



Rules of Procedure Board of Appeals for the Examinations

Article 1 - Notions

These regulations understand by:

- a. the law: the Act on Higher Education and Academic Research (official gazette 1992, 593);
- b. the board: the Board of Appeals for the examinations, as intended in articles 7.60 through 7.63 of the Act.
- c. the Executive Board: the Executive Board as intended in article 3.1 of the regulations
- d. the regulations: the Management Regulations of the university
- e. the university: the Protestant Theological University

Article 2 – Composition and term of the Board

1. The Board consists of three members, including the president, and three substituting members. The substituting members are appointed by the Executive Board.
2. The president and substituting president should satisfy the requirements for appointment as judicial official as intended in article 1d of the Act on the legal position of judicial officials.
3. The first member and a substituting member are recruited from the teaching staff. The second member and a substituting member are recruited from the student population.
4. Appointment of the members and substituting members is for a term of four years, or, where student members are concerned, for a term of two years.

Article 3 – Secretary to the Board

1. The Board is assisted by the official secretary of the Executive Board.
2. In carrying out his work, the official secretary pays heed to the instructions of the Board's president.

Article 4 – Competence of the Board

The Board deals with appeals concerning:

- a. Study advice propaedeutic phase, as intended in article 7.8b, sub 3 and 5, 7.9, sub 1, of the Act;
- b. Decisions relating to the establishment of number of ects as intended in article 7.9a, and also decisions relating to the successful completion of the final examination, as intended in article 7.9d of the Act;
- c. Decisions relating to exemptions, as intended in article 7.31a, sub 3, of the Act;
- d. Decisions other than decisions of a general nature, in relation to previous education requirements and admission requirements, in conformity with title 2 of chapter 7 of the Act;
- e. Decisions, made on the basis of additional admission investigation, as intended in article 7.25, sub 4 and 7.28, sub 4 of the Act;
- f. Decisions of examination committees and examiners;
- g. Decisions of committees as intended in article 7.29, sub 1, of the Act, and

- h. Decisions, made on the basis of articles 7.30a and 7.30b of the Act with a view to admission to educational trajectories intended in this article.

Article 5 – Submission of an appeal

1. The appeal is addressed to the Board and submitted to the official secretary of the Executive Board, within six weeks after the date when the decision was made known in the prescribed manner.
2. If the appeal is submitted after the period mentioned sub 1, it will not be considered inadmissible if the appellant demonstrates that the appeal was submitted as soon as was reasonably possible.

Article 6 – Content and receipt of the appeal; omissions

1. The appeal is signed and includes:
 - family name, Christian names, address and domicile of the appellant;
 - mention of the examiner or official body which has made the contested decision;
 - an explicit description of the decision that is being contested, where possible including a written copy of the decision, or in case the appeal concerns a refusal to make a decision, an explicit description of the decision that should have been made in the opinion of the appellant;
 - the grounds for the appeal.
3. The secretary indicates the date of receipt on the appeal and confirms receipt. The secretary informs the president on receipt of the appeal without delay.
4. The secretary notifies the appellant of omissions, if any, and requests remedying these within a given term, to be decided by the president. If the appellant has not remedied the omissions within this term, he may be declared inadmissible.

Article 7 – Amicable settlement

1. The secretary forwards a copy of the appeal without delay to the president of the body against which the appeal is filed, with the invitation to consult with the appellant if an amicable settlement of the dispute is feasible. He sends a copy of this invitation to the appellant.
2. If the contested decision was made by an examiner, the copy of the appeal intended sub 1 is forwarded to the president of the examination committee, with the invitation to consult with the appellant and the examiner if an amicable settlement of the dispute is feasible. If the appeal concerns an examiner who is a member of the examination committee, the examiner does not take part in the deliberations.
3. Within five days at the latest after receipt of the appeal and the invitation intended sub 1 or sub 2, the president of the body invites the applicant for consultation to see if an amicable settlement of the dispute is feasible. Minutes are made of the deliberations of this consultation.
4. The president of the body informs the Board and motivates the result of the consultation within three weeks after receipt of the appeal and the invitation as intended sub 1 or sub 2.

5. As soon as he has been notified of the result of the consultation, the secretary informs the president. If an amicable settlement has been reached, he informs the parties that the appeal will not be dealt with.
6. In case an amicable settlement has not proved feasible, the appeal will be dealt with by the Board.

Article 8 – Ruling out amicable settlement

1. The president may decide to skip the attempt to reach an amicable settlement, if he is of the opinion that such an attempt appears pointless or if it would lead to a disproportionate disadvantage for the appellant. He then determines the time limit for submission of the relevant documents and statement of defence. The maximum time limit for this is three weeks.
2. The secretary forwards a copy of the appeal to the president of the body against which the appeal is filed without delay, requesting on the basis of the established time limit sub 1 submission to the Board of the relevant documents and a statement of defence. He sends a copy of this request to the appellant.
3. In case the contested decision was made by an examiner, the copy of the appeal sub 2 is forwarded to the president of the examination committee.

Article 9 – Written preparation

1. The president of the Board determines the time limit for submission of the relevant documents and the statement of defence.
2. If requested, the president may determine that the statement of defence may be submitted later, within what he considers a reasonable amount of time.
3. Copies of the relevant documents and the statement of defence are forwarded to the appellant without delay. The appellant is given the opportunity to react in writing before a specific date, if there is still time available in view of what has been determined sub 5.
4. The appellant's written reaction, as intended sub 3, is forwarded to the president of the body concerned without delay.
5. Until ten days before the session, parties may submit additional documents to the Board.
6. The Board is free to collect information that they consider necessary and to request the documents relevant to the dispute of its own accord. Without delay the president of the body against which the appeal is filed, sends the Board on request the regulations that were applicable at the time of the examination or part of the examination that has led to filing the appeal and furthermore any documents that the Board considers necessary for dealing with the appeal.

Article 10 – Resolution without session

1. The Board may at any stage during the legal action pronounce verdict without session, if it is of the opinion that the appeal is evidently inadmissible or evidently unfounded.
2. The Board bases its verdict exclusively on the documents that concern the legal action.

Article 11 – Location and time of and summoning for the session

1. The president determines as soon as possible, but at any rate within fourteen days, the location and the time when the appeal will be dealt with in a session.
2. The secretary convenes a session with the members as soon as possible, respecting the president's instructions. For the invitation a term of at least fourteen days is observed.
3. Well in time the secretary calls upon parties to be present at the session.
4. If the appeal concerns a decision of an examiner, the secretary sends a copy of his convocation to the president of the examination committee also to the examiner in question.

Article 12 – Documents available for inspection

1. Before dealing with the matter in the session, all documents relevant to the dispute are available for inspection by interested parties at the secretariat during a period of at least one week. The secretary notifies the parties in his convocation as intended in 11.3.
2. The president may determine that documents of a very personal nature may only be inspected by the parties concerned.

Article 13 – Replacement and assistance at the session; witnesses and experts

1. Parties may be assisted at the session or may authorize a person to replace them. They may also bring along witnesses and experts, under the proviso that they state the names of these persons in writing to the Board and the other party at the latest four working days before the session. The secretary informs the parties in the convocation as intended in 11.3.
2. The Board may summon witnesses and experts of its own accord or by request of parties.

Article 14 – Dealings at the session

1. The appeal is dealt with in a public session of the Board. In special cases the Board may decide that the appeal will be dealt with entirely or partly behind closed doors.
2. The president presides over the session. He grants each party the opportunity to elucidate its point of view. At the session, those present are expected to behave in conformity with the president's instructions. The president has the authority to have those who do not comply removed.
3. The secretary attends the session. He makes minutes of what has been deliberated during the session.
4. Parties may change the content of the appeal and of the statement of defence as well as of the grounds underlying them till the closure of the session, unless the Board is of the opinion that the other party is disproportionately disadvantaged by this change.
5. In case it turns out before the closure of the session that the investigation has not been complete, the Board may determine that dealing with the matter in the session will be adjourned till a later point in time, to be determined by the Board. Parties may in that case receive instructions with respect to the evidence.

6. Before concluding the dealings at the session, the president announces a date for the verdict. The decision of the Board is pronounced within two weeks after closure of the investigation.

Article 15 – Deliberations and verdict

1. The Board bases its verdict exclusively on the documents that were available for inspection and on what has been put forward during the session or has been submitted, without the other party being disadvantaged by it.
2. The secretary attends the deliberations and has an advisory vote.
3. With respect to anything that is discussed in the council room, participants of the deliberations are bound by secrecy.
4. The Board decides within two weeks after closure of the investigation at the session.
5. The verdict is in conformity with the sentiments of the majority of the members of the council room. The verdict does not specify the figures of the vote, nor minority positions.
6. When the Board considers the appeal well-founded, it annihilates the decision entirely or in part. The Board does not have the authority to make a new decision. It may determine that the test, exam, admission investigation, additional investigation or any part of these should be repeated under conditions determined by the Board. In cases where a decision has been refused, it can stipulate that a decision should be made. The body whose decision has been annihilated deals with the matter again where necessary, in conformity with the Board's verdict. The Board may impose a time limit.
7. The verdicts are dated and include:
 - names and domiciles of the parties and names of authorised persons;
 - the grounds on which the verdict is based;
 - a decision, and
 - the names of the members who have pronounced the verdict.
8. A copy of the verdict, signed by the president and the secretary, is sent to the parties concerned as well as to the Executive Board, and is available for interested third parties. If the appeal concerns a decision of an examiner, a copy of the verdict is sent to the relevant examination committee.

Article 16 – Temporary provision

1. In case of urgency, the president of the Board may make a temporary provision on request of the appellant. The president decides on the request after having heard the body or examiner concerned, or at least after having called them for a hearing.
2. The temporary provision may be lifted or changed by the president after having heard the parties, or at least after having called the parties for a hearing.
3. The temporary provision is cancelled as soon as the Board has made a decision on the main issue, in so far as the verdict does not specify a different moment in time.

Article 17 – Cases not covered by these rules of procedure

Cases not covered in these rules of procedure are decided on by the president of the Board. If necessary he proposes an amendment or addition of the rules of procedure to the members.

Enacted by the Executive Board on 3 July 2015

DISCLAIMER

Although every care has been taken to translate the texts of the Dutch regulations accurately, the original texts in Dutch are binding in case of differences in interpretation