

Regulations regarding the dispute resolution committee

General regulations regarding the possibility for students of Breda University of Applied Sciences to object to decisions by or on behalf of the Board of Governors in all cases not provided for by any specific objection and/or appeal regulations. These regulations are based on articles 7.59a, 7.63a WHW (Dutch Higher Education and Research Act) and article 7.11 et seq. AWB (Dutch General Administrative Law).

Article 1 General

1. A student who is directly affected in his/her interests by a decision by or on behalf of the Board of Governors, may lodge a notice of objection to this decision by virtue of these regulations, insofar as the case concerned is not provided for by any other specific objection and/or appeal regulations.
2. The dispute resolution committee will issue advice to the Board of Governors on objections with regard to decisions other than those that come under the discretion of the Examinations Appeals Board.
3. The members of the dispute resolution committee are functionally independent, which means that the Board of Governors does not issue any instructions to the members of the committee with regard to the Board of Governors' involvement in the advice to be issued by the committee.

Article 2 Composition of the dispute resolution committee

1. The dispute resolution committee consists of three members, including the chair.
2. The dispute resolution committee has one deputy chair and two deputy members.
3. The chair, deputy chair, members, and deputy members are appointed by the Board of Governors.
4. The chair and deputy chair meet the requirements for appointment as judicial officer, as referred to in article 5 of the Dutch Judicial Officers (Legal Status) Act. They do not have an employment contract with Breda University of Applied Sciences.
5. Members of the Board of Governors, academy directors, members of management teams, and heads of services cannot be members or deputy members of the dispute resolution committee.
6. Members and deputy members are appointed for a three-year term. They are eligible for reappointment.
7. At their own request, the members and deputy members of the dispute resolution committee are given discharge by the Board of Governors. They are also discharged by the Board of Governors in the event that they cease to possess the capacity that represented the reason for their appointment.
8. The dispute resolution committee is assisted by an official secretary and a deputy official secretary, who is appointed by the Board of Governors.

Article 3 Objection

1. The dispute resolution committee issues advice to the Board of Governors on objections with regard to decisions other than those that come under the discretion of the Examinations Appeals Board. Objections may be lodged against decisions by or on behalf the Board of Governors with regard to:
 - a. Refusal of enrolment;
 - b. Termination of enrolment;
 - c. Imposing of tuition fees;
 - d. Reduction of or exemption from statutory tuition fees;
 - e. Refunding of tuition fees;
 - f. Financial support;
 - g. Imposing of a disciplinary measure.
2. A decision as referred to in the first section is considered equivalent to a refusal to decide. If a decision is not taken within the term specified for this by or pursuant to the law or by or pursuant to these regulations or within a reasonable time frame if no such term exists, then this will be construed as a refusal to decide.

Article 4 Lodging a notice of objection

1. The substantiated notice of objection has to be submitted to the Counter for Complaints, Objections and Appeals (ComplaintsServicePoint), via the Studentportal, within six weeks after the party concerned has been informed of the decision. If this six-week term is exceeded as a result of circumstances that are not attributable to the party concerned, then this will constitute grounds for the dispute resolution committee to forgo the apparent inadmissibility of the case.
2. If the notice of objection is submitted to a body of Breda University of Applied Sciences other than the Counter for Complaints, Objections and Appeals, the notice of objection - after the date of receipt has been noted – along with the enclosed supporting documents, will be forwarded to the dispute resolution committee, with the person who submitted the notice of objection simultaneously being notified.
3. The notice of objection contains:
 - a. The submitter's name and address;
 - b. The study programme that the student concerned (submitter of the notice of complaint) is attending and his/her student number;
 - c. The date;
 - d. A description of the decision the objection is directed against, if possible, with submission of a copy thereof. If the objection is directed against the refusal of a decision or against a decision not having been made in time, a clear description must be submitted of the grounds on which, in the objector's judgement, a decision should have been taken.
 - e. The reasons on which the objection is based.
4. Receipt of the notice of objection will be confirmed in writing.
5. The dispute resolution committee will inform the submitter of any omissions he or she may have made in the notice of objection and invite him or her to rectify these within a period of time to be set by the chair. If these omissions are not rectified within the set period, the notice of objection may be declared inadmissible.
6. The lodging of an objection will not lead to a suspension of the decision that is being objected to.

Article 5 Amicable arrangement

1. The dispute resolution committee will examine whether an amicable arrangement between the parties concerned is possible.

Article 6 Location and date of the hearing

1. The dispute resolution committee will determine as soon as possible, but in any case within four weeks after receiving the notice of objection, the location and date of the hearing in which the objection will be dealt with. All parties concerned will be notified of this in time.
2. A representative or several representatives of the Board of Governors will be invited to the hearing and will be given the opportunity to explain the point of view of or on behalf of the Board of Governors.
3. The submitter of the objection and/or his or her authorised representative will be invited to the hearing and will be given the opportunity to explain his or her point of view.
4. On its own initiative, the dispute resolution committee may gather information deemed necessary by it and request documents relating to the case.
5. Before the hearing, all documents relating to the case will be made available for inspection for everyone with the official secretary for a duration of at least three working days. For inspection, an appointment with the official secretary of the dispute resolution committee must be made. The chair of the dispute resolution committee may determine that certain documents which are of a highly personal nature are only made available to the parties directly involved.
6. Up until five working days before the hearing on the objection, the parties concerned may submit a substantiated request for postponement to the chair of the dispute resolution committee.
7. The parties involved need not necessarily be heard if:
 - a. The objection is obviously inadmissible;
 - b. The objection is obviously unfounded;
 - c. The parties concerned have stated that they do not wish to exercise their right to be heard, or;
 - d. The objection can be satisfied entirely without leading to other parties concerned being affected in their interests in any way.

Article 7 Assistance

1. The parties may send an authorised representative to attend the hearing on their behalf or the parties may have themselves assisted by an authorised representative at the hearing. Furthermore, the parties may bring witnesses and experts to the hearing on the understanding that they give the names of these persons in writing to the official secretary of the dispute resolution committee and to the other party no later than five working days before the hearing.
2. On its own initiative or at the request of the parties concerned, the dispute resolution committee may summon witnesses and experts.

Article 8 Hearing

1. The objection will be dealt with in a public hearing of the dispute resolution committee. The dispute resolution committee may decide to handle the objection entirely or partially in a hearing behind closed doors.

Article 9 Advice and decision

1. The dispute resolution committee will issue advice on the notice of objection to the Board of Governors within four weeks after the notice of objection has been submitted. This term may be extended by the dispute resolution committee by four weeks at the most, in which case the parties concerned will be notified in time.
2. If immediate action must be taken, the chair of the dispute resolution committee may determine that the dispute resolution committee will issue its advice to the Board of Governors as soon as possible.
3. The advice of the dispute resolution committee will be presented in writing and it will also contain a report on the hearing.
4. Within two weeks after receiving the advice from the dispute resolution committee, the Board of Governors will make its decision with regard to the objection.
5. The Board of Governors will send its decision, together with the advice of the dispute resolution committee, to the person who submitted the objection.
6. If the decision of the Board of Governors differs from the advice of the dispute resolution committee, the reason for this different decision will be stated and the advice will be enclosed with the decision.
7. Against a decision as referred to in section 4, the person who submitted the objection may lodge an appeal with the Higher Education Appeals Tribunal in Den Haag within six weeks' time.

Article 10 Final clauses

1. These regulations may be cited as 'Regulations regarding the dispute resolution committee'.
2. In cases that are not covered by these regulations, the Board of Governors will make a decision, after consulting with the chair of the dispute resolution committee.

Thus laid down in the meeting of the Board of Governors on 6 August 2012.

Approved by the Representative Advisory Board on

Breda,
Board of Governors,
Breda University of Applied Sciences