

# **Regulations Governing the Objections Procedure**

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## Contents

<b>Introduction</b>	<b>5</b>	
<b>Section 1</b>	<b>General provisions</b>	<b>5</b>
Article 1	Definitions	5
Article 2	Scope	7
<b>Section 2</b>	<b>Disputes Advisory Committee</b>	<b>7</b>
Article 3	Composition	7
Article 4	Division into panels	7
Article 5	Appointment and dismissal	8
Article 6	The secretariat	9
<b>Section 3</b>	<b>The objection procedure</b>	<b>9</b>
Article 7	Powers of the Disputes Advisory Committee	9
Article 8	Submitting a notice of objection	10
Article 9	Requirements for a notice of objection	10
Article 10	Limitation period on objections	11
<b>Section 4</b>	<b>Amicable settlement/reconsideration of the decision</b>	<b>11</b>
Article 11	Amicable settlement/reconsideration of the decision	11
<b>Section 6</b>	<b>Written preparations for proceedings at the hearing</b>	<b>12</b>
Article 12	Statement of defence to the objection	12
Article 13	Access to information and submission of additional documents	12
Article 14	Invitation to attend the hearing	13
<b>Section 6</b>	<b>Challenges and exemptions</b>	<b>13</b>
Article 15	Challenges to other members	13
Article 16	Exemptions	13
<b>Section 7</b>	<b>Urgent cases</b>	<b>13</b>
Article 17	Urgent cases	13
<b>Section 8</b>	<b>Proceedings at the hearing</b>	<b>14</b>
Article 18	Legal assistance and representation	14
Article 19	Witnesses and expert witnesses	14
Article 20	Image and /or sound recordings at the hearing	14
Article 21	Proceedings at the hearing	14
Article 22	Joining or dividing objections	15
Article 23	Failure to attend	15
Article 24	Adjournments and burden of proof	16

<b>Section 9</b>	<b>Recommendations of the Disputes Advisory Committee</b>	<b>16</b>
Article 25	Deliberations	16
Article 26	Recommendations of the Disputes Advisory Committee	16
Article 27	Decisions of the Executive Board on recommendations	17
Article 28	Appeals against decisions of the Executive Board on recommendations	17
<b>Section 10</b>	<b>Final provisions</b>	<b>17</b>
Article 29	Unforeseen circumstances	17
Article 30	Entry into force, temporary provisions, and official title	17
<b>Annex 1</b>	<b>Powers of the Disputes Advisory Committee</b>	<b>19</b>
	<b>Powers of the Disputes Advisory Committee</b>	<b>19</b>
<b>Annex 2 Template for submitting a notice of objection to the Disputes Advisory Committee</b>		<b>21</b>

*For information purposes*

The Avans University of Applied Sciences Students' Charter sets down the rights and obligations of students enrolled at Avans University of Applied Sciences.

These Regulations Governing the Objections Procedure form part of the Students' Charter.

## Introduction

The legal protection of students and external students in higher education is in large part regulated by Section 7, Title 4, of the Dutch Higher Education and Research Act (abbreviated WHW). This law stipulates that every institution of higher education must, in addition to an Examination Appeals Board, have a Disputes Advisory Committee. The Regulations Governing the Objections Procedure are a detailed elaboration of Section 7:63(a) of the WHW.

The Disputes Advisory Committee issues its recommendations to the institution's Executive Board regarding student objections brought against decisions on the basis of provisions of the WHW and the regulations based on it, insofar as the Examination Appeals Board is not empowered to do so.

These Regulations govern the composition and powers of the Disputes Advisory Committee, as well as the grounds for objections, the objections procedure, hearing interested parties and drawing up recommendations for the institution's Executive Board.

Given that many of the general rules of the General Administrative Law Act (AWB) apply to the objections procedure carried out by the Disputes Advisory Committee, these Regulations follow the terminology and formulations of the AWB, wherever possible.

## Section 1 General provisions

### Article 1 Definitions

#### **Administrative Jurisdiction Division of the Council of State:**

The national, independent body for legal matters relating to higher education, as referred to in Section 7:64 of the Higher Education and Research Act (WHW). This is the governmental agency where appeals can be filed against decisions of a body of the higher education institution where students are enrolled.

#### **Avans University of Applied Sciences:**

The institution (private university of applied sciences) established and maintained by the Avans Foundation.

#### **AWB:**

The General Administrative Law Act.

#### **Operational unit:**

An organisational unit within the meaning of Section 10:3(b), paragraph 3, of the WHW, divided into 'Schools' and 'Service Departments'.

**Decision:**

A decision set down in writing that has been taken by a body of the university of applied sciences; this may also include the failure to take a decision or to take a decision in a timely fashion, if there has been a request to that effect.

**Individual concerned:**

A student, prospective student, former student, external student, prospective external student or former external student of the university of applied sciences, as referred to in Section 7:59(a) of the WHW.

**Objection:**

The legal procedure carried out by the Disputes Advisory Committee, as laid down by these Regulations.

**Executive Board:**

The board of Avans University of Applied Sciences, which is also the board of the Avans Foundation.

**External student:**

An individual who is enrolled in a university of applied sciences as an external student, in accordance with Section 7:32 et seq. of the WHW.

**Section:**

The staff section or the student section.

**Disputes Advisory Committee:**

The Disputes Advisory Committee referred to in Section 7:63(a) of the Dutch Higher Education and Research Act (hereinafter also referred to as 'the Committee'), and the panel of the Disputes Advisory Committee that handles the case.

**Panel:**

Subcommittee made up of three members of the Disputes Advisory Committee.

**Staff member:**

A person who works for the organisation on the basis of an employment contract with the Avans Foundation.

**Student:**

A person who is enrolled as a student at Avans University of Applied Sciences, as referred to in Sections 7:32 to 7:34 of the WHW. These Regulations observe the rules of gender neutral language.

**Academic year:**

The time period starting on 1 September and ending on 31 August of the following year.

**Chairperson:**

**Regulations Governing the Objections Procedure**

The person who chairs the panel of the Disputes Advisory Committee that deliberates on the objection, unless stated otherwise.

#### **Higher Education and Research Act:**

The Higher Education and Research Act, abbreviated WHW in Dutch (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, Bulletin of Acts and Decrees 593, 1992 and subsequent supplements and amendments).

### **Article 2 Scope**

1. These Regulations implement the provisions of Section 7:63(a) of the Dutch Higher Education and Research Act regarding the powers and composition of the Disputes Advisory Committee, as well as the provisions of Section 7:13, paragraphs 1 to 7, of the General Administrative Law Act.
2. This objection procedure applies to objections submitted by an individual concerned within Avans University of Applied Sciences, as referred to in Section 7:59(a), paragraph 3, of the WHW.

## **Section 2 Disputes Advisory Committee**

### **Article 3 Composition**

1. In addition to a chairperson and substitute chairpersons, the Disputes Advisory Committee is made up of 15 members, with at least an equal number of substitute members. The Disputes Advisory Committee will be supported in its hearings by a secretary/note taker.
2. Half of the members will be academic or support staff employed by Avans University of Applied Sciences, the other half will be made up of students from Avans University of Applied Sciences.
3. The members and substitute members will alternate their attendance at hearings of the Disputes Advisory Committee. In addition, members and substitute members are allowed to replace each other in order to fulfil the duties of the Disputes Advisory Committee, if another member will be absent or prevented from attending.

### **Article 4 Division into panels**

1. The Disputes Advisory Committee is divided into panels, each consisting of three members and/or deputy members. The panels will be appointed for each hearing or for each objection requiring deliberation. The chairperson determines the composition of each panel and delegates this power pursuant to this provision to the secretary. Each panel will hold plenary hearings.
2. The Disputes Advisory Committee will appoint for each panel:
  - a. the panel chairperson (the chairperson or substitute chairperson);
  - b. one staff member or substitute staff member of the Committee;
  - c. one student member or substitute student member of the Committee. If at the time of the hearing no student members are available, two staff members will sit in the hearing;
  - d. a secretary/note taker.

3. A staff member or student member of the Committee, including substitutes, may not serve on a panel that is handling an objection involving the programme or school in which he or she is employed or enrolled.

## Article 5     Appointment and dismissal

1. The chairperson, secretary/note taker and members of the Disputes Advisory Committee will be appointed by the Executive Board.
2. The chairperson must meet the following requirements:
  - a. satisfy the requirements for appointment to judicial officer, as referred to in Section 5 of the Judicial Officers (Legal Status) Act (*Wet rechtspositie rechterlijke ambtenaren*);
  - b. possess knowledge of the specific laws and regulations governing higher education and higher professional education, as well as sufficient experience in legal proceedings;
  - c. hold a job that guarantees impartiality.
3. Other than their duties for the Disputes Advisory Committee of Avans, the chairperson and substitute chairperson(s) will not be employed by Avans.
4. The following may be appointed as members of the Disputes Advisory Committee:
  - a. persons who hold a permanent employment contract based on the Higher Professional Education Collective Labour Agreement and are employed as faculty or support staff by Avans University of Applied Sciences;
  - b. persons who are enrolled as a student at Avans University of Applied Sciences.
5. The role of chairperson or member is incompatible with the role of member of the Executive Board of Avans University of Applied Sciences; director, deputy director and/or MT member of a School; programme coordinator; student counsellor; or chairperson of an examination board. The incompatibility of roles likewise applies to members of the Dutch Education Inspectorate.
6. Chairpersons will be appointed for a term of five years. Reappointments are possible.
7. The members, insofar as they are staff members of the Committee, will be appointed for a term of five years, and insofar as they are student members, for a term of two years. They are eligible for reappointment.
8. Membership in the Disputes Advisory Committee terminates upon expiration of the appointment period. Chairpersons, note takers and members may also be granted discharge of their duties by the Executive Board upon their own request. A request for discharge must be submitted at least two months before the intended date of departure. Members will be automatically discharged as of the month following their 70th birthday.  
The chairperson and members may also be dismissed by the Executive Board, if they no longer satisfy the requirements given in paragraphs 2 and 4 of this article.  
Student members may also be dismissed, if a sanction has been instituted against them for noncompliance with the law and legally ensuing standards, or other internal Avans standards and by-laws.
9. Everything that is stipulated in this article about the chairperson and members of the Disputes Advisory Committee also applies to their substitutes.

## Article 6 The secretariat

1. The Disputes Advisory Committee is assisted by an official secretary, who is appointed to that position by the Executive Board, with the consent of the chairperson of the Committee.
2. Individuals who are entitled under Section 7:20(1)(b) of the WHW to use the title of *meester* (graduates with a Dutch Master's of Laws degree or its equivalent) or individuals who have earned a Bachelor's of Law degree are eligible to be appointed as official secretary.
3. The official secretary is not part of the Disputes Advisory Committee.
4. The duties of the official secretary include:
  - a. keeping a list of the members of the Disputes Advisory Committee who have stood down;
  - b. convening meetings, placing items on the agenda and maintaining the archive. The archive is exclusively accessible to the secretary, chairpersons and members of the Committee. The secretary is responsible for seeing that confidential information in the case files with notices of objection is destroyed five years after the proceedings on the notice of objection have been completed;
  - c. preparing the hearings and related correspondence, and compiling case files;
  - d. drawing up short reports on matters discussed at hearings of the Disputes Advisory Committee; and
  - e. formulating the draft recommendations and final recommendations of the Disputes Advisory Committee.
5. In order to perform this work, the official secretary may rely on the assistance of a deputy official secretary or secretaries appointed by the Executive Board, with the consent of the chairperson of the Committee.
6. A meeting will be held at least once every academic year of the chairperson and the official secretary in order to discuss the general course of affairs of the Committee.
7. The Executive Board may make changes to the appointment and/or dismiss the official secretary of the Disputes Advisory Committee only after the chairperson of the Committee has consented.
8. The Executive Board will provide the Disputes Advisory Committee with the personnel and material facilities that are needed for the reasonable performance of its duties.

## Section 3 The objection procedure

### Article 7 Powers of the Disputes Advisory Committee

1. The Disputes Advisory Committee issues recommendations to the Executive Board regarding student objections brought against decisions of bodies or staff members of the institution, on the basis of provisions of the WHW and regulations based on it, other than those referred to in Section 7:61 of the WHW (See Annex 1).
2. A decision is equivalent to a refusal to take a decision as well as failure to take a decision in a timely fashion. If a decision is not made within the period stipulated by law for that purpose, or within a reasonable period if no period is stipulated, it will be assumed not to have been taken in a timely fashion.

3. A student whose interests have directly been affected is entitled to submit a notice of objection.

## Article 8 Submitting a notice of objection

1. Filing an objection is initiated by the submission of a substantiated notice of objection, along with all corresponding documentation. The notice of objection must be submitted to the secretariat of the Disputes Advisory Committee.
  - a. Objections may be sent by mail to:  
Avans University of Applied Sciences  
Disputes Advisory Committee  
PO Box 90.116  
4800 RA Breda
  - b. or by email to:  
[gac@avans.nl](mailto:gac@avans.nl)

The official secretary records the date of receipt of the notice of objection. The date of receipt determines whether an objection has been submitted by the deadline.

2. If a notice of objection is submitted to another body at Avans University of Applied Sciences, then the notice of objection will be forwarded to the Disputes Advisory Committee as quickly as possible, after the date of receipt has been recorded on the document. The submitter will simultaneously be informed hereof.
3. Filing an objection does not suspend the effect of the decision which is the subject of the objection, unless determined otherwise by or under law.

## Article 9 Requirements for a notice of objection

1. A notice of objection must, to the extent possible, be written in the Dutch language and contain at least the following:
  - a. the name, residential address, city, telephone number and email address(es)<sup>1</sup> of the submitter of the notice of objection;
  - b. date: the date on which the objection was submitted;
  - c. programme the submitter is enrolled in and student ID number;
  - d. the name of the body that made the decision which is the subject of the objection;
  - e. a copy of the decision against which the objection is being filed or, if this is not possible, a clear description of the decision. If the objection is being filed against the refusal to take a decision, a description of the decision which, in the opinion of the submitter of the objection, should have been taken is required;
  - f. the grounds on which the objection is based, i.e. a substantiated explanation as to why the submitter of the notice of objection believes that the decision is erroneous.
2. The official secretary will review the notice of objection to find out whether it meets the requirements of paragraph 1. If the notice of objection does not meet the requirements of paragraph 1, the submitter will be given an opportunity to as yet meet these requirements within a certain period of time. During this period of time,

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<sup>1</sup> The student is personally responsible for the validity of this email address and for checking the inbox regularly. The student or prospective student is also expected to check the spam mailbox because it cannot be ruled out that emails from Avans University of Applied Sciences end up there.

- the term for decision-making will be suspended. If the submitter does not rectify these omissions within the set time, the objection may be declared inadmissible without any further investigation.
3. The secretary will confirm receipt of the notice of objection in writing to the submitter, including the date it was received. Along with this notice confirming receipt, the submitter will be informed of the further course of the procedure carried out by the Disputes Advisory Committee.

### **Article 10 Limitation period on objections**

1. An objection can be filed within a period of six weeks. This period starts on the day after the individual concerned was sent or issued a notice informing them of the decision.
2. A notice of objection is considered to be filed by the deadline, as referred to in paragraph 1, if the Disputes Advisory Committee receives it before the end of the set period.
3. A notice of objection sent by mail is considered to be filed by the deadline if it is mailed before the end of the set six-week period, provided that it is received no later than one week after the end of the period.
4. If the notice of objection is submitted after the set period, as referred to in paragraph 1, has expired, it will be declared inadmissible. This means that the notice of objection will not be taken into consideration. It sometimes happens that a notice of objection is given consideration despite the fact that it was submitted after the deadline. The submitter must prove that he or she submitted the notice of objection as quickly as could be reasonably expected.
5. If the objection is directed against the failure to take a decision in a timely fashion, the appeal is not bound by a time period. A notice of objection can be filed as soon as the relevant body has failed to make a timely decision. The Disputes Advisory Committee may advise that the objection be declared inadmissible if the notice of objection was filed unreasonably late.
6. Upon request, the Disputes Advisory Committee may grant an extension to the submitter for submitting a notice of objection or additional grounds for an objection, if reasonable grounds exist for doing so in the opinion of the Disputes Advisory Committee.

## **Section 4 Amicable settlement/reconsideration of the decision**

### **Article 11 Amicable settlement/reconsideration of the decision**

1. Before the Disputes Advisory Committee starts examining the objection, the official secretary will send the notice of objection to the body against which the objection was filed, with an invitation to see whether an amicable settlement for the dispute or reconsideration of the decision is possible, whether or not in consultation with the individual concerned.
2. The body against which the objection was filed must notify the Disputes Advisory Committee of the outcome of the deliberations, as referred to in paragraph 1, and present the Committee with the relevant documents, within three weeks.

3. If an amicable settlement has been reached or a decision to reconsider the decision, the individual concerned will be asked to withdraw the notice of objection in writing. This may be done by sending an email to the Disputes Advisory Committee at [gac@avans.nl](mailto:gac@avans.nl).
4. If an amicable settlement cannot be reached, the Disputes Advisory Committee will start proceedings on the notice of objection.
5. The Disputes Advisory Committee may decide that the negotiations on an amicable settlement can be set aside if the Committee concludes that the objection:
  - a. is obviously inadmissible;
  - b. is obviously unfounded;
  - c. is obviously well-founded.
6. The Disputes Advisory Committee may decide that the negotiations on an amicable settlement can be set aside if it concludes that such an attempt is obviously without merit or will disproportionately disadvantage the submitter. In such cases, the Committee will immediately set a period for the submission of a statement of defence.
7. For cases such as those referred to in paragraph 5, the Disputes Advisory Committee may also decide to dispense with the submission of a statement of defence and/or a hearing, or decide that the objection will not be considered at all. The latter decision will be recorded by the Committee in a written recommendation to the Executive Board.

## **Section 6      Written preparations for proceedings at the hearing**

### **Article 12   Statement of defence to the objection**

1. If it turns out that an amicable settlement is not possible, the relevant body is then obliged to submit a statement of defence within the term of three weeks, as stated in Article 11, paragraph 2, or in any case after it has been established that the individual concerned would like to continue with the objection. In addition, the relevant body will likewise submit any documents pertaining to the objection (or copies thereof).
2. The Disputes Advisory Committee may determine that the statement of defence can be submitted later on, within a period of time it deems reasonable.
3. The Disputes Advisory Committee will send a copy of the statement of defence to the submitter of the notice of objection without delay, with a request to report within a certain set time period whether or not the objection should go forward.

### **Article 13   Access to information and submission of additional documents**

1. The institutional bodies and staff of Avans University of Applied Sciences, including the Executive Board, will provide the Disputes Advisory Committee with all information it deems necessary for the fulfilment of its duties in a timely fashion.
2. The Disputes Advisory Committee may, of its own accord, gather additional information it deems necessary and request additional documents related to the proceedings. The chairperson of the panel may decide that certain persons must be present at the hearing.
3. The parties may submit further documents until 10 days before the hearing.

#### **Article 14    Invitation to attend the hearing**

1. After the respondent has submitted the statement of defence, the official secretary will set the time and place of the hearing at which the objection will be heard.
2. The official secretary will invite the parties to appear at the hearing in writing in a timely fashion.
3. Only if an authorised representative of the student, such as a lawyer or legal aid representative, will be acting on behalf of the student will rescheduling be possible, if there are dates the said lawyer or representative is prevented from attending.
4. When the place and time of the hearing have been set, it is not possible to postpone the hearing except after consultation between the parties or at the request of one of the parties, provided there is demonstrable proof of force majeure and provided postponement would not be detrimental to the interests of either party. Whether a situation can be called force majeure will be at the discretion of the chairperson.

### **Section 6    Challenges and exemptions**

#### **Article 15 Challenges to other members**

1. At the request of one of the parties, challenges can be brought against the chair or another member of the Disputes Advisory Committee based on facts or circumstances that might be damaging to the impartiality of the Committee.
2. A request challenging a member must be submitted to the secretary in writing no later than two working days before the hearing, explaining the facts or circumstances which motivate the challenge. The proceedings on the case will then be stayed.
3. A decision will be taken on the challenge as quickly as possible by the other members of the panel of the Committee, unless the person involved immediately withdraws from the case. A decision on the challenge must be substantiated with reasons and communicated to the parties and the individual concerned as quickly as possible.

#### **Article 16    Exemptions**

The chairperson or another member of the Disputes Advisory Committee may submit a request to be exempted from duty, if there are facts or circumstances that could be damaging to the impartiality of the Committee. As a consequence, that person will not participate in the proceedings on the case. Article 15, paragraphs 2 and 3, apply to a request for exemption.

### **Section 7    Urgent cases**

#### **Article 17    Urgent cases**

1. If a matter is urgent, the Disputes Advisory Committee may, upon request, decide to issue its recommendation to the Executive Board as quickly as possible.
2. The chairperson will determine whether an objection is urgent within one week of receipt of the objection and will inform the parties involved and the Executive Board thereof as quickly as possible.

3. For cases referred to in this article, the Executive Board will take a decision on the objection within four weeks of the Disputes Advisory Committee receiving the notice of objection.

## Section 8 Proceedings at the hearing

### Article 18 Legal assistance and representation

1. For the purpose of safeguarding their interests, the parties may be assisted and/or represented by a lawyer or authorised representative.
2. If so requested, the authorised representative must produce proof of their capacity to act by submitting a written power of attorney, unless a lawyer will be acting as the authorised representative or the submitter confirms at the hearing that they consent to being represented by the authorised representative.
3. In addition to the parties, only those acting as legal counsel or authorised representatives may speak at the hearing, unless the chairperson of the panel decides otherwise.
4. If one of the parties has chosen to be assisted by a legal counsel or represented by an authorised representative, the secretary of the panel will send this person all the documents pertaining to the notice of objection.

### Article 19 Witnesses and expert witnesses

1. The parties may bring one or more witnesses or expert witnesses to the hearing, on the understanding that the secretary is informed hereof no later than four working days before the hearing, also stating the name and capacity of the said witness or witnesses. The secretary will send the counterparty a copy of such notices without delay.
2. The Disputes Advisory Committee may call and hear witnesses or expert witnesses on its own initiative or at the request of one of the parties. The secretary will inform the parties hereof as quickly as possible.
3. The Disputes Advisory Committee may hear testimony from each of the witnesses in the absence of the other witnesses who have not yet given testimony.

### Article 20 Image and /or sound recordings at the hearing

1. No image and/or sound recordings may be made during the hearing, except with the explicit prior consent of the chairperson.
2. A request to make image and/or sound recordings must be submitted to the official secretary at least two working days before the hearing.

### Article 21 Proceedings at the hearing

1. Proceedings will only be held by the Disputes Advisory Committee on notices of objection against decisions taken by or on behalf of Avans University of Applied Sciences.
2. All members of the Disputes Advisory Committee must be in attendance; decisions will be taken by a majority of votes cast.

3. The hearing at which the Disputes Advisory Committee hears the objection will be open to the public. The chairperson of the panel may decide that all or some of the proceedings on the objection will be held in camera:
  - a. in the interests of public safety, decency or morals;
  - b. if the interests of minors or respect for the personal privacy of any of the parties so demands.
4. The Disputes Advisory Committee may assign questioning to the chairperson of the panel.
5. Proceedings at the hearing will be chaired by the chairperson of the panel. This chairperson will give members a chance to ask the parties further questions.
6. The panel chairperson will give each of the parties an opportunity to explain their position in more detail.
7. If either of the parties, an authorised representative, witness, expert witness or member of the public disturbs the proceedings, the chairperson may deprive this person of the right to attend the hearing.
8. The Dutch language will be spoken at this hearing, unless another language would be more efficient and would not be disproportionately damaging to the interests of third parties.
9. The chairperson and members of the Disputes Advisory Committee are empowered to ask the parties, witnesses and expert witnesses all questions they deem necessary to take a decision on the objection. The person the question is directed at must also answer the question.
10. The chairperson of the panel has the final say in all decisions about disputes regarding the rules of the proceedings during the hearing, unless these Regulations stipulate otherwise.
11. The chairperson may decide during the hearing to suspend the proceedings for consultations between the chairperson and the members of the Disputes Advisory Committee.
12. The Disputes Advisory Committee may decide to hold the hearing electronically. The parties will in such cases be informed by the invitation to the hearing, as referred to in Article 14 of these Regulations.

## **Article 22    Joining or dividing objections**

1. The Disputes Advisory Committee may, on its own initiative or at the request of one of the parties, decide to bring together notices of objection on the same subject in one hearing or divide up cases on a related subject that have been joined together.
2. A decision to join or divide cases may be taken by the Disputes Advisory Committee up until the end of the questioning during the proceedings.

## **Article 23    Failure to attend**

If one of the parties or their legal representative fails to attend the hearing, despite what the chairperson considers proper notification, the chairperson of the panel may decide that proceedings on the objection will nonetheless take place without that party being present. The provisions of the previous sentence apply mutatis mutandis to the non-appearance of both parties.

## **Article 24 Adjourneys and burden of proof**

1. If before closing the questioning at the hearing, it appears that more questioning is required, or if one of the parties would like as yet to reply to documents which, in derogation from Article 13, paragraph 3, of these Regulations, were only submitted during or just before the hearing, the chairperson may decide that the proceedings in hearing will be adjourned until another date and time to be determined.
2. The chairperson may also decide to assign one or both parties a burden of proof.

## **Section 9 Recommendations of the Disputes Advisory Committee**

### **Article 25 Deliberations**

1. The Disputes Advisory Committee will deliberate and take its decision behind closed doors, chaired by the chairperson and with the secretary in attendance.
2. The Disputes Advisory Committee will base its recommendations on the documents that the parties have submitted or those requested by the Disputes Advisory Committee on its own initiative, as well as the proceedings of the hearing.
3. The Disputes Advisory Committee will supplement the legal grounds as it sees fit.
4. The Disputes Advisory Committee may, of its own accord, supplement the facts of the case in the interests of the proceedings.

### **Article 26 Recommendations of the Disputes Advisory Committee**

1. Following the hearing, the Disputes Advisory Committee will issue its recommendations to the Executive Board in a timely fashion.
2. The recommendations will result in:
  - a. the objection being declared inadmissible;
  - b. the objection being declared unfounded; or
  - c. the objection being declared well-founded.
3. Only at the request of the student will the Disputes Advisory Committee advise the Executive Board that the decision be taken to cover the legal fees in line with the Legal Costs (Administrative Law) Decree. This only concerns the costs that the student reasonably had to incur in connection with the proceedings on the objection, and only insofar as the objection brought by the student has been successful. The student's request must be submitted before the Disputes Advisory Committee has issued its recommendation to the Executive Board about the objection.
4. The Disputes Advisory Committee may recommend that the Executive Board annul part or all of the contested decision. The Disputes Advisory Committee may also recommend that:
  - a. the authorised body takes the decision again, or, if a decision had been refused, take a decision;
  - b. the Executive Board may set a time period for taking a decision.
5. The recommendation will be dated and contain:
  - a. the names of the parties and any legal representatives or legal counsel;
  - b. the grounds on which the recommendation was based;
  - c. the actual recommendation, as referred to in paragraph 2 of this article; and

- d. the names of the chairperson and the members of the Disputes Advisory Committee who issued the recommendation.
6. The recommendation will be signed by the chairperson and the secretary of the Disputes Advisory Committee.
7. The official secretary will send the recommendation to the Executive Board. The Executive Board will ensure that its decision on the recommendation, including the recommendation itself, is communicated to the parties.

### **Article 27 Decisions of the Executive Board on recommendations**

1. The Executive Board will make a decision within 10 weeks of receipt of the notice of objection. The Executive Board will decide whether to adopt the recommendation of the Disputes Advisory Committee in part or in whole.
2. If the Executive Board decides not to adopt the recommendation, or to adopt only part of the recommendation, it will inform the parties involved by means of a substantiated decision.
3. The Executive Board's decision, including the recommendation from the Disputes Advisory Committee, will be sent to the parties involved. The Executive Board will send a copy to the Disputes Advisory Committee.

### **Article 28 Appeals against decisions of the Executive Board on recommendations**

1. Interested parties are allowed file an appeal against a decision of the Executive Board on the recommendations of the Disputes Advisory Committee with the Administrative Jurisdiction Division of the Council of State in The Hague. The period for lodging an appeal is six weeks. The period commences on the day after the day on which the Executive Board published its decision.
2. Along with the Executive Board's decision on recommendations of the Disputes Advisory Committee, as referred to in paragraph 1 and article 27, interested parties will be informed of the possibility of filing an appeal and the applicable time period allowed.

## **Section 10 Final provisions**

### **Article 29 Unforeseen circumstances**

In all cases not covered by these Regulations Governing the Objections Procedure, the chairperson will decide and, from the moment that a Disputes Advisory Committee panel is established for handling an objection, the chairperson of that panel will decide.

### **Article 30. Entry into force, temporary provisions, and official title**

1. These Regulations Governing the Objections Procedure were reviewed and revised in the 2023-2024 academic year.
2. These Regulations Governing the Objections Procedure were adopted on 3 September 2024 by the Executive Board.

3. These Regulations Governing the Objections Procedure enter into effect on 3 September 2024 and replace any previous versions of the Regulations Governing the Objections Procedure.
4. These Regulations should be cited as 'The Regulations Governing the Objections Procedure'.

## Annex 1 Powers of the Disputes Advisory Committee

### Powers of the Disputes Advisory Committee

1. The Disputes Advisory Committee issues its recommendations to the Executive Board under or pursuant to Section 7:63(a) of the WHW on decisions or on the absence thereof, other than those referred to in Section 7:61 of the WHW.  
This includes the objections of individuals concerned to decisions:
  - a. under or pursuant to Section 7, Title 2 of the WHW, regarding prior education requirements and admission requirements.  
This includes decisions taken by or on behalf of the Executive Board regarding:
    - curriculum requirements, Section 7:25 of the WHW;
    - additional requirements, Section 7:26 of the WHW;
    - job requirements, Section 7:27 of the WHW;
    - exemptions on the basis of other diplomas, Section 7:28 of the WHW;
    - exemptions on the basis of an entrance examination, Section 7:29 of the WHW;
    - enrolment for the post-propaedeutic phase, Section 7:30 of the WHW;
    - admission to study programmes referred to in Section 7:31 of the WHW, following completion of a Bachelor's degree programme.
  - b. under or pursuant to Section 7, Title 3 of the WHW, regarding prior enrolment or termination of enrolment as a student or external student.  
This includes decisions taken by or on behalf of the Executive Board regarding:
    - termination due to a serious breach of academic integrity, on the recommendation of the examination board, Section 7:12(b), paragraph 2, of the WHW;
    - rules of a procedural nature, Section 7:33 of the WHW;
    - failure to respect the founding principles, aims and objectives of the institution, Section 7:37, paragraphs 5 and 6, of the WHW;
    - violations of house rules, regulations and disciplinary measures of the institution, Section 7:57(h) of the WHW;
    - measures denying access to the institution's buildings and grounds, Section 7:57(h) of the WHW;
    - termination of a study programme by the executive board of the university of applied sciences which carries consequences for all students enrolled in that study programme, Section 7:34, paragraph 2, of the WHW;
    - termination of enrolment, Section 7:42 of the WHW;
    - termination of enrolment, Section 7:42(a) of the WHW, on the grounds of a student's conduct or statements made in relation to future professional practice, on the advice of the examination board or student counsellor (*iudicium abeundi*);
    - the amount of tuition fees, Sections 7:43 and 7:44 of the WHW;
    - the payment of tuition fees, Section 7:47 of the WHW;
    - tuition fee reductions or exemptions, Section 7:48 of the WHW;
    - tuition fee refunds, Section 7:49 of the WHW;
    - financial aid from the Studentenondersteuningsfonds (Student Support Regulation), Section 7:51 of the WHW;

- a request to be issued a certificate, entailing that the relevant examination board can grant the diploma, Section 7:58 of the WHW.

## **Annex 2 Template for submitting a notice of objection to the Disputes Advisory Committee**

[initials and last name]  
[residential address]  
[telephone number(s)]  
[email address(es)]

Avans University of Applied Sciences  
Disputes Advisory Committee  
Attn: Official Secretary  
PO Box 90.116  
4800 RA Breda

Date: [date]

Re: Objection to decision

Dear members of the Disputes Advisory Committee,

I am a student enrolled at Avans University of Applied Sciences for the [academic year] academic year in the [full-time/part-time/work-study track] [Bachelor's/Master's/Associate degree programme] [name of study programme] programme, with the student ID number [student ID number].

With this letter, I wish to file an objection with the Disputes Advisory Committee against the decision taken on [date] by the [body that made the decision].

I disagree with this decision because: [written explanation outlining each grievance, with supporting facts and documents].

The following documents are enclosed:

- copy of the decision against which this objection is being brought;
- [list of all documents accompanying the objection].

Yours sincerely,

[signature]

[first and last names]