,300 views, meaning that (some) visitors returned to the website several times. On average, visitors visit the website two or three times.

In addition, it follows from Chart 1 that visitors spend an average of 3 minutes and 44 seconds per visit on the website.

It also shows that 54.04% of visitors, or 3,350 people, within the Legal Procedures website click through to one of the specific legal protection committee such as the <u>CBE</u>.

Finally, it follows from Chart 1 that 93.38% of visitors (5,789 people) visit the website from the Netherlands and 6.62% (410 people) of visitors visit the website from a country other than the Netherlands.

