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Rules of Procedure of the Board of Appeal for non-initial programmes of Erasmus University Rotterdam

Article 1. Definitions

In these Rules of Procedure, the following terms will be understood to have the following meanings:

- board: the Board of Appeal for non-initial programmes of Erasmus University Rotterdam.
- EUR: the Erasmus University Rotterdam.
- individual concerned: a participant in a non-initial, EUR programme accredited by NVAO (Accreditation Organisation of the Netherlands and Flanders).

Article 2. Task, scope and composition of the Board

1. The Board is tasked with resolving any disputes that may arise between an individual concerned and an Examining Board or examiner. The Board will do this by delivering a binding decision or by facilitating a settlement between the Parties in the event of such a dispute.
2. The Board has three members, including the President, and three alternate members.
3. The members choose one or more alternate presidents from the members and/or alternate members.
4. In the event that the President is not able to attend or is absent, or at the request of the President, he or she will be replaced by an alternate president.

Article 3. Hearing by panel

1. The hearing of appeals is conducted by a board panel comprising three members.
2. The Secretary of the Board arranges the composition of the panel in consultation with the President of the Board.

Article 4. Appointment and dismissal of the members

1. The Executive Board of EUR appoints the members and alternate members of the Board for a period of three years. They can be reappointed.
2. The President of the Board is not employed under the responsibility of the Executive Board.
3. Members of the Executive Board, deans and members of the Supervisory Board of the EUR cannot be appointed as members or alternate members of the Board.
4. The Board may grant a discharge to the members and alternate members at their own request. Their discharge will be granted once they have reached the age of seventy, with effect from the following month. They will be discharged should they become unable to fulfil their duties due to illness or disability, or if they have been convicted of a criminal offence by a final court decision. Before dismissal on the grounds of the provisions of the third sentence is granted, the member

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or alternate member in question will be informed of the intention to discharge him or her and the Executive Board will offer him or her the opportunity to be heard.

Article 5. Secretary of the Board

1. The Board is assisted by one or more secretaries who are appointed by the Executive Board.
2. The appointment of the Secretary will take place after consultations with the President of the Board.
3. The Secretary will follow the instructions of President of the Board in the performance of his or her duties.

Article 6. Jurisdiction of the Board

1. The Board has jurisdiction over decisions by an Examining Board or examiner of a non-initial, NVAO-accredited programme of EUR concerning an individual concerned, insofar as this is provided for in the course and examination regulations of the programme in question.
2. The contact person for the programme will send the course and examination regulations, together with the name and contact details of a contact person and an alternate contact person, to the Secretary of the Board. The following address will be used for this:

Erasmus University Rotterdam
ABD/BJZ
Board of Appeal for non-initial programmes
Room ET-36
PO Box 1738
3000 DR Rotterdam.

If the statement is submitted by e-mail, the address to be used is: secretariaat-bjz@eur.nl. 'Board of Appeal for non-initial programmes' must be mentioned as the subject.

3. The Board has no jurisdiction over decisions taken before these Rules of Procedure entered into force. The Board also has no jurisdiction over decisions taken before the course and examination regulations, as referred to in the first paragraph, entered into force.
4. The Board will charge the costs of the hearing of a submitted appeal to the legal entity to which the Examining Board belongs. If the legal entity is EUR, the costs will be charged to the faculty in question.
5. The legal entity to which the Examining Board belongs or the faculty will be owed 90 euros for the hearing of a submitted appeal, regardless of the way in which the dispute is handled. This amount is owed from the date that the Secretary of the Board receives a notice of appeal.
6. Contrary to the provisions of the fifth paragraph in this article, if the Secretary of the Board has issued the summons as referred to in Article 13(3), the legal entity to which the Examining Board belongs or the faculty will be owed 600 euros for the hearing of a submitted

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appeal, regardless of the way in which the dispute is handled. This amount will be owed from the date of the summons as referred to in the first sentence of this article paragraph.

Article 7. Submission of the notice of appeal

1. The individual concerned will lodge the appeal with the Secretary of the Board. The following address will be used for this:

Erasmus University Rotterdam
ABD/BJZ
Board of Appeal for non-initial programmes
Room ET-36
PO Box 1738
3000 DR Rotterdam.

If the appeal is lodged by e-mail, the address to be used is: secretariaat-bjz@eur.nl. 'Board of Appeal for non-initial programmes' must be mentioned as the subject.

2. The term for submitting the notice of appeal is six weeks. The term will commence with effect from the day after the one on which the contested decision was made known to the individual concerned in the prescribed manner or otherwise.

3. If the notice of appeal is submitted after the term mentioned in the second paragraph has expired, disallowance of the appeal will not apply if it cannot reasonably be held that the submitter was in default.

4. No filing fee is owed for the hearing of the appeal.

Article 8. Contents of the notice of appeal; rectification of omissions

1. The notice of appeal will be signed and will include:

- a. name, address, telephone number and e-mail address of the individual concerned;
- b. the date;
- c. the details of the Examining Board or examiner who took the contested decision;
- d. a clear description of the decision against which the appeal is lodged, with the submission of a copy of it (if possible) or, if the appeal is directed against a refusal to decide, a clear description of the decision that should have been taken in the opinion of the individual concerned;
- e. the grounds upon which the appeal rests; and
- f. a statement from the individual concerned which states that he or she will accept as binding the ruling to be passed by the Board.

2. The Secretary of the Board will notify the individual concerned of any of his or her omissions and will request him or her to rectify these within a term stipulated by the President of the Board.

If the individual concerned has not rectified his or her omissions within this term, his or her appeal may be held inadmissible.

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3. If the programme in question is held in English, the notice of appeal may be written in English.

Article 9. Amicable settlement

1. The Secretary of the Board will immediately send a copy of the notice of appeal to the president of the Examining Board against which the appeal has been lodged, with an invitation to ascertain, in consultation with the individual concerned, whether an amicable settlement of the dispute is possible. He or she will send a copy of this invitation to the individual concerned.

2. If the contested decision has been taken by an examiner, the missive referred to in the first paragraph will be sent to the president of the Examining Board in question with the invitation to ascertain, in consultation with the individual concerned and the examiner, whether an amicable settlement of the dispute is possible. He or she will send a copy of this invitation to the examiner and the individual concerned.

3. The president of the Examining Board against which the appeal has been lodged will call on the individual concerned to attempt to settle the dispute as soon as possible, but no later than five days after receipt of the notice of appeal and the invitation to arrive at an amicable settlement.

4. The president of the Examining Board will inform the Board of the outcome of the consultations, supported by reasons, within three weeks after receipt of the notice of appeal and the invitation as referred to in the first or second paragraph.

5. If an amicable settlement is reached, the Secretary of the Board will inform the Parties that the Board will not hold a hearing of the appeal.

Article 10. Failure to reach an amicable settlement

1. The President of the Board may decide that the attempt to reach an amicable settlement should not be undertaken if in his or her opinion such an attempt would be manifestly futile or would lead to disproportionate disadvantage to the individual concerned. If this is the case, the President of the Board will set a period within which the statement of defence must be submitted.

2. The Secretary of the Board will immediately send a copy of the notice of appeal to the president of the Examining Board against which the appeal has been lodged, with the request to submit documents relating to the appeal and the statement of defence to the Board within the term stipulated on the grounds of the first paragraph. He or she will send a copy of this request to the individual concerned.

3. If the contested decision has been taken by an examiner, the missive referred to in the second paragraph will be sent to the president of the Examining Board in question.

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Article 11. Written preparation

1. If it becomes apparent that an amicable settlement is not possible or if it has been decided that an attempt to reach an amicable settlement should not be undertaken, the president of the Examining Board will hand over all documents relating to the dispute within the term stipulated in Article 9(4) or on the grounds of Article 10(1). He or she will include in this the Examining Board's statement of defence.
2. If asked to do so, the President may decide that the statement of defence may be submitted later, within a term deemed by him or her to be reasonable.
3. The individual concerned will immediately be sent a copy of the documents and the statement of defence referred to in the first paragraph.
4. If the individual concerned indicates that he or she wishes to reply to the statement of defence, or if the examiner in question or the Examining Board in question indicates that he, she or it wishes to respond to the reply with a rejoinder, the President of the Board may provide the opportunity for this purpose within a term to be set by him or her, provided there is still time available for this once the sixth paragraph is taken into account.
5. The Secretary of the Board will immediately send a copy of the reply or the rejoinder referred to in the previous paragraph to the Counterparty.
6. The interested parties may submit further documents to the Board until ten days prior to the hearing.
7. Provided the interested parties agree, application of the sixth paragraph may be omitted.
8. The Board may, on its own initiative, obtain the information it deems necessary and request documents relating to the dispute. Immediately on request, the president of the Examining Board will send to the Board course and examination regulations and any other regulations that were applicable when the examination, or a part thereof, was taken and furthermore all the documents which the board considers necessary in the hearing of the appeal.
9. If the programme in question is held in English and the notice of appeal is written in English, the statement of defence, the reply and the rejoinder will be written in that language.

Article 12. Settlement without a hearing

The Board is entitled to give a ruling without holding a hearing at any stage of the dispute if it is of the opinion that the appeal is manifestly inadmissible or manifestly unfounded.

Article 13. Location, time and summons for the hearing

1. Unless Article 12 is applied, the President of the Board will decide the location and the time at which the appeal hearing will take place as soon as possible.

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2. Taking into account the instructions of the President, the Secretary of the Board will summon the panel members to the hearing as soon as possible.

3. The Secretary of the Board will summon the Parties in good time to be present at the hearing. When convening the hearing, a period of five working days will be taken in account as far as is possible.

4. If the appeal has been lodged against a decision taken by an examiner, the Secretary of the Board will send a copy of the notice to the examiner, addressed to the president of the Examining Board in question.

Article 14. Making documents available for perusal

1. Prior to the hearing, all documents relating to the proceedings will be available for perusal by interested parties at the secretariat of the Board for a period of at least a week. The Secretary of the Board will mention this to the Parties in the notice as referred to in Article 13(3).

2. The President may decide, be it at the request of an interested party or not, that documents containing information of an extremely personal nature not be made available for perusal to the Parties. The application of this provision will be announced.

Article 15. Replacement and assistance at the hearing; witnesses, experts and interpreters

1. The Parties are entitled to be replaced by a representative or to be assisted by counsel at the hearing. Furthermore, they are entitled to bring witnesses, experts and interpreters to the hearing, provided they submit the names of these persons to the Board and the Counterparty in writing by the fourth day prior to the hearing at the latest.

2. The witnesses and experts who have been brought to the hearing may be heard at the request of interested parties.

3. The costs of witnesses, experts and interpreters are for the account of the interested party who brought them.

4. If someone is being represented, the Board will in any event send the documents relating to the case to the representative.

5. The Board is entitled to summon witnesses and experts ex officio or at the request of the Parties.

Article 16. Objection and exclusion

1. Prior to the hearing, any of the Parties involved in the appeal are entitled to object to any member of the panel on the grounds of facts or circumstances that could make it difficult for the member in question to form an impartial opinion about the dispute.

A member may ask to be excused on the grounds of such facts and circumstances.

2. The other members of the panel will decide as soon as possible whether the objection or the exclusion will be allowed.

If the votes are equally divided, the request will be allowed.

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Article 17. Hearing before the panel

1. The appeal will be heard at a public hearing of the Board. In special cases, the Board may decide that the hearing of the appeal will take place entirely or in part in a hearing in a closed session.
2. The President of the Board is in charge of the hearing. He or she will give each of the Parties the opportunity to explain their position. At the hearing, those present must act in accordance with the President's instructions. The President has the powers to remove any of those present who do not do so from the hearing.
3. The Secretary of the Board will attend the hearing. He or she will make notes of the hearing proceedings.
4. Interested parties will be heard in each other's presence. Ex officio or on request, interested parties may be heard separately if it is likely that a joint hearing will hinder a proper processing of the case, or that facts or circumstances will be disclosed during the hearing for which confidentiality is required for compelling reasons.
5. If the interested parties are heard separately, each of them will be informed of the proceedings that took place in their absence. Whether or not at the request of the interested parties, the Board may opt not to do so if confidentiality requires this for compelling reasons. The application of this provision will be announced.
6. If there are compelling reasons based on a fear of harming the physical or mental health of an interested party, insight into the documents in question may be reserved for an authorised representative who is either a lawyer or a doctor.
7. If during the hearing the Board submits documents ex officio to the proceedings or documents are submitted to the Board, the President of the Board will give the Parties the opportunity to take cognisance of these documents and to make their views on these documents known.
8. The Parties are entitled to change the contents of the appeal and the defence, as well as the grounds upon which these rest, until the closure of the hearing unless the Board is of the opinion that the Counterparty will be unreasonably disadvantaged by this change.
9. If it becomes apparent before the closure of the hearing that the investigation was incomplete, the Board may decide that a hearing before the panel will be continued at a time to be decided by Board. For this, the Parties may be given instructions with regard to the evidence.
10. The working language in the hearing is Dutch.
11. Contrary to the provisions of the previous paragraph, and whether or not at the request of a Party, the Board may allow English to be used if the use of this language is more effective and the interests inter alia of the Counterparty are not disproportionately compromised.
12. Before the hearing before the panel is closed, the President of the Board will announce when the ruling will be given. If possible, the ruling will be given within two weeks after the closure of the hearing.

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Article 18. Hearing in the absence of the Parties

1. If one or both Parties do not appear at the hearing, the President of the Board will ascertain whether that Party has or both Parties have been duly summoned.
2. If an absent Party has been duly summoned, then the hearing of the appeal may also proceed in the absence of that Party or both Parties.

Article 19. Deliberations and ruling of the Board

1. The Board deliberates and rules in chambers. It will base its ruling exclusively on the documents made available for perusal as well as on that which was put forward during the hearing or submitted, without the Counterparty being disadvantaged by this.
2. The Secretary of the Board will attend the deliberations and will have an advisory role in this.
3. The participants to the deliberations have a duty of confidentiality regarding that which is dealt with in chambers.

Article 20. New facts or circumstances

If, after the hearing, facts or circumstances become known to the Board which may be of considerable importance for the ruling to be taken on the notice of appeal, the interested parties will be informed of this and they will be given the opportunity to be heard on the subject.

Article 21. Binding decision

1. The Board will rule within ten weeks after receipt of the notice of appeal.
2. The term will be suspended with effect from the day on which the individual concerned is requested to rectify an omission until the day on which the omission is rectified or until the term stipulated for this has expired without being used.
3. The Board may postpone the decision for four weeks at most. The postponement will be announced in writing.
4. Further postponement is possible if the individuals concerned agree to it and the interests of other interested parties are not compromised by this or if they agree to it.
5. The rulings of the Board are binding decisions. They will be dated and will include:
 - a. the names and addresses of the Parties and the names of representatives;
 - b. the grounds upon which the ruling is based;
 - c. the ruling; and
 - d. the names of the members of the Board who delivered the ruling.
6. The Board will rule on its jurisdiction, the entitlement of the Parties to lodge an appeal and whether the appeal is entirely or partially well-founded or unfounded.
7. Costs incurred by the Parties with respect to hearing the dispute are for their own account, unless the Board decides otherwise in

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special cases. In such a case, only the costs reasonably incurred by the individual concerned will be considered eligible for compensation.

8. The ruling will be signed by President and the Secretary of the Board, copies will be sent to the Parties and it will be published on the Board's website.

The ruling will be anonymised for publication on the Board's website.

9. The ruling will be in Dutch. If the programme in question is held in English and the notice of appeal is written in English, the Board may add an English summary of its ruling to the ruling. The English summary of the ruling is not a part of the ruling.

Article 22. Amalgamation and division of appeals

1. The Board is entitled ex officio or at the request of third parties whose interests are directly involved in the dispute to bring a new Party into the case. Each third party will become a Party to the proceedings as a consequence of the summons.

2. Without prejudice to the first paragraph, anyone who has an interest in the dispute may petition the Board to be allowed to intervene or to join one of the Parties.

If the request is granted, the applicant will become party to the proceedings.

3. The President of the Board will take all measures necessary for a proper procedure in the cases referred to in the first and second paragraphs.

4. The President of the Board is entitled to amalgamate related cases and split cases which have been added.

Article 23. Preliminary injunction

1. In cases in which the interests of the individual concerned requires injunctive relief, the individual concerned may request a preliminary injunction by way of a reasoned application to the President of the Board, pending the ruling in the principal action.

The President will decide on this request after having heard the Examining Board in question or the examiner in question, or at any rate having summoned them.

2. Articles 7 through 22 apply mutatis mutandis to the request. The President will decide which amendments to terms and articles are necessary.

3. The President of the Board may lift the preliminary injunction or amend it after having heard the Parties, or at any rate having duly summoned them.

4. The preliminary injunction expires as soon as the Board has ruled on the principal action, insofar as another time has not been given for its expiry in the Board's ruling.

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Article 24. Review of rulings

1. A review of a Board ruling may take place at the request of either of the Parties on the grounds of facts or circumstances that emerged later which, had they been known previously, may have led to a different ruling.

2. Articles 7 through 22 apply mutatis mutandis to the request. The President will decide which amendments to terms and articles are necessary.

Article 25. Quashing of the ruling

Quashing of a Board ruling may only take place by submitting it to an ordinary court for a review within two months after sending the ruling to the Parties. The court will quash the binding decision if the ruling is unacceptable, according to standards of reasonableness and fairness, in terms of its content or the manner in which it was reached under the circumstances. Not submitting the ruling to an ordinary court for a review within the aforementioned term will render the ruling irreversible.

Article 26. Allowances for the members of the Board

Allowances for the members of the Board are determined in accordance with the allowances for the members of the EUR Examinations Appeal Board.

Article 27. Final provisions

1. The decision rests with the President of the Board in cases not provided for in these Rules of Procedure.
2. These Rules of Procedure come into effect on 1 May 2012.
3. These Rules of Procedure shall be cited as: Rules of Procedure of the Board of Appeal for Non-Initial Programmes of Erasmus University Rotterdam.
4. The abbreviated title is: GNIO Rules of Procedure

Adopted by the Executive Board of EUR on 12 April 2012

New address in clauses 6 and 7 on 1 November 2015