

APPEAL AND OBJECTION

APPEAL

Students can bring an appeal before the Examinations Appeal Board in respect of decisions regarding:

- passing the final exam;
- permission to take exams;
- a university entrance exam and remediation of deficiencies;
- admission to postgraduate teacher training;
- a binding negative recommendation; and
- admission to the masters degree programme;

and in respect of decisions taken by the Board of Examiners and examiners, such as:

- the results of an examination [note: relates solely to the manner in which the results were established, not to the results themselves];
- the marks for theses or laboratory courses [the same comment applies as above];
- decisions regarding the approval or rejection of a combination of modules; and
- the refusal of an exemption.

An appeal can also be brought in respect of a written refusal to take a decision or a failure to take a decision within a reasonable term.

Please note: an objection is not possible in this procedure. The appellant must lodge an appeal immediately. (An attempt to reach an amicable settlement by the Examinations Appeal Board is legally prescribed. That attempt more or less constitutes an objection phase.)

Submission of a notice of appeal

The notice of appeal must be submitted in writing. Notices of appeal may not be submitted by e-mail. The notice of appeal must state:

- the name and full address;
- the name of the examiner, Board of Examiners or other body that took the decision;
- a clear description of the decision against which the appeal is being brought; enclose a copy of the decision. If the appeal relates to a refusal to take a decision, describe the situation and indicate what decision must be taken;
- the grounds underlying the appeal; substantiate the appeal, state why it is being brought and indicate the grounds on which it is being brought; and
- the notice of appeal must be dated and signed.

The notice of appeal must be submitted within four weeks after the date on which the decision was communicated. If the notice of appeal is not submitted on time it will be handled only if there are valid reasons for the late submission.

The notice of appeal must be submitted to:

The Examinations Appeal Board
Attn Ms A.M. van Donk
De Boelelaan 1105, Room 2D-30
1081 HV Amsterdam
The Netherlands

Procedure

- The Board will send a confirmation of receipt to the person who submitted the notice of appeal.
- The Board will send a copy of the notice of appeal to the body against which the appeal has been brought and will invite that body to consult with the person who brought the appeal in order to determine whether it is possible to settle the matter amicably.
- Within five days after the notice of appeal has been received the other party (the respondent) must invite the person who brought the appeal to consult. Within three weeks the other party must inform the Board whether an amicable settlement has been reached. If an amicable settlement has been reached, the procedure will be terminated.
- The chairman of the Board may decide to skip the attempt to reach an amicable settlement. He may do so if he finds that such an attempt is pointless or would be disproportionately disadvantageous for the person who brought the appeal. If it is not possible to reach a settlement, the other party must submit a statement of defence to the Board, in which it presents its views on the matter.
- The Board will call the parties to a hearing, which will take place at a public meeting of the Board. In special cases the hearing may be held in private. At the hearing the parties can explain their positions in more detail. The members of the Board will ask questions if necessary. The person who submitted the notice of appeal may be assisted by counsel at the hearing. He may also bring along witnesses or experts.
- After the hearing the Board will render a decision within four weeks. The decision will be sent to the parties.

Special procedures

Chairman's decision

The chairman of the Board may render a decision immediately if he is of the opinion that:

- the appeal is clearly inadmissible; the notice of appeal does not meet the conditions to be handled;
- the appeal is unfounded;
- the parties do not wish to be heard; or
- the appeal can be allowed in full.

An objection against a chairman's decision may be lodged within 14 days, after which the full Board will handle the case.

Provisional arrangements

In urgent cases the chairman of the Board may make provisional arrangements at the student's request. The procedure is comparable to summary proceedings.

OBJECTION

Students may submit an objection to the *Executive* Board in respect of a decision taken by the Executive Board regarding:

- the registration (registration or deregistration);
- the payment of the tuition fee;
- the award of board grants;
- measures related to denial of access to buildings and sites; and
- decentralized selection in limited enrolment programmes.

An objection may also be lodged in respect of a written refusal to take a decision or a failure to take a decision within a reasonable term.

The same procedure can be followed if the student wishes to lodge an objection against a decision taken by the faculty board.

The submission of the notice of objection

The notice of objection must be submitted in writing. Notices of objection may not be submitted by e-mail. The notice of objection must state:

- the name and full address;
- the name of the examiner, Board of Examiners or other body that took the decision;
- the grounds underlying the objection; substantiate the objection, state why it is being brought and indicate the grounds on which it is being brought; and
- the notice of objection must be dated and signed.

The notice of objection must be submitted within six weeks after the date on which the decision was communicated. If the notice of objection is not submitted on time it will be handled only if there are valid reasons for the late submission.

The notice of objection must be submitted to:

The Executive Board
De Boelelaan 1105
1081 HV Amsterdam

or, if the objection relates to a decision taken by the faculty board:

Board of the X Faculty
De Boelelaan 1105
1081 HV Amsterdam

The procedure

The Executive Board (where referred to below also taken to mean the faculty board if applicable) will confirm receipt of the notice of objection in writing. Before the Board renders a decision regarding the notice of objection it will investigate the relevant facts and the interests to be weighed, and it will give the interested party an opportunity to be heard by a person who was not involved in the preparation of the decision. For notices of objection that relate to decentralized selection the hearing will be held before an advisory committee. The hearing can be dispensed with if:

- the objection is clearly inadmissible;
- the objection is clearly unfounded;
- the interested party does not wish to be heard; or
- the objection will be allowed in full.

The Executive Board will render a decision within six weeks after it receives the notice of objection. The decisions will be sent in writing.

An appeal can be brought against a decision rendered by the Executive Board. Such an appeal must be submitted to the Higher Education Appeals Board, PO Box 20302, 2500 EH The Hague, the Netherlands. The term for the submission of a notice of appeal is six weeks. The registry fee is EUR 39.

Advice

Students may contact the central student counselors for help in writing a notice of appeal or notice of objection.

The SRVU students' union can assist in appeal and objection procedures. Students may come to the W&N Building, N-096, every Thursday afternoon between 1 p.m. and 4 p.m. for assistance.