

**Explanatory notes to the procedural rules for enrolment at Erasmus University Rotterdam, Art. 7.33, 7.42 and 7.42(a) of the Higher Education and Research Act (WHW), adopted by the Executive Board on 3 April 2018**

## 1. General

The Higher Education and Research Act (WHW), the EUR regulation for institution tuition fees and the accounts receivable protocol constitute the basis for the enrolment and disenrolment of students in subsidised programmes. The WHW prescribes that the Executive Board must also lay down rules of a procedural nature. This will ensure that the procedures relating to enrolment and disenrolment and to payment of tuition fees are transparent and legally enshrined.

For the sake of clarity, these procedural rules contain certain stipulations derived from the Institutional Tuition Fees Regulation (Regeling Instellingscollegegeld) or the Debtor Protocol (Debiteurenprotocol). Both these regulations take priority. If the relevant part in one of these regulations is amended, this will change the relevant stipulation in the procedural rules; the other way around is not possible. If a stipulation is laid down in Institutional Tuition Fees Regulation or the Debtor Protocol, this is stated in these explanatory notes.

These regulations may be perused on:

<https://www.eur.nl/onderwijs/praktische-zaken/begeleiding-advies/rechtspositie/reglementen> (in Dutch and English) and

<https://www.eur.nl/onderwijs/praktische-zaken/inschrijving/collegegeld/betaalmethode/debiteurenprotocol-2017-2018> (only in Dutch)

The procedural rules state in several places that a faculty is responsible for certain actions. Since the apportionment of authority may be different at each faculty at EUR, the name of the relevant faculty body or part of the organisation responsible for such actions has been deliberately omitted.

The procedural rules are subdivided into six sections:

Section 1	General: Definitions and scope
Section 2	Enrolment
Section 3	Enrolment period
Section 4	Tuition fee
Section 5	Compensation for unlawful use of education or examination facilities
Section 6	Final provisions

## 2. Explanatory notes for each article

### *Article 1.1 Definitions:*

The procedural rules differentiate between the enroller, re-enroller and student status in order to clarify the difference in status arising from the enrolment history.

### *Article 1.2 Scope:*

The regulation only relates to the publicly funded degree programmes, since Chapter 7, Title 7 on Students and extranei of the WHW does not apply to private funded education. Of course, Those offering private funded programmes are at liberty to draw up their own procedural rules.

### *Article 2.1 Condition to proceed with enrolment:*

1. The Executive Board issues a mandate to the Head of Student Administration to decide on an application for enrolment in a given programme. This is provided for in Article 6.2. of the procedural rules.
2. Administrative law provides the option of deciding not to process an incomplete application on condition that the applicant has had the opportunity to complete their application within a period of time set by the administrative body (Article 4:5 of the General Administrative Law Act). Therefore, the rectification period is limited to 2 weeks as condition for enrolment.
3. In view of the enrolment or re-enrolment deadline of 1 September, or later if applicants may enrol on various dates, it is essential that students are fully enrolled by no later than two weeks after the start of the programme.

*Article 2.2 First enrolment:*

Applicants are admitted to a degree programme in accordance with the statutory regulations. If a student applies for enrolment in a master programme for the first time, this is also deemed to be their first application even if the relevant student has already followed a bachelor programme at EUR.

Bachelor's degree programmes

1. The faculty for the relevant programme will issue the admission statement required to allow entry in a higher academic year in the bachelor programme.
2. The Central Enrolments Office will provide verification of prior education in the Netherlands. The Admissions Office will issue a decision for students who received prior education outside the Netherlands.
3. In case of selective degree programmes the faculty will decide on applicants' admissibility for programmes. The Central Enrolment Office will decide on admissibility to all other bachelor programmes.
4. Pursuant to article 7.31 of the WHW programmes offer a voluntary or compulsory Study Choice Check differentiating in groups that have to comply with this obligation. Enrolment for the relevant programme cannot be completed until this obligation has been fulfilled.

Bachelor's degree programmes with an intake restriction due to limited teaching capacity

1. To ensure that the procedure runs smoothly, it is necessary to establish the date on which the personal verification protocol must be completed and the documentary evidence for the prior education requirements and additional prior education requirements must be submitted. This is because candidates whose personal data has not been verified cannot accept a place.
2. Before enrolment, candidates must submit documentary evidence of their prior education, and in the case of IBA and Medicine, on the other prior education requirements as well. As a general rule, the closing date is 15 July. Students who are unable to comply with this because the relevant documents will not be available until after this date, can be offered an extension on request. In the case of medicine, this will be refused. With this, Medicine can exclude such candidates and the place becomes available to someone else. On the other hand, Medicine offers the excluded candidate a new place next year.
3. The institution will also determine the final date for issuing places to ranked candidates: 11 August for the EUR, but derogations are possible.
4. The number of opportunities for participating in the selection for a Bachelor programme with an intake restriction is subject to a maximum. Candidates who have taken the final examination for their prior education - e.g. pre-university education - and who did not pass this examination may legally cancel their participation in the selection. The university is responsible for this participation correction, however candidates must apply for it personally (Regeling Aanmelding en Toelating Hoger Onderwijs, art. 4.9)

Master's degree programmes

The faculty will set the admission requirements and decide on applicants' admissibility for the programme.

Premasters

The programme will set the admission requirements and decide on applicants' admissibility for the programme. Premaster students will be enrolled as bachelor students. As a departure from this, a transfer programme in which participants enrol as course participants can also be offered.

*Article 2.5: Refusal of (re-) enrolment*

1. *Article 2.5 paragraph 1:* The WHW provides for the binding study advice. The institution board can make the term of rejection subject to a certain period of time. At Erasmus University Rotterdam, a negative binding study advice is valid for 3 years.
2. *Article 2.5 paragraph 4:* If an applicant has been refused enrolment at another institution due to any actions or remarks that demonstrate their unsuitability for practising one or more professions for which they would be educated, Erasmus University Rotterdam may also decide to refuse their enrolment.
3. *Article 2.5 paragraph 5:* Article 7.12(b) paragraph 2 of the WHW states that in the event of serious fraud, the Executive Board may decide to terminate a student's enrolment permanently, on the advice of the examining board.
4. *Article 2.5 paragraph 6:* Article 7.57(h) paragraph 2 of the WHW states that if a person violates the regulations governing the proper state of affairs in buildings and the grounds, the Executive Board may permanently refuse the student access or terminate their enrolment.

*Article 3.1 Enrolment term:*

1. In addition to the aforesaid adverse effects for students, late enrolment will also affect their student grants: students are not entitled to a grant or to the Student Travel Product during the period of time in which they are not enrolled.
2. Enrolment with retroactive effect is laid down in the institution tuition fee regulation.

*Article 3.2 Enrolment after 31 August:*

Due to the deadline for enrolment or re-enrolment on 31 August, enrolment is no longer possible after this date. However, exceptions will be made in certain situations. Some will be made as a matter of course, others will be decided on by the Head of Student Administration will decide on any exceptions to be made in this connection, after consultation with the relevant programme or student counsellor if necessary.

*Article 3.3 Termination of enrolment at the student's request:*

Interim disenrolment is laid down in the Institutional Tuition Fees Regulation.

*Article 3.4 Termination of enrolment by the Executive Board:*

1. *Article 3.4 paragraph 4:* Article 2.5 states that no re-enrolment is possible in the event of payment arrears. Therefore, this Article solely refers to interim disenrolment (e.g. for failing to meet a payment obligation).
2. *Article 3.4 paragraph 5:* See the explanatory notes to Article 2.5 paragraph 6.

*Article 4.1, paragraph 3 Determining the tuition fee and premaster fee*

International students must register with Basis Registratie Personen (abbr. BPR; the municipal personal records database) on arrival in the Netherlands. If students hold more than one nationality, they may choose whether to put down one or more nationalities when registering. In addition, they should register one or more nationalities at EUR. DUO will use the nationality given by students when registering with the BPR to determine the amount of funding to which each student is entitled.

The nationality given by students when enrolling at EUR will be used to determine the amount of the tuition fees to be paid. If a student holds an EEA and a non-EEA nationality, this may result in a difference between the funding and the tuition fee calculated. This could have an adverse effect on EUR as well as on the relevant student. If a student holds more than one nationality and the amount of the institution tuition fee (EEA) or the statutory tuition fee they have to pay is lower as a result of one of these nationalities, we will ask the student to register their EEA nationality in the BPR. This is the only way of ensuring that there is no difference between the funding to be allocated and the tuition fee to be paid.

*Article 4.2 Exemption from tuition fee:*

Exemption from tuition fees is recorded in the Institutional Tuition Fees Regulation.

*Article 4.4 Collection of tuition fee and premaster fee:*

1. If a waiver is implemented whereby tuition fees are set at a lower rate, this will be offset at a later date. Authorisation is granted for the tuition fee, not for the amount of this fee. If a waiver is implemented, this will be offset at a later date and the relevant student must grant authorisation for the tuition fee before 1 September.
2. The Debtor Protocol containing information about such things as collection dates is adjusted every year.

*Article 4.6 Repayment of tuition fee:*

1. *Article 4.6 paragraph 7:* The Minister is informed through DUO using the Basic Education Register for Higher Education (BRON HO).
2. *Article 4.6 paragraph 8:* There is a difference between honouring a disenrolment request and honouring the refunding of the tuition fee. The period for honouring a disenrolment request is 4 to 8 weeks, while the period for honouring the refunding of the tuition fee may not exceed 4 months. Processing a disenrolment request may take a total of 4 to 10 weeks. If a reversal period (56 days) applies to the student, refunding may take longer to process.

*Article 4.7 Refund of pre-master fee*

Until recently, the Institution Tuition Fee Regulations ruled that no refund of the pre-master fee was possible following early termination of the pre-master. Based on the Supreme Court of the Netherlands decision dated 27 October 2017 (ECLI:NL:HR:2017:2775), it has become clear that a cancellation clause is unreasonably onerous and unfair if the full fee has to be paid for education when enrolment is terminated early.

The new article 4.7 offers the option of refund in the event of early termination of enrolment and in doing so mirrors the provisions regarding reimbursement of tuition fees for an academic year. The level of the pre-master fee is namely based on the number of study points of the relevant pre-master, irrespective of the number of academic years that the student takes for this. The study load of pre-masters varies from 31 to 60 study points and the level of the fee thus varies too. In structuring the refund, the chosen starting point is that a pre-master student can follow the offered education of a pre-master of 60 EC within a year. That is why refund is only possible in the situation that a pre-master student wishes to terminate the enrolment prematurely in the first year. The refund, as is the case with standard tuition fees, is based on the number of months that the student is not enrolled.

The Institutional Tuition Fee Regulation is the right place to legally embed this. The reason for including this in the Procedural Rules is the readability of these rules.

*Article 4A Joint education with a foreign university*

A Dutch university can offer education together with foreign universities; a study programme, a specialisation (article WHW 7.3c, subsection 2). A joint degree or two or more individual degrees can be associated with this, depending on the number of universities involved (article WHW 7.3c, subsection 3).

The institutional board can oblige continuous enrolment of a student or prospective student at the Dutch university during the joint programme (WHW 7.3e, subsection 2).

The schedule below illustrates the options for a two-year programme with multiple degrees, in which a foreign university offers a two-year master degree and the EUR offers one year in the second year. The results of the one-year EUR offer the student exemption from the 60 EC required for the two-year international master degree. The participant will ultimately receive two diplomas.

	Year 1: Enrolment EUR	Year 2: Enrolment EUR	Explanation
1.	None	Student	In the first year, the participant cannot use EUR facilities. In the second year, as student, the participant is entitled to use all EUR facilities.
2.	Course participant	Student	Course participant, as a type of enrolment, has no foundation in the WHW. In the consortium agreement, however, agreements can be made regarding which EUR facilities the participant may use in the first year. In the second year, as student, the participant is legally entitled to use all EUR facilities.
3.	Student	Student	As student, the participant is legally entitled to use all EUR facilities in both years.

The first two options are old, the third variant is new. The options that best match the education depend on the agreements within the consortium.

The schedule below illustrates the options for a two-year education programme for a joint degree. The programme is a joint programme when the graduate receives one certificate with accompanying degree(s). If the student has not studied at EUR, EUR may not issue a certificate. In this schedule, however, it is assumed that EUR should know to whom the certificate has been issued, even if the relevant party, in the context of the joint degree, has not studied here.

	Year 1: Enrolment EUR	Year 2: Enrolment EUR	Explanation
1.	Course participant	Course participant	To be used for a student who is not studying at EUR. Course participant, as a type of enrolment, has no foundation in the WHW. In the consortium agreement, however, agreements can be made regarding which EUR facilities the participant may use in the first year.
2A	Course participant	Student	To be used for a participant who is not studying at EUR in the first year, but will do so in the second year. Course participant, as a type of enrolment, has no foundation in the WHW. In the consortium agreement, however, agreements can be made regarding which facilities the participant may use in the first year. In the second year, as student, the participant is legally entitled to use all EUR facilities.
2B	Student	Course participant	To be used for the participant who is studying at EUR in the first year, but will not do so in the second year. In the first year, as student, this participant is legally entitled to use all EUR facilities. Course participant, as a type of enrolment, has no foundation in the WHW. In the consortium agreement, however, agreements can be made regarding which facilities the participant may use in the second year.
3.	Student	Student	As student, the participant is legally entitled to use all EUR facilities in both years.

This provision can only be utilised if, in accordance with the Act, a Partnership agreement has been signed by the institutional board (WHW 7.3c, subsection 4). This agreement should comprise agreements about a. the content of the joint education b. the educational activities of the involved universities, c. the degree conferral method, d. the enrolment of students and e. tuition fee obligations (WHW 7.3c, subsections 4 and 5).

The Executive Board, on the proposal of the dean, decides per joint program whether and how the standard articles on registration and tuition fees are deviated from. This is recorded in an annex to the Procedural Rules.