

REGULATIONS FOR MAINTAINING ORDER EUR BUILDINGS AND GROUNDS

As intended in article 7.57h of the WHW

These regulations will enter into force on 1 January 2020.
These regulations were adopted by the Executive Board on 19 November 2019.

The Executive Board adopts the following Regulations (hereinafter referred to as 'Regulations for maintaining order EUR Buildings and Grounds'), which not only relates to maintaining order in Buildings and on Grounds, but also, by way of derogation from Article 7.57h of the Higher Education and Scientific Research Act (WHW), applies outside the Buildings and Grounds if actions take place that are strongly related to or connected with (facilities of) the University. The Regulations for maintaining order EUR Buildings and Grounds also is concerning the efficient or lawful use of EUR-facilities¹.

¹ For example, this concerns certain goods and services that the University offers to Students, Staff or Third Parties.

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Title 1 – General

Article 1.1. - Definitions

1. The following definitions apply in these Regulations:

BBR-EUR:	Administration and Management Regulations;
Management:	The person charged with performance of Management Duties on the Executive Board's instructions, in its name and under its responsibility;
Interested party:	The person whose interests are directly involved in a Decision, as referred to in Article 1:2 of the General Administrative Law Act (AWB);
Decision:	A written decision of an administrative body, containing public law legal actions, as referred to in Article 1:3 of the AWB;
Executive Board:	The Executive Board of the Erasmus University Rotterdam;
Third party:	Every person, not being a Student or Staff, who is in a Building, on the Grounds or using EUR facilities;
EUR:	Erasmus University Rotterdam;
EUR Regulations:	All regulations adopted by the Manager or Executive Board in a manner as prescribed by law;
Building:	Every building accessible to people, partially or fully enclosed by walls, covered or otherwise. The Building is owned by the University or used by the University or the Building is located on the Grounds of the University;
Staff:	Persons employed by the University and working at the University pursuant to such employment;
Regulations:	Regulations for maintaining order on EUR Buildings and Grounds;
By letter:	In writing or via an e-mail address made available for that purpose by or on behalf of the Executive Board or Manager;
Student:	person enrolled at the University and admitted to the University pursuant to Chapter 7 Title 3 of the WHW;
Grounds:	Every piece of land owned by or in use by the University or on which a Building is located;
University:	Erasmus University Rotterdam;
WHW:	The Higher Education and Research Act (abbreviated to 'WHW').

2. The terms used in these Regulations have the same meaning as those in the BBR-EUR and general law if such terms also occur in the BBR-EUR and have not been included in the definitions.

Title 2 – Obligations

Article 2.1. - Obligations

1. A person who is in Buildings, on the Grounds, or is using EUR facilities or, by way of derogation from Article 7.57h of the WHW, is outside the Buildings and Grounds but is performing actions strongly related to or connected with (facilities of) the University, must observe and follow, immediately and conscientiously, the legal regulations² and the regulations, guidelines and instructions issued by the Executive Board for maintaining order and the further correct and common practice in Buildings and on Grounds³, as well as these Regulations, to ensure he/she:

² This concerns provisions arising from the statutory provisions. These relate, for example, to the General Administrative Order regulating from 1 January 2020 that grounds of educational institutions should be smoke-free. Another important statutory provision concerns the Partial Prohibition of Clothing Covering the Face Act, which has provided since 1 August 2019 that wearing clothing that fully covers the face or covers it to the extent that only the eyes remain uncovered, or that makes the face unrecognisable, is prohibited in Buildings and Grounds of educational institutions.

³ This includes rules to ensure order and a good state of affairs in the Buildings and on Grounds, as referred to in Article 3 of the Regulations for maintaining order EUR Buildings and Grounds, as well as the rules for use of EUR facilities, e.g. fire and other safety regulations; the Parking regulations for cars and bicycles; the rules relating to the smoking ban in the Buildings and on Grounds; the management regulations concerning the deposit of personal property; rules relating to the use of EUR network facilities, etc.

- a. does not inflict in any way damage or unacceptable damage to the University or to other persons who are also in Buildings, on Grounds or using EUR-facilities;
 - b. does not infringe on the University's rights or the rights of other persons who are in Buildings, on Grounds or using EUR-facilities;
 - c. does not act in breach of any legal obligation or EUR-regulations; and
 - d. does not act in breach of the generally accepted standards of behaviour towards another person or possession.
2. A person who is in Buildings, on the Grounds or is using EUR facilities must be able to identify themselves at all times and immediately, and must, therefore, also be identifiable.

Article 2.2. - Further rules of order by Managers

1. Without prejudice to the authorisation of the Executive Board to impose rules itself, the Managers may impose further rules of order with a view to a good state of affairs within the Buildings, the Grounds or the EUR facilities. They must give satisfactory notice of these rules and send copies of the further rules of order that they impose to the Executive Board.

Title 3 – Measures

Article 3.1. - Measures

1. The Executive Board or a Manager may take measures against persons who fail to comply with these Regulations, in accordance with the procedure described in these Regulations.
2. The provisions of Article 3.1 may involve the following:
 - a. a conditional, temporary or permanent denial of access for use of (one or more parts of) Buildings and Grounds for Staff, Students or Third Parties;
 - b. a conditional, temporary or permanent denial of access for use of EUR facilities for Staff, Students or Third Parties;
 - c. a financial penalty, if this is contractually agreed for Staff or Students;
 - d. a warning for Staff, Students or Third Parties;
 - e. a written warning for Staff;
 - f. immediate exclusion from participation in the relevant educational situation or from the relevant tests or examinations for a Student;
 - g. any other appropriate disciplinary measure for Staff in relation to a Student whose enrolment is provisionally or finally terminated, as referred to in Article 7:57h of the WHW.
3. On imposing a measure, the Executive Board may impose further conditions.
4. If the Executive Board takes the view that the person against whom the request is made in accordance with Article 3.1 has not complied with the (further) conditions set by the Executive Board, the original temporary or permanent denial of access imposed will be reinstated. In that case, the period that has passed since the termination or restriction of the denial will not be deducted from the original term imposed.

Article 3.2. – Temporary denial of access imposed by the Manager

1. A Manager may provisionally deny access to Students, including everyone who can be equated with a Student, who are enrolled at the University, Staff or Third Parties who, despite written oral warnings or notices from an authorised body or authorised Staff, act or persist in acting in contravention of these Regulations, with immediate effect, for a maximum term of 10 working days to the Buildings, Grounds, or parts thereof, or the use of EUR facilities unless, in the view of the Manager, given the circumstances of the case, immediate denial is necessary.
2. The Manager shall draw up a report on the denial of access referred to in Article 4.1 at the earliest opportunity and shall immediately send this report to the Interested Party and to the Executive Board.
3. In the case of Article 4.2, the Manager shall also state whether, in his view, a further temporary or permanent denial of access is necessary and, if that is the case, for which term and for which (parts of) the Buildings, Grounds or EUR facilities this measure should apply, as well as which conditions should be imposed if this concerns a proposal for a temporary denial of access.

4. The person against whom any measure, as referred to in these Regulations, is considered will be given an opportunity in advance to account for his or her conduct, orally or in writing.
5. In urgent cases in which oral or written accounting for conduct was not possible prior to a measure being taken, the Interested party will be given an opportunity to account for himself or herself as soon as possible after the event.

Article 3.3. – Denial of access and cancellation of enrolment

1. A Manager may request the Executive Board to deny a party that acts in contravention of the provisions of Article 2 of these Regulations, or that fails to comply with conditions imposed in connection with any measure, access to the Buildings and Grounds, or the use EUR facilities provisionally or regularly, for a maximum term of one year. A Manager may also request the Executive Board to terminate the enrolment of the Student for the same period.
2. The Executive Board may, at the request of the Manager or otherwise, deny the Student access to the Buildings and Grounds, or the use of EUR facilities and may finally cancel the enrolment of the Student as referred to in Article 7.57h of the WHW.
3. A copy of the request referred to in Article 4.1 and Article 4.2 shall be sent to the person against whom the request for temporary (or permanent) denial of access is made.
4. The Executive Board shall decide on the request referred to in Article 4.1 and Article 4.2 within a reasonable term.
5. Before taking a decision, the Executive Board shall grant the person against whom the request for temporary (or permanent) denial of access is proposed an opportunity to be heard.
6.
 1. A temporary denial of access entails the following:
 - a. an indication of the (parts of) Buildings, Grounds or the use of EUR-facilities to which the temporary denial of access shall apply;
 - b. the term for which the temporary denial of access shall apply;
 - c. the conditions for the denial of access, which denial will be effectuated in the event of non-compliance with those conditions; and
 - d. the reasons on which the temporary denial of access is based.
 2. A permanent denial of access entails the following:
 - a. an indication of the (parts of) Buildings, Grounds or the use of EUR-facilities to which the permanent denial of access shall apply;
 - b. the term for which the permanent denial of access shall apply; and
 - c. the reasons on which the permanent denial of access is based.
7. If the Interested Party cannot be heard in time or cannot be given the opportunity to be heard, because – in the opinion of the Executive Board – immediate denial is necessary in view of the seriousness of the situation, the Executive Board may renew the temporary denial, as referred to in Article 5, by a maximum of 10 working days or may impose a temporary denial for a maximum term of 10 working days without the Interested Party being heard. The Interested party shall be offered the opportunity to be heard as soon as possible after the measure has been imposed.

Article 3.4. – Withdrawal of the measure

1. The Executive Board may, on the grounds of a request to that effect from the party against which a measure, as referred to in these Regulations, has been taken, or otherwise, withdraw or restrict the scope of the measure if, in the view of the Executive Board, there are well-founded reasons to do so.
2. The Executive Board shall not take a decision on a request, as referred to in paragraph 1, until the relevant Manager has been heard, orally or in writing, and the applicant has been given an opportunity to explain the request in more detail, by letter or orally.

Title 4. – Objections and appeals

Article 4.1. - General

1. An interested party whose interests are directly involved may file an objection against any Decision, as referred to in these Regulations, with the Executive Board, and thereafter may file an appeal against the Decision with a competent district court.
2. A person against whom other decisions are directed, not being Decisions, may institute civil proceedings before a competent district court.
3. Filing an objection, appeal or civil proceedings has no suspensive effect.

Title 5 – Final and transitional provisions

Article 5.1. - Interpretation

1. In cases relating to matters provided for in these Regulations which are not covered by these Regulations, or in cases where these Regulations may be interpreted in several ways, the decision shall rest with the Executive Board.

Article 5.2. - Translation

1. The Regulations have been translated into English, and if any conflict should arise between the English translation and the Dutch version, the Dutch version shall prevail.

Article 5.3. - Publication

1. These Regulations, after being adopted by the Executive Board, should be adequately announced using the University's information channels to all those persons in the Buildings, on the Grounds or using EUR-facilities.
2. The Executive Board must post these Regulations on the internal and external University website.

Article 5.4. – Entry into force

1. Subsequent to the adoption of the Executive Board, these Regulations shall enter into force on 1 January 2020.

Article 5.5. – Abbreviated title

1. The regulations shall be cited as 'Regulations for maintaining order EUR Buildings and Grounds'.

Article 5.6. - Management of Regulations

1. The management of the Regulations is conducted by Professional Services.

Article 5.7. - Applicable law

1. The Regulations are governed solely by Dutch law.