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# HU Legal Protection for Students Regulations

## **HU Legal Protection for Students Regulations 2025-2026**

**Adopted by the Executive Board on 23 april 2025, with the consent of the University Council on 29 april 2025.**

**These regulations enter into force on 1 September 2025.**

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### 1 Introduction

As a (prospective) student, external student, or course participant, you may be confronted with decisions or behavior by employees or organizational units of the university of applied sciences that affect your legal position. If you do not agree with a decision, or if you believe that your interests are being harmed, there are various options for legal protection. The legal provisions concerning this are set out in Title 4 of Chapter 7 of the Higher Education and Research Act (WHW).

These regulations describe two legal protection options:

1. Filing an appeal
2. Submitting a request for review

#### Appeal

You can appeal<sup>1</sup> against decisions that affect your rights and/or obligations. In legal terms, this is referred to as a *decision with legal effect*. Examples include a decision not to grant you an exemption, the imposition of a sanction, or a refusal to enroll you in a programme.

If you do not agree with a decision, or if no decision is made on a request you have submitted, you can lodge an appeal via the HU-Loket Rechtsbescherming Studenten (hereinafter: the HU-Loket). You can do this by completing a digital appeal form via HUKAS. The HU-Loket ensures that your appeal is forwarded to the appropriate body.

The law requires higher education institutions to establish two committees:

1. The Examination Appeals Board handles appeals related to decisions made by examination boards and examiners.
2. The Disputes Advisory Committee handles appeals concerning decisions related to, among other things, enrolment and deregistration from a study programme, reimbursement of tuition fees, and measures imposed due to undesirable behaviour by a student.

#### Request for review

If there is no decision with legal effect, but you are dissatisfied with other matters—such as the content of the education, the timetable, or the quality of facilities—you can file a complaint. Complaints and appeals are distinct concepts that address different types of issues.

Ideally, conflicts are resolved between the parties involved. You are expected to first contact the person concerned, such as a lecturer or study career counsellor. Both you and the other party are expected to be open to consultation and make a joint effort to find a solution.

In cases of problems such as unfair treatment or undesirable behavior, the first step is to try to raise the issue and make it open for discussion. If you are unable to do this yourself, you can seek advice and support from the HU's confidential advisers or the ombudsperson. If direct discussion is not possible or does not lead to a satisfactory outcome, you can file a formal complaint.

You can submit a complaint to your programme's institute via the digital complaint form on HU Wegwijs. The Student Information Point (STIP) can support you in this process. Once submitted, your complaint will be forwarded by the STIP to the relevant (institute) director. The STIP does not handle the substance of complaints unless the complaint concerns the STIP itself. If your complaint involves (suspected) wrongdoing or undesirable behavior, see the section below on special complaint procedures.

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<sup>1</sup> Although the Higher Education and Research Act refers to an objection in the event of disputes before the Disputes Advisory Committee, the HU has chosen to use the term 'appeal' to improve the readability of the regulations.

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Are you dissatisfied with the handling of your complaint? Then you can submit a request for review to the HU-Loket using the digital appeal form. This request is assessed by the independent Student Complaints Committee, which advises the Executive Board. The Executive Board will make the final decision on your request for review.

### **Special complaint procedures**

You may encounter issues within your study programme at HU related to integrity, wrongdoing, or undesirable behavior. For example, you may feel unfairly treated or suspect misconduct. In all such cases, the guiding principle is: make it discussable. You can talk to your study career counsellor, learning team counsellor, student counsellor, confidential adviser, or the ombudsperson. If this is not possible or does not lead to a suitable resolution, you can file a report. This report will be handled by the independent integrity committee. More information about filing a report can be found on the website of the external committee.

For the sake of readability, the term "you" or "the student" is used throughout these regulations. Where "the student" is mentioned, this should also be understood to include prospective students, external students, and course participants, unless the specific article states otherwise.

## 2 GENERAL PROVISIONS

### Article 1 Definitions

**1. Appeal:**

The legal procedure conducted by the Examinations Appeals Board or with the Dispute Advisory Committee<sup>2</sup>, as described in these regulations.

**2. Appellant:**

The person lodging an appeal against a decision.

**3. Body:**

A person or group of persons who have been granted powers within the university by or pursuant to generally binding regulation.

**4. Course participant:**

A person participating in contract education provided by HU University of Applied Sciences Utrecht.

**5. Decision:**

A written ruling with legal effect, issued by or on behalf of a university body. A failure to decide, or to do so in a timely manner, also qualifies as a decision against which an appeal may be lodged.

**6. Dispute Advisory Committee:**

The committee as referred to in Section 7.63a of the WHW and as referred to in the HU Students' Charter. Its structure and powers are laid down in these regulations.

**7. Examinations Appeals Board:**

The board as referred to in Section 7.60 of the WHW and as referred to in the Students' Charter. Its structure and powers are outlined in the HU Legal Protection for Students Regulations. The board rules on student appeals against decisions of examination boards and examiners.

**8. Executive Board:**

The university's executive management and the governing body of the Hogeschool Utrecht Foundation, in accordance with Section 10.8 of the WHW, with duties and powers as defined in the Foundation's articles of association.

**9. Examination:**

The final assessment of a study programme or its propaedeutic phase. Each programme includes an examination, which may involve an evaluation of the student's knowledge, insight, and skills, potentially conducted by the examination board itself.

**10. Extraneus:**

A person enrolled as an *extraneus* at the university under section 7.32 et seq.<sup>3</sup> of the WHW. An *extraneus* is not entitled to attend classes but may take (interim) examinations and use certain study facilities.

**11. HU Legal Protection for Students Office:**

A facility established by the Executive Board, as referred to in Section 7.59a of the WHW, where students can lodge complaints and appeals. The office forwards these to the appropriate body for processing.

**12. Institute Director:**

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<sup>2</sup> In Section 7.63(a), the WHW refers to objections lodged with the Dispute Resolution Committee. The HU chooses to also refer to this procedure as an 'appeal'.

<sup>3</sup> These regulations therefore apply to (prospective) students and external students of funded study programmes. In Article 2.6, the scope concerning the internal procedures has been extended to students of non-funded (*post-initieel*) programmes registered in RIO (formerly CROHO) and the students of certain post-higher education programmes (contract education)



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The person responsible for managing an institute, with duties and powers as described in the Management and Administrative Regulations (available at [www.hu.nl/governance](http://www.hu.nl/governance)).

### **13. Integrity Committee:**

An independent committee appointed by the Executive Board that investigates complaints concerning undesirable behaviour, breaches of integrity, and misconduct. Its structure, responsibilities, and powers are laid down in the Regulations on Reporting Suspected Breaches of Integrity, the Regulations on Reporting Suspected Misconduct, and the Regulations on Undesirable Behaviour (available via HU-Wegwijs).

### **14. Legal Protection Institute Office (also refer to STIP):**

The facility set up by the institute director where students can lodge complaints and appeals, which are then forwarded to the appropriate body for handling.

### **15. Request for review:**

A request for reconsideration of a decision made following a complaint

### **16. Student Grievance Committee:**

A committee established by the Executive Board to handle complaints as referred to in Section 7.59b of the WHW (excluding complaints concerning inappropriate conduct). Its organisation, responsibilities, and powers are outlined in the HU Legal Protection for Students Regulations (available via HU-Wegwijs).

### **17. Recess:**

A pre-scheduled period during which the regular activities, meetings, or sessions of the Board of Appeal for Examinations, the Disputes Advisory Committee, and the Student Complaints Committee are suspended.

### **18. Stakeholder:**

The person with a direct interest in a decision<sup>4</sup>.

### **19. STIP (Student Information Point):**

A digital and physical contact point where students can ask education-related questions and seek advice on procedures. STIP also serves as an institute office. Students can complete a complaint form here, after which STIP will forward it to the appropriate body for further processing.

### **20. Student:**

A person enrolled at the university as a student (full-time, part-time, or work-study) in accordance with Section 7.32 et seq. of the WHW and other applicable legislation. The rights and responsibilities of students are outlined in the HU Students' Charter.

### **21. University:**

HU University of Applied Sciences Utrecht, governed by the Hogeschool Utrecht Foundation (HU).

### **22. Week:**

A period of seven consecutive days, with the exception of generally recognized holidays that are included in Osiris. Only the annual summer and Christmas recess set by the HU Legal Protection Desk for Students, as well as the generally recognised public holidays, suspend the appeal periods. The start and end dates of the summer and Christmas recess are determined by the HU Legal Protection Desk for Students on HU-Wegwijs and announced in correspondence from the HU Desk.

### **23. WHW:**

The '*Wet op het Hoger onderwijs en het Wetenschappelijk onderzoek*' (WHW, the Higher Education and Scientific Research Act), as published in Bulletin of Acts and Decrees 1992 no. 593, including the subsequent supplements and amendments.

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<sup>4</sup> This also includes prospective or former students, external students and course participants (see Article 2(6)) who lodge an appeal against a decision on admission/enrolment for a (un)funded programme..

### Article 2 Relation to the Law and Scope

1. These regulations are the regulations referred to in Article 37 of the HU Students' Charter and Section 7.62 of the WHW. The *Legal Protection for Students Regulations* set out the composition and powers of the Examinations Appeals Board and the Dispute Resolution Committee. They also specify the grounds on which you may lodge an appeal, outline the appeals procedure, and explain how a decision is reached, or advice is issued (as provided in Section 7.60 et seq. of the WHW for the Examinations Appeals Board, and Section 7.63a of the WHW for the Dispute Resolution Committee).
2. The Examinations Appeals Board rules on appeals against decisions as referred to in Section 7.61(1) of the WHW, such as a negative binding study recommendation.  
The Dispute Advisory Committee rules on appeals concerning all other decisions with legal effect made under the WHW and related regulations. These include, *inter alia*, decisions regarding enrolment in or deregistration from a study programme.  
Neither the Examinations Appeals Board nor the Dispute Advisory Committee has jurisdiction over claims that fall within the competence of a civil court, such as matters related to compensation.
3. These regulations also govern the structure of complaints procedures, as referred to in Section 7.59b of the WHW.  
The Student Complaints Committee and the bodies responsible for handling complaints at the institutes do not decide on claims related to complaints that fall under the jurisdiction of a civil court, such as matters involving compensation.
4. The internal procedure described in these regulations for the Examinations Appeals Board is also accessible to students enrolled in contract education that is completed with an assessment. These students may only appeal decisions relating to assessment.

### Article 3 Disclosure

The institute director will make the complaints procedure and the appeal procedure known to the students, prospective students, external students and the course participants. In any case, this information is provided via the study guide. Specific reference is made to the Legal Protection Institute's desk, which is housed at the Student Information Point (STIP).

### 3 THE LEGAL PROTECTION INSTITUTE OFFICE

#### Article 4 Organisation and Tasks of the Legal Protection Institute Office

1. Each institute director will ensure that there is at least one Legal Protection Institute Office<sup>5</sup> present at each institute, in addition to a digital point of contact. This is subsumed under the Student Information Point (STIP). The study guide of your programme lists where the STIP is located and how to reach it.
2. All complaints lodged with the STIP shall be forwarded by the STIP to the body responsible for handling the complaint. Appeals or requests for review are forwarded by the STIP to the HU Legal Protection for Students Office.
3. The STIP registers the name of the student filing the complaint, the date of filing, the date of processing, and informs the institute management.
4. The STIP informs students about the procedures and can refer students for advice and assistance, for example to a confidential advisor or a mediator.
5. If you wish to lodge a complaint verbally, the STIP will record the complaint on the digital complaint form provided for that purpose and will forward it to the body responsible for handling the complaint.
6. If a student wishes to report a case of (suspected) malpractice, the STIP will refer the student to the reporting centre designated in the Regulation for Suspected Malpractice or the Regulation for Suspected Integrity Violations or to the HU Legal Protection for Students Office.

#### Article 5 Obligation to Forward

If you submit a complaint or an appeal to a body that is not competent to rule on the complaint or appeal, the complaint will be forwarded to the competent body as soon as possible. The date of receipt is noted on your forwarded complaint or appeal. You will be informed about this forwarding.

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<sup>5</sup> Institutes can, at their discretion, set up a point of contact per programme or per cluster.

## 4 THE COMPLAINT PROCEDURE AT THE HU

### Article 6 The Complaint Procedure at the HU

1. If you feel that an action or decision by a staff member, another student, or a HU body has adversely affected your position within the HU educational environment, you can submit a complaint with the request to make a provision.
2. A complaint cannot be lodged against:
  - decisions with legal effect that can be appealed (pursuant to Article 1 of these regulations);
  - actions or decisions for which another procedure is available under HU regulations, unless otherwise specified in paragraph 4;
  - actions or decisions about which you have already submitted a complaint;
  - generally applicable decisions.<sup>6</sup>
3. You can submit your complaint in writing or digitally to the STIP, which will forward it to the appropriate body for handling, or you can submit it directly to the relevant body or person.

If a complaint is submitted orally, STIP will ensure that the digital complaint form is completed.

Complaints can also be submitted to the HU Legal Protection Office for Students, following the procedure described in Chapter 10.

Reports of misconduct or undesirable behaviour can be submitted to the Integrity Committee via the website: <https://www.berenschot.nl/meldpunthu>.

4. The time limit for submitting a complaint is one year after the action or decision referred to in paragraph 1, unless the complaint concerns misconduct or inappropriate behavior. In that case, different deadlines and procedures apply, as described in the “Regulations for Reporting Suspected Misconduct” and the “Regulations on Inappropriate Behavior” (available via HU-Wegwijs).

In the case of a complaint relating to undesirable behaviour, different deadlines and procedures apply. For more information, see the Regulations on [the Reporting of Undesirable Behaviour](#).

5. Each complaint must be signed<sup>7</sup> and must contain at least:
  - name, address and student number of the sender;
  - the reasons for the complaint;
  - a clear description of the act or decision against which the complaint is directed, indicating the date, name and position of the person who took the act or decision. If it is available, a copy of the decision will also be added.

To submit the complaint, you can use the standard digital complaint form, which can be found on the intranet of the HU (HU-Wegwijs).

Reports of misconduct may be submitted anonymously to the Integrity Committee (see paragraph 3).

6. The institute director, knowledge center, or service department determines, in accordance with applicable laws and internal regulations, which body is responsible for handling each complaint. If a complaint is forwarded via STIP, the handling body informs STIP of the date of resolution.
7. The organisational unit handling your complaint will send you an acknowledgement of receipt within one week of receiving it. If the requirements in paragraph 5 are not met, you will be given the opportunity to supplement the complaint.
8. A complaint will be declared inadmissible<sup>8</sup> if:

<sup>6</sup> A decision of general application is a decision which is not aimed at an individual or a specific case.

<sup>7</sup> If the complaint is submitted digitally, the student's signature is not required

<sup>8</sup> 'Inadmissible' means that the complaint will not be processed because formal requirements have not been met.

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- it was not submitted within the time limit mentioned in paragraph 4 (unless you can demonstrate that submission was not reasonably possible earlier);
  - it does not meet the requirements of paragraph 5, even after a request for supplementation;
  - it concerns a situation as described in Article 13.
9. The organizational unit handling your complaint may invite you to explain your complaint in person. If so, you will be informed in a timely manner.
  10. If your complaint concerns a specific person, that person will be informed of the contents of the complaint and given the opportunity to respond. Their response will be taken into consideration in the complaint procedure.
  11. The organisational unit handling your complaint will assess the complaint and any response from the person involved. You will receive a written and reasoned decision within two weeks of receipt of your complaint<sup>9</sup>. This decision will also include any advice issued. The decision will state that you may submit a request for review, including the applicable deadline (see paragraph 12). If the decision is made by someone other than the institute director, a copy will be sent to the director.
  12. If the organisational unit is unable to issue a decision within the established timeframe, you will be informed of this within that timeframe. You will receive an explanation of the delay and a new deadline by which the decision will be made.
  13. If you disagree with the decision on your complaint, you may submit a request for review to the Student Complaints Committee via the HU Legal Protection for Students Office within six weeks of the date of the decision. The procedure is described in Chapter 5 of these regulations.
  14. The summer and Christmas recess set annually by the HU Legal Protection for Students Office, as well as generally recognized public holidays, suspend the time limits mentioned in these regulations.

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<sup>9</sup> If the decision on the complaint is sent digitally, a scanned signature is placed under the decision.

## **5 THE HU LEGAL PROTECTION FOR STUDENTS OFFICE**

### **Article 7 Organisation of the HU Legal Protection for Students Office**

There is a digital HU Legal Protection for Students Office (HU Office). The study guides and HU-Wegwijz set out how to reach the HU Office.

### **Article 8 Tasks of the HU Legal Protection for Students Office**

1. The HU Office provides administrative support to the Examinations Appeals Board, the Dispute Advisory Committee and the Student Grievance Committee.
2. The HU Office informs students about the procedures and can refer students for advice and assistance, for example to the confidential advisor or mediator. The HU Office also informs and advises the STIP.
3. If you wish to submit a request for review or a complaint verbally, the HU Office will record this on the digital appeal form. If you suspect malpractice, you can also report this through the HU Office. The HU Office forwards your report to the body designated in the Regulation for Suspected Misconduct.

## 6 ORGANISATION OF THE EXAMINATIONS APPEALS BOARD AND THE DISPUTE RESOLUTION COMMITTEE

### Article 9 Composition

1. Apart from the chairman and a deputy chairman, the Examinations Appeals Board and the Dispute Resolution Committee consist of twelve members and at least an equal number of deputy members. Half of the members are tutors at the university; the other half are students of the university.
2. The Examinations Appeals Board and the Dispute Resolution Committee work in six separate chambers.

**Chamber 1:** Study programmes within the domain of Communication & Journalism.

**Chamber 2:** Study programmes within the domain of Economics & Management.

**Chamber 3:** Study programmes within the domain of Education.

**Chamber 4:** Study programmes within the domain of Healthcare.

**Chamber 5:** Study programmes within the domain of Science & Technology.

**Chamber 6:** Study programmes within the domain of Society & Law.

3. Each chamber consists of five members. In addition to the chairman, the chamber consists, in principle, of:
  - a. an tutor employed in a study programme within the relevant domain;
  - b. a student from a study programme within the relevant domain;
  - c. an tutor employed in a study programme within another domain at the university;
  - d. a student from a study programme within another domain at the university.
4. An employee who is also a chairman or member of an examination board does not act as a member of the Examinations Appeals Board if it is handling an appeal against a decision of the examination board in question, a decision of an examiner of the study programme(s) or group of study programmes for which the examination board in question has been appointed.

### Article 10 Appointment

1. The chairman and members of the Examinations Appeals Board and the Disputes Advisory Committee are appointed by the Executive Board.
2. The University Council is invited to nominate persons for appointment as members of the Examinations Appeals Board and the Dispute Resolution Committee, with due observance of Article 10 Paragraph 5 and 6 of these regulations.
3. The resolution to appoint a member of the Examinations Appeals Board and/or the Dispute Resolution Committee will record (in view of Article 9, Paragraph 2 of these regulations) of which chambers the member in question will hold a seat. If necessary, the member shall act as a deputy member in the other chambers. In special cases, the chairman may determine that a chamber consists of one employee and one student.
4. The chairman must meet:
  - a. the requirements for appointment as a judicial officer, as referred to in Section 5 of the '*Wet rechtspositie rechterlijke ambtenaren*' (Judicial Officers (Legal Status) Act);
  - b. possess knowledge of the specific laws and regulations in higher (professional) education and have sufficient procedural experience;
  - c. avoid any form of conflict of interest with its ancillary activities.
5. The following parties may be appointed as member of the Examinations Appeals Board:
  - a. persons who, on the basis of an open-ended employment contract, are employed as tutors by the university on the basis of the '*CAO-HBO*' (Collective Labour Agreement for Higher Professional Education);
  - b. persons who are enrolled as students at the university.

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6. The following parties may be appointed a member of the Dispute Resolution Committee:
  - a. persons who, on the basis of an open-ended employment contract, are employed by the university on the basis of the 'CAO-HBO' (Collective Labour Agreement for Higher Professional Education);
  - b. persons who are enrolled as students at the university.
7. Staff members cannot be appointed as chair or member if they are part of the university's board of trustees, including the Executive Board, or if they serve as institute director, programme manager, team leader, or student counsellor. Members of the national inspectorate for higher education are also not eligible to serve as chair or member of the Examination Appeals Board or the Dispute Resolution Committee.
8. The chairman is appointed for a term of three years. Reappointment is possible.
9. The members of the Examinations Appeals Board and the Dispute Resolution Committee are appointed for a term of three years insofar as this concerns staff members, and for a term of two years insofar as this concerns students. Reappointment is possible.
10. Membership of the Examinations Appeals Board and the Dispute Resolution Committee ends when the term of appointment expires.

The chairman and the members may also be dismissed by the Executive Board at their own request. A request for dismissal should be submitted at least two months before the intended date of dismissal.

The chairman and the members shall also be dismissed by the Executive Board if they no longer meet the requirements referred to in Paragraph 4, 5 or 6 of this Article.

In addition, student members may be dismissed if they have been sanctioned for non-compliance with the law and standards arising from it, or other internal standards and instructions.

11. All provisions of this article concerning the chairperson and members of the Examinations Appeals Board and the Dispute Resolution Committee also apply to their deputies.

### **Article 11        Secretariat**

1. The Examinations Appeals Board and the Dispute Resolution Committee are supported by a secretary and deputy secretaries, appointed by the Executive Board.
2. The secretary participates in the deliberations of the Examinations Appeals Board and the Disputes Advisory Committee, but does not have voting rights.
3. The secretary shall keep an archive of the appeals received. This archive is accessible only to the (secretariat of the) secretary, the chairman and the members of the Examinations Appeals Board and the Dispute Resolution Committee.

### **Article 12        Facilitation**

The chairman and the members of the Examinations Appeals Board and the Dispute Resolution Committee are remunerated for their work. This remuneration is regulated in the HU Bodies (Legal Protection of Students) Facilities Regulation.



## 7 POWERS OF THE EXAMINATIONS APPEALS BOARD AND THE DISPUTE RESOLUTION COMMITTEE

### Article 13 Object of Appeal for the Examinations Appeals Board

1. The Examinations Appeals Board rules on the basis of Section 7.61 WHW and these regulations on appeals lodged against:
  - a. decisions on the binding study recommendation (Section 7.8(b)(3) and 7.8(b)(5) of the WHW) and the binding referral (Section 7.9(1) of the WHW);
  - b. decisions about whether or not a student has passed the final examinations (as referred to as referred to in Section 7.9(d) of the WHW);
  - c. decisions, other than decisions of general application, made pursuant to the provisions under or by virtue of, on the basis of Title 2 of Chapter 7 of the WHW, with a view to admission to examinations;
  - d. decisions taken on the basis of the additional assessment if the additional educational admission requirements are not met (as referred to in Sections 7.25(5) and 7.28(4) of the WHW);
  - e. decisions of examination boards, examiners;
  - f. decisions of committees on (the results of) the admission test (as referred to in Section 7.29(1) of the WHW);
  - g. decisions on admission to master's degree programmes (Section 7.30(b) of the WHW)

In case of course participants:

- h. decisions about whether a student has passed the interim examinations and the final examination;
    - i. decisions, not being decisions of general application, with a view to admission to (interim) examinations;
    - j. decisions of the quality committee and examiners;
2. Pursuant to Section 7.63(a) of the WHW, the Dispute Resolution Committee rules on appeals against decisions taken pursuant to Chapter 7 of the WHW that concern something other than what is stated in Paragraph 1 of this Article and Section 7.61 of the WHW.
3. For the purposes of these regulations, the following are also considered decisions:
  - a. the written refusal to make a decision, and
  - b. failure to make a decision in time. A decision is not made in time if it is not made within the time limit specified by or on the basis of law, or, in the absence of such a time limit, not within eight weeks.
4. No appeal can be lodged against decisions of general application.<sup>10</sup>

### Article 14 Circle of Parties Entitled to Appeal

1. If you are a prospective, current or former student, you are a stakeholder<sup>11</sup> to a decision and can lodge an appeal with the Examinations Appeals Board or the Dispute Resolution Committee, respectively.
2. If you are a course participant, you can submit an appeal to the Examination Appeals Board if you have received a decision regarding assessment with which you disagree.

### Article 15 Grounds for Appeal

You can lodge an appeal against a decision if the decision is contrary to the law.  
This is the case, among other things, if:

- a. the decision is contrary to a generally binding regulation;
- b. the body in question, when making the decision, manifestly used its powers for a purpose other than that for which they were intended;

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<sup>10</sup> Decisions of general application do not concern one individual stakeholder. Issues caused by these decisions can generally be addressed through participatory bodies.

<sup>11</sup> Prospective students can also be part of the circle of parties entitled to appeal, e.g. in the event of decisions concerning admission or enrolment in a study programme.

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- c. the body in question could not reasonably have reached the decision when considering the interests involved;
- d. the decision is contrary to any other general principle of proper management.

## **8 THE PROCEDURE FOR THE EXAMINATIONS APPEALS BOARD AND THE DISPUTE RESOLUTION COMMITTEE**

### **8.1 Lodging an Appeal**

#### **Article 16 Lodging an Appeal**

1. You can lodge an appeal with the Examinations Appeals Board or with the Dispute Resolution Committee through HUKAS by completing a digital appeal form.<sup>12</sup>
2. If your appeal has been submitted to another organisational unit of the university, the appeal will be forwarded to the HU Office as soon as possible, together with a date of receipt. You will receive a confirmation of this forwarding.
3. If you have lodged an appeal against a decision, it does not mean that the decision with which you disagree is going to be deferred<sup>13</sup>, unless otherwise provided by or on the basis of a statutory provision.

#### **Article 17 Appeal Content**

1. In the appeal form, you must provide at least the following information:
  - a. your name, home address, place of residence, student number and the names of the institute and study programme in which you are enrolled;
  - b. the e-mail address<sup>14</sup> which will be used for all correspondence relating to the appeal;
  - c. the date on which the appeal is lodged (recorded date);
  - d. a clear description of the decision (with the date of that decision) against which the appeal is directed, listing the person or organisational unit that made the decision;
  - e. one or more grounds, as mentioned in Article 15 of these regulations, on which the appeal is based;
  - f. a claim described as precisely as possible.
2. You must attach a copy of the decision you are appealing to your notice of appeal. The date of the decision must be clearly visible. If your appeal concerns the refusal to make a decision, you must include a copy of your request along with a clear description of the decision you believe should have been made.
3. If your appeal does not meet the requirements as stated in the first paragraph of this article, the secretary will inform you of this fact and will state your time period for supplementing (rectifying) your appeal. If your appeal does not meet the requirements as stated in Paragraph 1 within this time period, the appeal will be declared inadmissible.

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<sup>12</sup> The appeal form is available on <https://wegwijs.hu.nl/ondersteuning/persoonlijke-omstandigheden/welzijn-en-gezondheid/beroep-of-herzieningsverzoek-indienen?fromSearch=true&q=beroep%20indienen>, 'hukas.hu.nl', and on the HU website at 'www.hu.nl/rechten-en-plichten'.

<sup>13</sup> deferred means that the decision has not yet been definitively taken.

<sup>14</sup> The student is responsible for the accessibility of this e-mail address and for its regular inspection. The (prospective) student is also expected to consult the spam box if necessary, as it cannot be ruled out that e-mails from HU University of Applied Sciences Utrecht end up in it

### **Article 18      Appeal Period**

1. The time period for lodging an appeal is six weeks. This period starts the day after the decision in question has been notified to you or has been refused<sup>15</sup>.
2. A notice of appeal will have been submitted in time if it is received by the HU Legal Protection for Students Office before the end of the period referred to in the previous paragraph.
3. If you have filed an appeal within the specified period without the required arguments or grounds, you can request more time to complete your notice of appeal. This request must have reasonable grounds, as assessed by the Examination Appeals Board or the Disputes Advisory Committee.
4. If your notice of appeal is submitted after the deadline referred to in the first paragraph of this article, it may in principle be declared inadmissible. This means that the appeal will not be considered on its merits. Before proceeding to such a decision, the body that issued the decision will be asked to explore whether an amicable settlement is possible, see also Article 20.
5. If your appeal is directed against the failure to make a decision in time, the time limit as mentioned in Paragraph 1 does not apply. However, your appeal will be declared inadmissible if you submit your appeal unreasonably late.

### **Article 19      Confirmation of Receipt**

You will receive a confirmation through HUKAS when your appeal has been received. In HUKAS you are also informed about the possibility of requesting a provisional arrangement, as referred to in Article 29 of these regulations.

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<sup>15</sup> If the appeal period ends on a Saturday, Sunday, or public holiday, the deadline is extended to the next day that is not a Saturday, Sunday, or public holiday.

## **8.2 Amicable Settlement**

### **Article 20 Amicable Settlement**

1. The HU Legal Protection Desk forwards the notice of appeal to the organisational unit that issued the decision (hereinafter: the respondent), with the request to explore, in consultation with the parties involved, whether an amicable settlement can be reached. The respondent is also informed of the deadline by which a report on the outcome of this consultation must be submitted. If the parties do reach an agreement, the Examination Appeals Board or the Dispute Resolution Committee will not consider the case.
2. If the appeal is directed against a decision made by an examiner, the HU Legal Protection Desk forwards the appeal to both the relevant Examination Board and the examiner(s) involved. In this case, the Examination Board is the body responsible for exploring whether the parties can come to an amicable settlement and will invite the parties for consultation.
3. If the parties reach a settlement, the respondent must inform the HU Legal Protection Desk before the deadline expires. The HU Legal Protection Desk will then ask you to confirm in writing that a resolution has been reached. Once you have confirmed this, the case file will be closed and the procedure terminated.
4. If the parties do not reach a settlement, the Examination Appeals Board or the Dispute Advisory Committee will first assess whether the appeal was submitted within the prescribed deadline. If the appeal was submitted late, it will be examined whether there are excusable reasons for the delay.

If the Examination Appeals Board or the Dispute Advisory Committee determines that there are no excusable reasons for the late submission, the case will be further processed in accordance with Article 31, paragraph 1, sub b.

5. If you submitted your appeal on time, or if the Examination Appeals Board or the Dispute Advisory Committee deems that there are excusable reasons for the late submission, your appeal will be admitted and further handled by the Examination Appeals Board or the Dispute Resolution Committee. See also Article 21.

**8.3 Preliminary Investigation**

**Article 21 Method**

1. The preliminary investigation shall be conducted under the direction of the chairman. The organisational units, staff members and examiners of the university provide all necessary information within the context of the appeal, on request or otherwise, to the Examinations Appeals Board or the Dispute Resolution Committee.

**Article 22 Written Defence**

1. If the parties have not reached a solution by mutual agreement, the defendant is asked to submit a written defence before a certain deadline.
2. At the request of the defendant, the Examinations Appeals Board or the Dispute Resolution Committee may postpone the deadline by which the written defence and/or a supplementary document to it must be submitted. The deadline may be postponed if there are reasonable grounds to do so in the opinion of the Examinations Appeals Board or the Dispute Resolution Committee.
3. Even if no written defence is submitted (in time), a hearing will be held.

## **8.4 Invitation to a Hearing**

### **Article 23 Invitation to a Hearing**

1. After the defendant has submitted the written defence, the secretary shall, in consultation with the chairman, determine the time and place for hearing the appeal. In principle, the hearing takes place within three weeks after receipt of the written defence.
2. The HU Office shall invite, in writing, the parties to appear at the hearing at least one week before the date of the hearing. This concludes the preliminary investigation.

### **Article 24 Inspection of Documents**

Together with the invitation as referred to in Article 23 of these regulations, or as soon as possible thereafter, the HU Office shall send a file to the parties.

### **Article 25 Submission of Further Documents**

The parties may submit further documents up to four working days before the hearing. The parties shall be made aware of this in the invitation, as referred to in Article 23 of these regulations.

## **8.5 Recusal and Privilege**

### **Article 26 Recusal**

1. If a party believes or suspects that (one of the members of) the Examination Appeals Board or the Dispute Resolution Committee is not impartial, that party may submit a request for recusal.
2. A request for recusal must be submitted to the secretary no later than two working days before the hearing, stating the facts or circumstances on which the request is based. If the facts or circumstances become known only at the start of the hearing, the request may be made orally at that time. In such a case, the hearing will be suspended until a decision has been made on the request for recusal.
3. The request for recusal will be decided as soon as possible by the remaining members of the relevant chamber of the Examination Appeals Board or the Dispute Resolution Committee, unless the person concerned accepts the recusal. The decision on the request will be reasoned and communicated to the parties as soon as possible.

### **Article 27 Privilege**

The chairman or another member of the Examinations Appeals Board or the Dispute Resolution Committee may claim privilege if there are facts or circumstances that could impair their impartiality. This means that that person will not participate in the hearing of the case. Article 26(2) and 26(3) apply to the claiming of privilege.



## 8.6 Provisions for Urgent Appeals

### Article 28 Expedited Processing of Appeal with the Examinations Appeals Board

1. The Examinations Appeals Board may, if the case is urgent, decide to process the appeal expeditiously.
2. Expedited processing means that the time limit for submitting a written defence, as referred to in Article 22(2) of these regulations, is shortened;
3. If the Examinations Appeals Board decides that an appeal will be dealt with expeditiously, the secretary, in consultation with the chairman, will set the time and place of the hearing as soon as possible. Article 23(2) of these regulations applies in this respect.

### Article 29 Provisional Arrangements with the Examinations Appeals Board

1. There are cases in which your interest requires an immediate arrangement. You can then request a provisional arrangement pending the ruling on your appeal, with a well-substantiated petition to the chairman of the Examinations Appeals Board. You can do this even if the defendant has previously refused to make such a provisional arrangement.<sup>16</sup> Article 18 of these regulations shall apply mutatis mutandis to the petition (7.61.6).
2. The chairperson of the Examination Appeals Board will decide on your request for a provisional measure. First, the defendant will be asked whether there are any objections to granting the provisional measure. If the defendant has objections, the chairperson will make a decision after hearing both parties. If the parties have been summoned to be heard but do not respond to the summons in time, the chairperson may also make a decision without further hearing the parties. Article 32 of these regulations applies.
3. The secretary shall, in consultation with the chairman, set the time limit for you and the other persons involved to be summoned. The notice to appear may be made verbal or in writing, and may also be made outside normal working hours if the chairman considers there to be an urgent reason.
4. The provisional arrangement ends as soon as the Examinations Appeals Board has decided on the appeal, unless the written decision of the chairman of the Examinations Appeals Board specifies another time.

### Article 30 Expedited Processing of Appeal with the Dispute Resolution Committee

1. In cases of urgency, the chairman of the Dispute Resolution Committee may decide within one week of the lodging of the appeal that the Committee shall issue an expedited opinion to the Executive Board.
2. The secretary shall immediately inform the parties of a decision by the chairman as referred to in Paragraph 1. The secretary shall also give the defendant the opportunity to submit a written defence, if possible before the hearing.
3. The secretary shall, in consultation with the chairman, set the time limit for the appellant, defendant and the other persons involved to be summoned. The notice to appear may be made verbal or in writing, and may also be made outside normal working hours if the chairman considers there to be an urgent reason.
4. The Dispute Resolution Committee issues an opinion after you, the defendant and, if necessary, other parties directly involved, have been heard at a hearing. Article 35 of these regulations applies in this respect.
5. The opinion shall be issued to the Executive Board by the Dispute Resolution Committee no later than three weeks after the lodging of the appeal. The Executive Board shall take a decision no later than four weeks after the lodging of the appeal. Article 44 applies in this respect.

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<sup>16</sup> A petition for a provisional arrangement may in the first instance be made directly to the defendant. If the defendant is an examination board, this falls under the application procedure of Article 7.1 of the EER.

## **8.7 Simplified Proceedings**

### **Article 31 Simplified Proceedings**

1. Until the parties have been invited to appear at a hearing of the Examination Appeals Board, the chairman of the Examination Appeals Board may close the investigation and make a decision. The chairperson of the Examination Appeals Board and/or the Dispute Resolution Committee may decide to forgo a hearing with the parties and directly issue advice to the Board of Governors. This can only occur if further investigation is not necessary because:
  - a. the Examinations Appeals Board or the Dispute Resolution Committee is manifestly unauthorised;
  - b. the appeal is manifestly inadmissible;
  - c. the appeal is manifestly unfounded;
  - d. the appeal is manifestly well-founded.
2. In the decision of the chairman of the Examination Appeals Board, the parties are informed of the possibility of lodging an objection in accordance with Article 32 of these regulations. Article 32 of these regulations. Article 32(2), 32(3), 32(4) and 32(5), or Article 40(2), 40(3), 40(4) and 40(5) of these regulations shall apply to such a ruling.

### **Article 32 Objection**

1. A stakeholder may lodge an objection against the ruling of the chairman of the Examinations Appeals Board (as referred to in Article 31(1) of these regulations) with the HU Legal Protection for Students Office within four weeks of the ruling. The sender of the notice of objection may ask to be heard.
2. Articles 17 and 18 of these regulations shall apply to the notice of objection.
3. The objection suspends the effect of the ruling.
4. Before the Examinations Appeals Board reaches a ruling on the objection, it may hear the sender of the notice of objection at a hearing, unless the Examinations Appeals Board is of the opinion that the objection is well-founded.
5. The hearing of the sender of the objection may take place at the request of the sender or on the instructions of the chairman of the Examination Appeals Board if this is considered important for the investigation.
6. The ruling or the opinion on the objection shall lead to:
  - a. the objection being declared inadmissible;
  - b. the objection being declared declared unfounded, or
  - c. the objection being declared declared well-founded.
7. If the Examinations Appeals Board declares the objection inadmissible or unfounded, the ruling against which the objection was lodged will stand.
8. If the Examinations Appeals Board declares the objection well-founded, the ruling or the (decision on the) opinion against which the objection was lodged will lapse and the investigation of the original appeal by the Examinations Appeals Board will continue. Titles 8.8 and 8.9 respectively 8.10 of these regulations shall then apply.

## **8.8. Hearing**

### **Article 33 Assistance and Representation**

1. The parties may be assisted by counsel or represented by an authorised representative. If they are summoned to appear in person, they are obliged to comply with that summons.
2. If a party is represented by an authorised representative, that party must submit a written authorisation to the secretary.
3. If a party is assisted by counsel or represented by an authorised representative, the secretary shall send all documents relating to the notice of appeal to that person.

### **Article 34 Witnesses and Experts**

1. The parties may bring one or more witnesses or experts to the hearing. However, they must then inform via the HU Office the secretary of the hearing thereof in writing and no later than two working days before the hearing, stating the name and capacity of the person(s) involved. The secretary shall forward this information directly to the counter party.
2. The Examinations Appeals Board or the Dispute Resolution Committee may summon witnesses and experts themselves or at the request of one of the parties. The secretary shall inform the parties of such a summons as soon as possible.

### **Article 35 Hearing**

1. Each chamber of the Examinations Appeals Board or the Dispute Resolution Committee in principle hears appeals against decisions taken within the institute for which the chamber was established.
2. The relevant chamber of the Examinations Appeals Board or the Dispute Resolution Committee will hear the appeal in a public session. In special cases, the chairman may decide that all or part of the appeal will be heard in chambers.
3. All members of the relevant chamber of the Examinations Appeals Board or of the Dispute Resolution Committee are present at the hearing.
4. Hearings shall be conducted under the direction of the chairman. He gives members the opportunity to ask further questions to parties.
5. The chairman shall first give you the opportunity to explain your position, and will then give the defendant the opportunity to explain his or her position.
6. Dutch will be spoken during this session, unless the use of another language is more effective and the interests of one of the parties and/or third parties are not disproportionately harmed as a result. This is at the discretion of the chairman.
7. The chairman and the members of the Examinations Appeals Board or of the Dispute Resolution Committee may ask the parties and any witnesses and experts present questions that they consider necessary for the ruling on the appeal. The person to whom the question is put must answer it.
8. The president shall have the final judgement on all disputes arising at the hearing concerning the manner the hearing is conducted, insofar as this has not been provided for in these regulations.
9. If, due to circumstances, it is not possible to hear an appeal during a physical hearing, the chairperson may decide to hold the hearing digitally. This is also possible if a digital hearing is preferred. The parties will then be informed of this at least one week before the date of the hearing.

**Article 36          Joint Hearing and Separation**

The Examinations Appeals Board or the Dispute Resolution Committee may decide (at its own discretion or at the request of one of the parties) to hear appeals on the same or a related subject jointly and to separate the hearing of joint cases. Such a decision can be taken until the end of the hearing.

**Article 37          Failure to Appear**

If a party or his representative fails to appear at the hearing, despite having been duly summoned, the chairman may decide to proceed with the hearing of the appeal without the presence of that party.

**Article 38          Staying the Hearing and Orders to Produce Evidence**

1. If, before the conclusion of the investigation at the session, it appears that more investigation is necessary, or if one of the parties still wishes to respond to documents that were only presented during or shortly before the session, the chairman may (in derogation from Article 25 of these regulations) decide that the hearing will be stayed until a time to be determined.
2. The chairman may also decide to issue orders to produce evidence to one or both parties.

## 8.9 Ruling of the Examinations Appeals Board

### Article 39 Deliberations

1. After the session, the Examinations Appeals Board deliberates and decides behind closed doors, under the direction of the chairman and in the presence of the secretary.
2. The Examinations Appeals Board bases its ruling on the documents submitted by parties, and on the matters raised during the session or requested by the Examinations Appeals Board itself.
3. The Examinations Appeals Board supplements, ex officio, the grounds for appeal.
4. The Examinations Appeals Board may supplement, ex officio, the facts that are relevant to the proceedings.

### Article 40 Ruling

1. The Examinations Appeals Board shall issue a decision within ten weeks, counting from the day on which the deadline for submitting an appeal has expired. This period may be extended once by the chair for a maximum of ten weeks. The parties will be informed of this in a timely manner.
2. The ruling leads to:
  - a. the appeal being declared inadmissible;
  - b. the appeal being declared unfounded, or
  - c. the appeal being declared well-founded.
3. If the Examinations Appeals Board declares the appeal to be well-founded, the contested decision is annulled in whole or in part. The Examinations Appeals Board may further determine that, under conditions to be set by the Examinations Appeals Board:
  - the competent body must make a new decision or, if a decision has been refused, must take a decision;
  - the interim examination, the examination, the admission test, the supplementary examination or any part thereof is retaken.

The Examinations Appeals Board may set a deadline for this in its ruling.

4. Only at your request will the Examinations Appeals Board order the relevant organisational unit to pay the costs of the proceedings in accordance with the '*Besluit Proceskosten Bestuursrecht*' (Legal Costs (Administrative Law) Decree). This concerns only the costs that you have reasonably incurred due to the handling of the appeal, and only insofar as your appeal has been upheld. You must submit the request before the Examinations Appeals Board has rendered a decision on the appeal.
5. The ruling is furnished with a date and contains:
  - a. the names of the parties and of any authorised representatives and counsel;
  - b. the grounds on which the ruling is based;
  - c. the actual ruling (as referred to in the second paragraph of this article),
  - d. the names of the chairman and the members of the Examinations Appeals Board who issued the ruling.
6. The ruling is signed by the chairman and the secretary of the Examinations Appeals Board.
7. The ruling is sent to the parties by registered mail, by the secretary of the Examinations Appeals Board. The ruling is also sent to the Executive Board and the management of the institute concerned. The ruling will also be published anonymously on the intranet of the university.
8. The ruling is binding on all parties.

**Article 41 Lodging an Appeal Against a Ruling by the Examinations Appeals Board**

1. A stakeholder<sup>17</sup> may lodge an appeal against a decision of the Examination Appeals Board (as referred to in Article 40(2)) or a declaration of an objection as inadmissible or unfounded (as referred to in Article 32(6)(a) or (b)) to the Administrative Jurisdiction Division of the Council of State (ABRvS). This can be done within six weeks of the day on which the relevant decision is announced.
2. In the rulings of the Examinations Appeals Board referred to in Paragraph 1, stakeholders are informed of the possibility of lodging an appeal and of the applicable appeal period.

**Article 42 Review of a Ruling**

The Examinations Appeals Board may, at the request of a party, review a ruling on the basis of facts or circumstances that:

- a. have taken place prior to the ruling; or
- b. were not known to the applicant of the request for review before the ruling and could not reasonably have been known; and
- c. could have led to a different ruling had they been known to the Examinations Appeals Board at an earlier time.

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<sup>17</sup> Contrary to the definition of stakeholder, as referred to in these regulations, course participants do not have access to appeal to the Administrative Jurisdiction Division of the Council of State (ABRS). A course participant can, however, go to civil court.

## 8.10 Opinion of the Dispute Resolution Committee

### Article 43 Deliberations

1. The Dispute Resolution Committee deliberates and decides behind closed doors, under the direction of the chairman and in the presence of the secretary.
2. The Dispute Resolution Committee bases its opinion on the documents submitted by parties, and on the matters raised during the session or requested by the Dispute Resolution Committee itself.
3. The Dispute Resolution Committee supplements, ex officio, the grounds for appeal.
4. The Dispute Resolution Committee may supplement, ex officio, the facts that are relevant to the proceedings.

### Article 44 Opinion of the Dispute Resolution Committee

1. The Dispute Resolution Committee shall issue its opinion to the Executive Board within eight weeks of receiving the notice of appeal. This period may be extended by the chairman. The parties shall be informed of this in good time.
2. The opinion leads to:
  - a. the appeal being declared inadmissible;
  - b. the appeal being declared unfounded, or
  - c. the appeal being declared well-founded.
3. Only at your request can the Dispute Resolution Committee issue an opinion for the Executive Board to decide to pay the costs of the proceedings in accordance with the '*Besluit Proceskosten Bestuursrecht*' (Legal Costs (Administrative Law) Decree). This concerns only the costs that you have reasonably incurred due to the handling of the appeal, and only insofar as your appeal has been upheld. You must submit the request before the Board of Appeal for Examinations has rendered a decision on the appeal.
4. The Dispute Advisory Committee may issue an opinion entailing that the Executive Board is to annul the contested decision in whole or in part. The Dispute Advisory Committee may also issue an opinion entailing that:
  - a. the competent body must make a new decision or, if a decision has previously been refused, must take a decision;
  - b. the Executive Board may set a deadline for this in its decision.
5. The opinion is furnished with a date and contains:
  - a. the names of the parties and of any authorised representatives and counsel;
  - b. the grounds on which the opinion is based;
  - c. the actual opinion as referred to in the second paragraph of this article;
  - d. the names of the chairman and the members of the Dispute Resolution Committee who have issued the opinion.
6. The opinion shall be signed by the chairman and the secretary of the Dispute Advisory Committee.
7. The opinion is sent to the Executive Board by the secretary. The Executive Board shall ensure that its decision following the opinion, including the opinion, is made known to the parties. The decision and opinion shall also be sent to the management of the institute concerned. The opinion will also be published anonymously on the intranet of the university.
8. This article is also applicable to opinions issued by the chairman of the Dispute Resolution Committee, insofar as no specific regulations have been included in Articles 31 and 32.

**Article 45 Decision by the Executive Board Following an Opinion**

1. Within two weeks<sup>18</sup> after receipt of the opinion of the Dispute Resolution Committee (as described in in Article 45), the Executive Board will decide whether to adopt the opinion in whole or in part (7.63(b)(1)).
2. If the Executive Board decides not to adopt the opinion, or to adopt it only in part, it will inform the parties involved of this through a substantiated decision.
3. The decision of the Executive Board shall be sent to the parties concerned by registered mail. The Executive Board will send a copy to the related institute director and to the Dispute Resolution Committee.

**Article 46 Lodging an Appeal Against a Decision by the Executive Board Following an Opinion**

1. A stakeholder may lodge an appeal against decision of the Executive Board after advice from the (chair of the) Disputes Advisory Committee (as referred to in Article 30(6), Article 32(7) or Article 44) to the Administrative Jurisdiction Division of the Council of State (ABRvS) in The Hague. This can be done within six weeks of the day on which the relevant decision is published in the prescribed manner.
2. In the decisions of the Executive Board referred to in Paragraph 1, stakeholders are informed of the possibility of lodging an appeal and of the applicable appeal period.

**Article 47 Review of an Opinion**

1. The Dispute Resolution Committee may, at the request of a party, review an opinion on the basis of facts or circumstances that:
  - a. have taken place prior to the opinion; or
  - b. were not known to the sender of the request for review before the opinion and could not reasonably have been known; and
  - c. could have led to a different opinion had they been known to the Dispute Resolution Committee at an earlier time.
2. If a request for review is to be processed, the Dispute Resolution Committee will immediately inform the Executive Board.

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<sup>18</sup> Within ten weeks after the notice of appeal has been submitted.



## **9. ORGANISATION AND POWERS OF THE Student Complaints Committee AND THE INTEGRITY COMMITTEE**

### **Article 48            Composition**

1. The university has a Student Complaints Committee and a Integrity Committee.
2. The Student Complaints Committee consists of three members:
  - a chairman from outside the university;
  - an employee of the university;
  - a student of the university.
3. A deputy member will also be appointed for each member of the Student Grievance Committee. The appointment requirements of Article 49(2) shall apply to this.
4. For the composition, appointment, tasks, powers, and procedure of the Integrity Committee, see the Regulation on Reporting Suspected Integrity Violations, the Regulation on Reporting Suspected Misconduct, and the Regulation on Undesirable Behaviour.

### **Article 49            Appointment of Student Complaints Committee Members**

1. The chairman and the members of the Student Complaints Committee are appointed by the Executive Board.
2. The University Council may nominate persons for appointment as members of the Student Grievance Committee, taking into account the provisions of Paragraphs 3 and 4 of this article.
3. The chairman must:
  - a. have sufficient knowledge and understanding of the functioning of a higher education institution, and of the specific laws and regulations of higher (professional) education. The chairman must also have sufficient procedural experience;
  - b. hold a position outside of the university.
4. The following parties may be appointed members of the Student Grievance Committee:
  - a. persons who, on the basis of an open-ended employment contract, are employed by the university on the basis of the 'CAO-HBO' (Collective Labour Agreement for Higher Professional Education);
  - b. persons who are enrolled as students at the university.
5. Persons cannot become members of the Student Complaints Committee if they are members of the foundation management of the university, the Executive Board, or if they are institute directors, programme manager, team leader, or student counsellors at the university. Similarly, members of the State Inspectorate for Higher Education cannot become member of the Student Grievance Committee.
6. The chairman is appointed for a term of three years. Reappointment is possible.
7. Employees of the university are appointed as members of the Student Complaints Committee for three years. Students of the university are appointed as members of the Student Complaints Committee for a period of two years. Reappointment is possible.
8. Membership of the Student Complaints Committee ends when the term of appointment expires. The chairman and the members may also be dismissed by the Executive Board at their own request. A request for dismissal should be submitted at least two months before the intended date of dismissal.  
The chairman and the members can also be dismissed by the Executive Board if they no longer meet the requirements referred to in Paragraph 3 and Paragraph 4 of this Article. In addition, student members may be dismissed if they have been sanctioned for non-compliance with the law and standards arising from it, or other internal standards and instructions.
9. All provisions of this article concerning the chairman and members of the Student Complaints Committee also apply to their deputies.

### **Article 50            Secretariat**

1. The Student Complaints Committee is supported by a secretary and deputy secretaries. These are appointed by the Executive Board. The Executive Board may add one or more staff members to the secretary.
2. The secretary will take part in the deliberations of the Student Grievance Committee, but will not have voting rights.
3. The secretary shall keep an archive of the requests for review and complaints received. This archive can only be accessed by the secretary, the chairman and members of the Student Complaints Committee and the HU Office.

### **Article 51            Duties and Powers of the Student Grievance Committee**

1. The Student Complaints Committee will decide on requests for review as referred to in Article 6(13) of these regulations. Exceptions to this are the requests for review that relate to complaints of inappropriate conduct as referred to in Article 1, point 88 of the Misconduct Regulations. If necessary, the Student Complaints Committee will, based on its opinion, advise the Executive Board on measures to be taken.
2. The Student Complaints Committee may, if necessary in order to reach an opinion, request further information about a complaint from the person lodging the complaint, from other parties involved within the university, and from experts outside of the university.

### **Article 52            Facilitation**

The chairman and members of the Student Complaints Committee are remunerated. This is granted as stipulated in the HU Bodies (Legal Protection of Students) Facilities Regulation.

## 10 THE Student Complaints Committee PROCEDURE

### Article 53 The Student Complaints Committee Procedure

1. Any stakeholder who feels that their interests have been directly harmed by facts against which the complaints procedure at the institutes is open in accordance with Article 6, or by a decision of a body as referred to in Article 6(2) following a complaint which does not relate to inappropriate conduct, can submit a request for review of this decision to the HU Legal Protection for Students Office, which will forward it to the Student Complaints Committee for processing.
2. A request for review must be submitted in writing or digitally, within six weeks of the date of the decision on the complaint
3. A request for review must be signed. Only if the request for review is submitted digitally, a signature is not required. The request or complaint shall in any case contain:
  - the name, address and student number of the sender;
  - the reasons for the request for review or the complaint;
  - the decision (dated) to which the request for review relates, and a copy of the decision, or a description of the facts about which the complaint is made in accordance with the provisions of Article 6(5).
4. If you wish to submit your request or complaint verbally, the HU Legal Protection for Students Office will provide the completion of the digital standard form.
5. After submitting the review request via the digital HUKAS system, the submitter will receive an acknowledgement of receipt. If the requirements set out in paragraph 3 are not met, the applicant shall be requested to supplement the review request or complaint. In any case, a request for review or complaint will be declared inadmissible if:
  - it has not been submitted within the period specified in Paragraph 2;
  - the requirements specified in Paragraph 5 have not been met and this has not been rectified even after a request as referred to in Paragraph 6 has been made;
  - the review or complaint concerns an act or decision as referred to in Article 8(2) of these regulations,
6. If the request or complaint is received after the end of the period (as referred to in Paragraph 2 of this Article), it shall be declared inadmissible. This means that the the request or complaint will not be processed. Sometimes a request or complaint can be processed despite the fact that it has been submitted too late. The sender must then demonstrate that the request or complaint was submitted as soon as reasonably possible.
7. The HU Office will send the review request or complaint to the relevant organizational unit for consultation with the parties involved about a possible amicable solution. This organizational unit must report within two weeks on the outcome of the investigation into a mutual solution. If a solution is reached, the complaint will not be handled by the Student Complaints Committee.
8. If the parties do not find a mutual solution, the Student Complaints Committee will process the request for review. The organizational unit concerned will have a maximum of two weeks to respond to the request in writing.
9. If the review request relates to a complaint against a person, that person will also be given the opportunity to respond to the review request in writing within a reasonable period of time. The reasonable period of time here is no more than two weeks
10. After receipt of the responses referred to in Paragraphs 7 and 9, or after the parties concerned have informed the secretary that they do not wish to submit a response, the secretary shall, in consultation with the chairman, set the place and time of a hearing, at which the request for review or complaint will be heard.
11. The hearing shall in principle take place within three weeks after a response has been received or a response as described above in Paragraph 10 has been waived.
12. The sender of the request for review or complaint, the organisational unit which took the contested decision or which is responsible for the complaint and, where appropriate, the person or persons to whom the complaint

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relates shall be invited by the secretary, at least one week before the date of the hearing, to appear at the hearing and present their views.

Together with the invitation or as soon as possible thereafter, the secretary shall send a file to the parties. The parties may submit new documents up to four working days before the hearing. The parties shall be made aware of this in the invitation.

13. If a party believes that (one of the members) of the Student Complaints Committee is not impartial, he may submit a request for recusal. If a member of the Grievance Committee considers this to be the case, he may claim privilege.
14. If a party or his authorised representative does not appear at the session, although he has, in the opinion of the chairman, been duly summoned, the chairman may decide to proceed with the hearing without the presence of that party.
15. If, before the conclusion of the investigation at the session, it appears that more investigation is necessary, or if one of the parties still wishes to respond to documents that were only presented during or shortly before the session, the chairman may decide that the hearing will be stayed until a date to be determined.
16. The chairman may furthermore decide to issue order one or both parties to produce evidence.

### **Article 54            Recusal**

1. If a party believes or suspects that (one of the members of) the Student Complaints Committee is not impartial, that party may submit a request for recusal.
2. A request for recusal must be submitted to the secretary no later than three working days before the hearing, stating the facts or circumstances on which the request is based. If the facts or circumstances become known only during or at the start of the hearing, the request may also be made orally at that time.  
The handling of the case will then be suspended until a decision on the request for recusal has been made.
3. The request for recusal will be decided as soon as possible by the remaining members of the relevant chamber of the Student Complaints Committee, unless the person concerned agrees to the recusal. The decision on the request will be reasoned and communicated to the parties as soon as possible.

### **Article 55            Voluntary Recusal**

"The chair or another member of the Student Complaints Committee may submit a request for recusal if there are facts or circumstances that could compromise their impartiality. This means that the person concerned will not take part in the handling of the case. Article 54, paragraphs 2 and 3, apply to the request for recusal.

### **Article 56            Simplified Procedure and Objection**

1. Until the parties have been invited to appear at a hearing of the Student Complaints Committee, the chair may close the investigation and issue an advisory opinion to the Executive Board if continuation of the investigation is deemed unnecessary. This is only possible if continuation is not required because:
  - a. the Student Complaints Committee is clearly not competent;
  - b. the request for review or the complaint is clearly inadmissible;
  - c. the request for review or the complaint is clearly unfounded;
  - d. the request for review or the complaint is clearly well-founded.
2. In the advisory opinion of the chair of the Student Complaints Committee (following application of the previous paragraph), the parties are informed of the possibility to file an objection. For the procedure, see Article 32 of these regulations.

**Article 57          Advisory Opinion of the Student Complaints Committee**

1. The Student Complaints Committee shall issue an advisory opinion to the Executive Board within eight weeks of receiving the request for review or the complaint. This period may be extended by the chair. The parties involved will be informed of the extension in a timely manner.
2. The advisory opinion shall result in:
  - a. a declaration of inadmissibility of the request for review or the complaint;
  - b. a declaration that the request for review or the complaint is unfounded; or
  - c. a declaration that the request for review or the complaint is well-founded.The Committee may also recommend additional measures.
3. The advisory opinion shall be dated and shall include:
  - a. the names of the parties involved;
  - b. the grounds on which the advisory opinion is based;
  - c. the substantive opinion as referred to in paragraph 2 of this article; and
  - d. the names of the chair and members of the Student Complaints Committee who issued the opinion.
4. The advisory opinion shall be signed on behalf of the chair and the secretary of the Student Complaints Committee.
5. The advisory opinion shall be sent to the Executive Board by the HU Service Desk.

**Article 58          Decision by the Executive Board Following an Opinion**

1. Within two weeks<sup>19</sup> after receipt of the opinion of the Student Complaints Committee (as referred to in Article 55), the Executive Board will decide whether to adopt the opinion in full or in part.
2. If the Executive Board decides not to adopt the opinion, or to adopt it only in part, it will inform the parties involved of this through a substantiated decision.
3. The decision of the Executive Board is sent by registered mail to the parties involved, together with the opinion of the Student Grievance Committee. The Executive Board shall send a copy of the decision and a copy of the opinion to the related institute director. A copy of the decision is sent to the Student Grievance Committee.

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<sup>19</sup> I.e. within ten weeks after the request for review or the complaint has been submitted

## **11 FINAL PROVISIONS**

### **Article 59 Unforeseen Circumstances**

In cases not provided for in these regulations, the chairmen of the bodies concerned shall determine the procedure to be followed for reaching a decision. If necessary, they make a decision on their own accord.

### **Article 60 Evaluation and Amendments**

1. The Executive Board ensures that these regulations are evaluated regularly, but at least once every three years.
2. Amendments to these regulations will be adopted by the Executive Board with the consent of the University Council.

### **Article 61 Entry Into Force**

1. These amended regulations enter into force on 1 September 2025.
2. These regulations may be cited as the 'HU Legal Protection for Students Regulations'.