



REGULATIONS OF THE APPEALS AND OBJECTIONS COMMITTEE

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Definitions

Article 1: Definitions

The following definitions apply:

- a. *Awb*: General Administrative Law Act (*Algemene wet bestuursrecht, Awb*);
- b. *WHW*: Higher Education and Academic Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek, WHW*);
- c. Administration and Management Regulations: the regulations, in force at the University, stipulated in article 9.4, *WHW*;
- d. University: Leiden University;
- e. Operational manager: the person in charge of operational management;
- f. Appeal: administrative appeal, stipulated in article 1.5, paragraph 2, *Awb*;
- g. Appellant: the person lodging an appeal or objection or submitting a request for a remedy;
- h. Committee: the Appeals and Objections Committee stipulated in article 38 of the Administration and Management Regulations;
- i. Chamber: a chamber of the committee, entrusted with the processing of an appeal, an objection, a dispute or a provision.

Appeals and Objections Committee

Article 2: The committee

A committee is constituted for the preparation of decisions on appeals and objections as stipulated in article 36 of the Administration and Management Regulations, the disputes stipulated in article 37 of the Administration and Management Regulations and the decisions on requests for a remedy stipulated in article 3, paragraph 1, of the Regulations pertaining to the elections for the University Council and article 4, paragraphs 1 and 2 of the Regulations pertaining to the elections for the Faculty Councils and employees' consultative bodies.

Article 3: Constitution of the committee

1. The committee comprises a number of chairpersons, who are also members of the committee, and several other members;
2. The members of the committee are appointed, suspended and discharged by the Executive Board;
3. The members of the committee are appointed for a period of three years and are eligible for reappointment;
4. The members of the committee may resign in writing;
5. In cases other than resignation, the Executive Board may discharge a member of the committee at all times;
6. The committee is divided into the following chambers:
 - a. chamber for management affairs;
 - b. chamber for disputes pertaining to co-participation;
 - c. chamber for cases of dismissal;
 - d. chamber for personnel affairs;
 - e. chamber for student affairs;
 - f. chamber for elections.
7. The chamber for cases of dismissal comprises a chairperson, a deputy chairperson, two other members and their deputies. One member may be nominated for appointment by the Executive Board and one member may be nominated by the joint employees' organisations who are parties in the Collective Labour Agreement of Dutch Universities



(CAO). These members jointly nominate a chairperson for appointment. The deputy chairperson and the deputy members are nominated for appointment following the same procedure. The chairperson of this chamber cannot be an employee of the University.

8. The employees' organisations represented in consultations at university level are entitled to nominate two members for appointment to the chamber for disputes pertaining to co-participation.
9. A letter of appeal or objection, a dispute or a request for a remedy is processed by the chamber that is competent pursuant to articles 4 through 9. The chamber is constituted per appeal, objection, dispute or request for a remedy, in compliance with the requirements pertaining to its constitution, stipulated in articles 4 through 9.
10. The designated members of the chamber may not serve in respect of a disputed decision or act, where they have been directly involved in the making or committing of such decision or act. (Deputy) members nominated by the employees' organisations who are parties to the CAO may not process letters of appeal or objection from their own organisation.
11. In specific instances the Executive Board may decide that the chamber be constituted in contravention of articles 4 through 9.
12. The provisions laid down in these regulations are applicable, as far as possible, *mutatis mutandis* to the operating procedures of the various chambers.

Article 4: Competence and constitution of the chamber for management affairs

1. It is the duty of the chamber for management affairs to hear interested parties and to advise administrative authorities on decisions on:
 - a. appeals as stipulated in article 36, paragraph 2 of the Administration and Management Regulations;
 - b. objections as stipulated in article 36, paragraph 1, of the Administration and Management Regulations, with the exception of objections against decisions made by the Executive Board with regard to a civil servant as stipulated in article 1 of the Civil Servants Act, or decisions made pursuant to or by virtue of section 2 of chapter 7, *WHW* with regard to enrolment, pursuant to or by virtue of section 3 of chapter 7, *WHW* and pursuant to article 57h, *WHW*;
 - c. objections as stipulated in article 36, paragraph 4, of the Administration and Management Regulations.
2. The chamber comprises a chairperson and two other members.

Article 5: Competence and constitution of the chamber for disputes pertaining to co-participation

1. It is the duty of the chamber for disputes pertaining to co-participation to hear interested parties and to advise the Executive Board on disputes between:
 - a. a Faculty Board and the relevant Faculty Council;
 - b. an operational manager and the relevant employees' consultative body.
2. The chamber comprises a chairperson and two other members, one of whom is designated by the employees' organisations, represented in consultations at university level.



Article 6: Competence and constitution of the chamber for personnel affairs

1. It is the duty of the chamber for personnel affairs to hear interested parties and advise the Executive Board on the other objections stipulated in article 36, paragraph 1, of the Administration and Management Regulations, in so far as these objections have been lodged against decisions made by the Executive Board pertaining to a civil servant as stipulated in article 1 of the Civil Servants Act.

The chamber comprises a chairperson and two other members.

Article 7: Competence and constitution of the chamber for student affairs

1. It is the duty of the chamber for student affairs to hear interested parties and to advise the Executive Board on objections as stipulated in article 36, paragraph 1, of the Administration and Management Regulations, in so far as these objections have been lodged against decisions made by the Executive Board pursuant to or by virtue of section 2 of chapter 7, *WHW* with regard to enrolment, pursuant to or by virtue of section 3 of chapter 7, *WHW* and pursuant to article 57h, *WHW*.
2. The chamber comprises a chairperson and one other member.

Article 8: Competence and constitution of the chamber for elections

1. It is the duty of the chamber for elections to hear interested parties and to decide on requests for a remedy, submitted pursuant to article 3, paragraph 1 of the Regulations pertaining to the elections for the University Council and article 4, paragraphs 1 and 2 of the Regulations pertaining to the elections for the Faculty Councils and employees' consultative bodies.
2. The chamber comprises a chairperson and two other members.
3. Membership of the chamber is incompatible with membership of the Central Elections Office or the elections office of a faculty or department.

Article 9: Competence and constitution of the chamber for cases of dismissal

1. It is the duty of the chamber for cases of dismissal to hear interested parties and to advise the Executive Board on letters of objection against notices of dismissal.
2. A letter of objection is dealt with by the chairperson and two other members or, in their absence, by their deputies.

Article 10: The committee's secretariat

1. The secretariat of the committee is managed by the Legal Affairs Department.
2. The Executive Board designates one or more secretaries.
3. The secretaries may also act as members of the committee.

General procedural provisions

Article 11: Consolidation of cases

Letters of appeal or objection, disputes or requests for a remedy which deal with the same or related subjects may be consolidated.



Article 12: The sending of documents to an agent

If a person is represented by an agent, the documents concerning the processing of the letter of appeal or objection, the dispute or the request for a provision are sent to the agent only.

Article 13: Transfer of competences

1. The competences stipulated in article
 - 2:1, paragraph 2;
 - 6:6, with regard to setting a time limit to a person lodging an appeal or objection to remedy an omission;
 - 6.10, paragraph 2;
 - 6.17, as far as the sending of documents by the committee is concerned;
 - 7:4, paragraphs 2 and 6;
 - 7:6, paragraph 4;
 - 7.10, paragraph 3;
 - 7:18, paragraphs 2 and 6;
 - 7:20, paragraph 4;
 - 7:24, paragraph 5, *Awb*, are exercised by the committee in the application of these regulations.
2. In all cases not provided for in these regulations, the decision on processing the letter of appeal, the letter of objection, the decision dispute or the request for a remedy rests with the designated chairperson.

The processing of appeals and objections by the chambers for management affairs, personnel affairs, student affairs and cases of dismissal

Article 14: Lodging an appeal or objection with the committee

1. Appeals and objections are lodged with the committee.
2. If a letter of appeal or objection has been submitted to an administrative authority that has to make a decision on the letter, the administrative authority forwards the letter of appeal or objection to the committee without delay.
3. On behalf of the administrative authority the committee acknowledges receipt of the letter of appeal or objection without delay.

Article 15: Preliminary examination

1. The committee is entitled, for the preparation of the processing of the letter of appeal or objection, to directly obtain all information it considers necessary or desirable.
2. All administrative authorities and their staff members are obliged to provide the requested information.
3. The committee may seek advice from experts and invite them to appear at the hearing if necessary.

Article 16: Submitting documents and explanation

The committee requests the administrative authority that has taken the disputed decision or has committed the disputed act to submit an explanation thereof within two weeks and submit all the documents pertaining to the appeal or objection.



Article 17: The sending of documents

1. The committee sends the documents with regard to the letter of appeal or objection to the appellant and the administrative authority concerned.
2. The chairperson, designated to process the appeal or objection, may decide that the previous paragraph does not apply with regard to certain documents, in so far as there are weighty reasons for requiring confidentiality. Notice of the application of this stipulation will be made.
3. No reasons sufficiently weighty can be deemed to be present insofar as pursuant to the WOB it is mandatory to honour a request for information contained in these documents.

Article 18: The hearing

1. The chairperson designated for the processing of the letter of appeal or objection decides whether interested parties need not be heard on the basis of articles 7.3 and 7.17, *Awb*.
2. In the absence of a decision not to hear a certain party, the committee sets the time and place of the hearing, at which the appellant, the administrative authority in question and any other interested parties may appear, in person or represented by an agent, in order to be heard by the committee.
3. No later than ten days before the hearing the committee sends a written summons to the appellant, the administrative authority concerned and any other interested parties. In case of representation, the summons is sent to the agent.
4. Within three days after the summons has been sent a motivated request to postpone the hearing may be submitted to the chairperson designated to process the appeal or objection. The chairperson's decision on this request is conveyed to the appellant, the administrative authority concerned and any other interested parties without delay.
5. In particular circumstances the chairperson may allow deviation from the time limits set in paragraphs 3 and 4.
6. For a hearing to be conducted, all members of the chamber must be present. If one of the designated members cannot attend the hearing, another member is designated in his or her place. If this is not possible, the absent member may authorize the other members to conduct the hearing on his or her behalf.
7. The hearing is conducted in public, unless, whether or not at the request of an interested party, the chairperson of the chamber designated to process the appeal or objection decides otherwise.

Article 19: Challenge and excusal

1. No later than at the opening of a hearing each of the members of a chamber may be challenged on grounds of facts or circumstances which could prejudice their forming an impartial opinion.
2. If one or more members of a chamber are challenged, the processing of the appeal or objection is postponed until the chamber, which challenged members may not be part of, has reached a decision.
3. Each of the members of the chamber may be granted excusal on grounds of facts or circumstances as stipulated in paragraph 1. In that case another member of the chamber is designated.



Article 20: Record of the hearing

1. A record is kept of the hearing. In cases involving students, however, no record is kept. Instead, a brief summary of what has been put forward at the hearing is included in the advice.
2. In cases involving students a record may, if requested, also be kept and sent to the applicant.
3. The record is signed by the secretary.

Article 21: Further investigations

1. If further investigations prove to be desirable, after the hearing, but before the advice is formulated, the committee may carry out such investigations.
2. The information obtained from further investigations is sent in copy to the members of the committee, the appellant, the administrative authority concerned and any other interested parties, in so far as this information could influence the decision on the appeal or objection.
3. Within a week after the additional information has been sent, the members of the committee, the appellant, the administrative authority concerned and any other interested parties may request the chairperson of the committee designated for the processing of the appeal or objection to conduct a new hearing. The chairperson decides on such requests.
4. The provisions of these regulations with regard to a hearing apply, to the extent possible, to a new hearing *mutatis mutandis*.

Article 22: Advice

1. The committee formulates a motivated advice as soon as possible after receipt of the letter of appeal or objection.
2. The committee deliberates and decides upon the formulation of the advice in closed session.
3. The chamber decides on the advice by majority of votes. As far as the chamber for student affairs is concerned, the vote of the chairman is decisive.
4. The advice is signed by both the chairman and the secretary.

Decision on the appeal or objection

Article 23: Decision of the administrative authority

1. The committee conveys the advice and the record of the hearing to the administrative authority as soon as possible, and requests this authority to reach a decision on the appeal or objection.
2. After receipt of the documents mentioned in paragraph 1, the administrative authority reaches a decision on the appeal or objection. The advice of the committee and the record of the hearing is sent together with the decision on the appeal or objection.

Processing of disputes by the chamber for disputes pertaining to co-participation

Article 24: General provision

In so far as the following articles do not contain different provisions from those contained in articles 14 through 23 these articles apply *mutatis mutandis* to the processing of disputes by the chamber for disputes pertaining to co-participation. The following definitions apply:



- a. Interested party: the Faculty Board, the operational manager and the co-participation committee in question;
- b. Appeal or objection: the dispute;
- c. Letter of appeal or objection: the letter in which the Faculty Board, the operational manager and the co-participation committee in question has submitted the dispute to the Executive Board.

Article 25: Request for reaction

1. The committee requests the interested party who has not submitted the dispute to convey its opinion about the dispute within ten days, insofar as this opinion has not yet been conveyed in the letter concerned.
2. The committee sends the documents received by virtue of what is stated in paragraph 1 above to the party who has submitted the dispute and enables this party to respond in writing within ten days.

Article 26: The hearing of the parties

Parties need not be heard:

- a. if the committee is of the opinion, on the basis of the documents, that it is impossible to put forward a proposal to settle the dispute, which is acceptable to both parties;
- b. if parties have stated that they do not intend to make use of their right to be heard.

Article 27: Proposal to settle the dispute

1. If the committee considers it possible to settle the dispute, it puts forward a proposal thereto.
2. If the parties accept the proposal to settle the dispute, the committee discontinues the processing of the dispute and notifies the Executive Board accordingly.

Article 28: Advice

1. If the committee does not consider it possible to put forward a proposal to settle the dispute or if one of the parties does not accept the committee's proposal, the committee advises the Executive Board.
2. If the dispute has to be submitted to the Committee on disputes pertaining to co-participation at universities pursuant to article 9.40, paragraph 4, *WHW*, the chamber advises the Executive Board to do so.

The processing of appeals by the chamber for elections

Article 29: General provision

In so far as the following articles do not contain different provisions from those contained in the articles 14 through 23 these articles apply *mutatis mutandis* to the processing of a request for a remedy by the chamber for elections. The following definitions apply:

- a. Appeal or objection: the request for a remedy;
- b. Letter of appeal or objection: the written request for a remedy.



Article 30: The request

1. The request for a remedy is submitted in writing. It should be signed and contain at least:
 - a. the name and the address of the person submitting it;
 - b. the date;
 - c. a description of the decision to which the request for a remedy relates;
 - d. the grounds for the request for a remedy.
2. A copy of the decision to which the request for a remedy relates is submitted, if possible, with the request.
3. If the request for a remedy is stated in a foreign language and a translation is necessary for the proper processing of the request, the appellant is responsible for providing a translation.

Article 31: The period for submitting a request for a remedy

1. The request for a remedy should be received by the appeals and objections committee on the 4th working day after that on which the disputed decision has been conveyed.
2. The period starts on the day after that on which the decision to which the request for a remedy relates has been conveyed.
3. A request for a remedy is deemed to have been submitted in good time if it has been received before the end of the period.

Article 32: Omissions and remedy

If article 30 or 31 or any other requirement for the processing of the request for a remedy has not been complied with, the request may be held to be inadmissible provided that the person submitting it has had the opportunity to remedy any omissions until the opening of the hearing at the latest.

Article 33: Exceptions to the obligations to hear interested parties

Interested parties need not be heard if:

- a. The appeal is manifestly inadmissible;
- b. The interested parties have stated that they do not wish to exercise their right to be heard.

Article 34: Acknowledgement of receipt and hearing summons

1. The committee acknowledges receipt of the request for a remedy in writing and gives notice thereof to the administrative authority which made the disputed decision.
2. The acknowledgement of receipt and the notification stipulated in paragraph 1 is accompanied by a summons addressed to the appellant and the administrative authority concerned to appear at the hearing. The committee requests the administrative authority to submit without delay an explanation of the disputed decision, as well as all related documents.



Article 35: Decision Period

1. A decision is reached by the chamber within 6 days after receipt of the request for a remedy.
2. In so far as the chamber holds the request for a remedy admissible and well-founded, it revokes the disputed decision and reaches a new decision if necessary.
3. The decision is signed by the chairperson.
4. The record of the hearing is conveyed with the decision.

Final provision

Article 36: Official title

This ruling is cited as: Regulations of the Appeals and Objections Committee (*Reglement van Orde Commissie voor de Beroep- en Bezwaarschriften*, abbr. "RvO Cbb").

These regulations were adopted by the Executive Board in its meeting of 26 May 2005 and take effect on 1 September 2005
