

Objections procedure for students

and

Disputes Committee Regulations

Of the Gerrit Rietveld Academie

Adopted by the Executive Board on 11 May 2022

Article 1. Definitions

For the purpose of these regulations, the following terms are defined as follows:

- a. WHW: the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*);
- b. the Committee: the Disputes Committee, pursuant to Article 7.63a of the Act;
- c. the Institution: the Gerrit Rietveld Academie;
- d. the Executive Board: the Executive Board of the Gerrit Rietveld Academie;
- e. the Student: an individual enrolled as a student at the Gerrit Rietveld Academie in accordance with Article 7.32 et seq of the Act; this also includes external candidates, prospective students, and any other course participants or contract students, unless expressly stated otherwise;
- f. the Higher Education Appeals Tribunal: an independent body that deals with legal cases in the field of higher education. The Tribunal is based in The Hague.

Article 2. The Committee

- 2.1 These Regulations serve to implement the provisions of Article 7.63a of the WHW regarding the authority and composition of the Committee, as well as the provisions of Article 7:13, paragraphs one to six, of the General Administrative Law Act. These Regulations also lay down the procedures by which the Committee operates.
- 2.2 The members and deputy members of the Committee, including the chair and deputy chairs, are appointed by the Executive Board.
- 2.3 The chair and the deputy chairs meet the eligibility requirements for appointments as judicial officials as meant in Article 5 of the Judicial Officers (Legal Status) Act.
- 2.4 The members and deputy members of the Committee are functionally independent. This means that the Executive Board may not instruct the members about how the Disputes Committee performs its duties. The chair and deputy chairs are not employed by the Institution.
- 2.5 The Committee is supported by an administrative secretary.
- 2.6 The Committee issues recommendations to the Executive Board in accordance with Article 7.63a, paragraph two, of the WHW regarding objections from parties involved in relation to decisions, or lack thereof, other than those referred to in Article 7.61 of the WHW.
- 2.7 The Committee may issue recommendations to the Executive Board on decisions relating to, among other things, admissions, enrolments, tuition fees, reimbursement of tuition fees, the Profiling Fund, or disciplinary measures against which objections and appeals may be launched.
- 2.8 A decision is equated to a refusal to take a decision, as well as not taking a decision at the appropriate time.

Article 3. Submitting an objection

- 3.1 Any party involved whose interests have been directly affected by a decision taken by or on behalf of the Executive Board against them, within the meaning of Article 7.63a, paragraph 2 of the WHW, may lodge a reasoned objection in writing. Objections may be submitted to:
The Disputes Committee of the Gerrit Rietveld Academie
F.a.o. the secretary to the Executive Board
Frederik Roeskestraat 96
1076 ED AMSTERDAM

- 3.2 The period within which an objection must be submitted is six weeks. The period begins on the day after the day on which the decision was announced in the prescribed manner.
- 3.3 If an objection is submitted after the period has elapsed, it shall not be deemed inadmissible on such grounds if the party involved could not reasonably be held to be at fault for the late submission.
- 3.4 If an objection relates to a decision that was not taken at an appropriate time, there is no time limit to when the objection should be submitted. The objection may be submitted as soon as the institutional body has remained in default in not taking a decision at the appropriate time. The objection will, however, be deemed inadmissible if it is submitted unreasonably late.
- 3.5 Objections should be signed and include:
- a. the name, address and place of residence of the person submitting the objection;
 - b. the date;
 - c. identification of the body that has taken the decision to which the objection relates;
 - d. the decision and the grounds for the objection;
 - e. a clear description of the decision against which the objection is being made, if possible with a copy of the decision or, if the objection relates to a refusal to take a decision, a clear description of the decision that, in the opinion of the person submitting the objection, should have been taken;
- 3.6 If possible, a copy of the decision to which the objection relates should be submitted with the objection.
- 3.7 An objection does not suspend the implementation of the decision to which the objection relates, unless otherwise prescribed by law.

Article 4. Confirmation of receipt of objection and rectification of errors

- 4.1 On behalf of the Committee, the secretary confirms receipt of the objection in writing. If the requirements mentioned in Article 3, or any other requirement for the objection to be dealt with, have not been met, the secretary to the Committee shall notify the person submitting the objection of the fact and invite them to make the necessary rectifications within a set period of time. In the event of the person submitting the objection not making the necessary rectifications within the set period of time, the objection may be deemed inadmissible.

Article 5. Amicable settlement

- 5.1 Before dealing with an objection, the Committee shall send the objection to the body that took the decision against which the objection is being made, inviting said body to discuss with the submitter of the objection the possibility of reaching an amicable settlement, as meant in Article 7.63a, paragraph 3, of the WHW.
- 5.2 The body against which the objection is directed shall inform the Committee within three weeks whether an amicable settlement has been reached or not. In doing so, said body shall send the Committee the documents relating to the discussion between the parties.
- 5.3 If an amicable settlement has not proved possible, then the objection will be dealt with by the Committee.
- 5.4 The Committee may also decide that an attempt at reaching an amicable settlement should not be pursued if such an attempt is clearly pointless or if it

would lead to disproportionate harm to the person submitting the objection.

Article 6.Urgency

- 6.1 If a matter is urgent, the Committee chair can, at the request of the party involved, decide that the Committee should issue its recommendation to the Executive Board as quickly as possible.
- 6.2 The chair shall decide within one week of receipt of the objection whether the matter is urgent and inform the party involved and the Executive Board of the fact as soon as possible.
- 6.3 An accelerated procedure means that the Executive Board is able to reach a decision on the objection within four weeks of receipt of the objection by the secretary. Where relevant, this period shall be suspended for the period of time granted to the person submitting the objection for the purpose of rectifying any errors in their objection.

Article 7.Statement of defence

- 7.1 In the event that an amicable settlement is not possible or has not been sought, the body concerned shall be given the opportunity to submit a reasoned statement of defence, stating the names and positions of the parties involved with the decision. The body concerned shall receive an invitation to this effect from the Committee.
- 7.2 The body concerned shall send immediately a copy of its statement of defence to the person submitting the objection.
- 7.3 The Committee may independently obtain information it regards as necessary and request documents relating to the proceedings.

Article 8.Hearing

- 8.1 As soon as the Committee chair is of the opinion that the positions of the parties are sufficiently clear, the chair shall conclude the written preparations and set a date for a hearing for dealing with the matter. The parties shall be invited in good time to attend the hearing.
- 8.2 The parties may be represented by a lawyer during the hearing. They may also bring witnesses and experts to the hearing, provided they have notified the Committee and the opposing party of the names of their witnesses and experts in writing at least four days before the hearing.
- 8.3 The Committee may officially summon witnesses and experts or request them to attend on behalf of the parties.
- 8.4 Hearings shall take place at a location to be decided by the Committee.
- 8.5 If either or both parties do not attend the hearing, then the Committee chair shall seek to ascertain that the absent party or parties have been invited in the prescribed manner.
- 8.6 If an absent party has been invited in the prescribed manner, then the hearing of the objection may take place in the absence of said party or both parties.
- 8.7 The Committee chair shall chair the hearing. The chair shall give each of the parties the opportunity to explain their position.

- 8.8 If, during the hearing, official written documents are introduced by the Committee into the proceedings, both parties shall be given the opportunity to acquaint themselves with the documents and to give their opinions on them to the Committee.
- 8.9 The parties may supplement or amend the content of the objection and the defence, as well as the grounds on which they are based, until the conclusion of the hearing, unless the Committee is of the opinion that the opposing party would be unreasonably adversely affected by any such supplement or amendment.
- 8.10 The Committee chair may officially, or at the request of either party, suspend the hearing of the objection, stating either the time at which the hearing is to be resumed or the way in which the parties will be informed of the time at which it is to be resumed.
- 8.11 The Committee chair may decide that no further witnesses or experts are to be heard, if the chair is of the opinion that the testimonies of the witnesses and experts who have already been heard have made the facts sufficiently clear.
- 8.12 If, before the conclusion of the hearing, the Committee chair is of the opinion that the investigation was incomplete, the chair may decide to suspend the hearing. Any such decision to suspend the hearing may be accompanied by instructions to the parties to provide evidence.
- 8.13 Before the hearing is closed, the chair shall inform the parties when its recommendation will be issued.

Article 9. Recommendation

- 9.1 The Committee's recommendation shall be signed by the chair and the secretary and shall contain a report of the testimonies given at the hearing. If, in accordance with Article 10 of these Regulations, the Committee has decided not to hold a hearing, the recommendation by the Committee shall include the reasons why not.
- 9.2 The Committee shall send its recommendation as quickly as possible, but no later than two weeks after the hearing, to the Executive Board, the body that took the decision, and the person submitting the objection.

Article 10. Recommendation without a hearing

- 10.1 The Committee chair may, at any stage of the procedure, issue a recommendation to the Executive Board without a hearing taking place if:
- a. the objection is clearly inadmissible;
 - b. the objection is clearly unfounded;
 - c. the person submitting the objection has stated their wish not to exercise their right to a hearing;
 - d. the person submitting the objection has not stated, within a reasonable period of time set by the Committee, whether they wish to exercise their right to a hearing; or
 - e. the objections of the person submitting the objection have been completely dealt with to their satisfaction, and the interests of other stakeholders have not been harmed as a result.

Article 11. Ruling by the Executive Board

- 11.1 The Executive Board shall reach its ruling within ten weeks of receipt of the objection. The ruling shall also include the options for submitting an appeal.

- 11.2 To the extent that there is reason to do so, the Executive Board shall revoke the disputed ruling and, if necessary, deliver a new ruling.
- 11.3 The ruling on an objection should be based on sound reasons, which shall be included with the announcement of the ruling. The ruling on an objection shall be signed by the Executive Board chair and be announced by sending it to the party involved or by handing it to them in person.
- 11.4 If the ruling on an objection differs from the recommendation by the Committee, the reason for the difference shall be stated in the ruling.

Article 12. Unforeseeable circumstances and entry into force

- 12.1 In cases not provided for in these Regulations, the Committee chair shall give a ruling, after consulting with the other members if necessary.
- 12.2 These Regulations shall enter into force one day after their adoption by the competent authority at the Institution.

Article 13. Appeals at Afdeling bestuursrechtspraak Raad van State

- 13.1 Appeals against a ruling on an objection by the Executive Board may be submitted within six weeks at:

*Afdeling bestuursrechtspraak Raad van State
Postbus 20019
2500 EA Den Haag*

www.raadvanstate.nl

- 13.2 The period of six weeks starts on the day after that on which the ruling on the objection was communicated in the prescribed manner to the person submitting the objection.

APPENDIX 1

A. Composition of the Committee

- 1.1 The Executive Board has established a Disputes Committee, in accordance with Article 7.63a of the WHW.
- 1.2 The appointments of the chair, the deputy chair, the members, and the deputy members of the Committee are made by the Executive Board for a period of at least three years and no more than five years. They are eligible for reappointment.
- 1.3 At their own request, the members and deputy members of the Committee may be discharged from the Committee by the Executive Board. They will also be discharged by the Executive Board if they no longer possess the capacity on which basis they were appointed as members or deputy members of the Committee.
- 1.4 The Committee shall be assisted by an administrative secretary, appointed by the Executive Board.
- 1.5 The Executive Board or the relevant bodies shall provide the Committee with the information it deems it requires in order to carry out its duties.

B. Remuneration

- 1.6 The Committee chair shall be remunerated in accordance with the expense claim rate agreed with the Executive Board.
- 1.7 The other members of the Committee shall receive a fee agreed with the Executive Board for the preparations for and attending the Committee hearings.