

Draft regulations legal protection students and external students HZ

Stichting Hogeschool Zeeland

The management board of the Stichting Hogeschool Zeeland;

Taking into account what was determined in article 7.59a of the "*Wet op het hoger onderwijs en wetenschappelijk onderzoek*" (Dutch higher education and research act);

Taking into account the endorsement of the university council d.d.23 March 2011;

Hereafter stipulates the regulations legal protection students and external students.

Draft regulations legal protection students and external students

Stichting Hogeschool Zeeland

Article 1. definitions

In these regulations the following is understood to mean:

1. **HZ**: de stichting HZ (foundation HZ);
2. **person concerned**: a future, current and former student of HZ, or a future, current or former external student of HZ;
3. **complaint**: a (oral or written) complaint as meant in article 7:59b WHW, not being a a reporting in the sense of the HZ whistle-blower regulations or the HZ regulations reporting forms of undesired behaviour;
4. **appeal**: written appeal as meant in article 7:61 WHW;
5. **objection**: written objection as meant in article 7:63a WHW;
6. **facility HZ**: facility as meant in article 7:59a WHW.
7. **AWB**: "Algemene wet bestuursrecht" (General act for administrative law)
8. **WHW**: "Wet op het hoger onderwijs en wetenschappelijk onderzoek" (Dutch higher education and research act)

Article 2. facility HZ

- 2.1 The facility HZ is established at the HZ address in Vlissingen:
Facility HZ
Attn het bestuurssecretariaat
Edisonweg 4
4382 NW Vlissingen
Tel. 0118-489000
e-mail: faciliteithz@hz.nl
- 2.2 A complaint, a petition or notice of objection is handed in with the facility HZ.
- 2.3 The facility HZ informs the person concerned that it has received the complaint, appeal of objection and forwards it, after the date of receipt is registered, to the competent authority as soon as possible.
- 2.4 If the facility HZ has forwarded a complaint, appeal of objection to an incompetent authority, this authority makes sure that it is sent back to the facility HZ.
- 2.5 A complaint, appeal of objection that is directly handed in by a person concerned with the competent authority, is only dealt with through the agency of the facility HZ.

Article 3. complaint

- 3.1 A complaint has to be handed in within a reasonable time.
- 3.2 The management board will deal with a complaint by means of consistent application of title 9.1 AWB.

Article 4. objection

- 4.1 A notice of objection is aimed at a decision or the lack thereof in the sense of article 7:63a WHW.
- 4.2 The term for setting up an objection is six weeks.

Article 5. arbitration advice board

- 5.1 The arbitration advice board advises the management board regarding the objection.
- 5.2 The arbitration advice board consists of a chairman and two members.
- 5.3 The chairman is no member of or does not work under the authority of the management board.
- 5.4 The arbitration advice board investigates if a friendly settlement between the parties is possible.
- 5.5 If it is a case of immediate urgency, the chairman of the arbitration advice board can on the request of the person concerned or of the management board decide that the arbitration advice board advises the management board as soon as possible. The chairman decides within one week after receipt of the notice of objection if it is a case of immediate urgency and as soon as possible notifies the person concerned and the management board thereof. In such a case the management board takes a decision within four weeks after receipt of notice of objection by the facility HZ.

Article 6. decision on objection

- 6.1 The management board decides within 10 weeks of handing in the notice of objection with the facility HZ, without prejudice to the provisions in article 5.5 of these regulations.

Article 7. of consistent application stipulations AWB in dealing with the notice of objection

- 7.1 That which is determined in the articles 2:1, 6:2, 6:4, 6:5, 6:6, 6:7, 6:8, 6:9, 6:10, 6:11, 6:12, 6:14, 6:16, 6:17, 6:18, 6:19, 6:20, 6:21, 6:22, 6:23, 7:2, 7:3, 7:4, 7:5, 7:6, 7:7, 7:8, 7:9, 7:10, 7:11, 7:12, 7:13, 7,28, first paragraph, second paragraph, first and second sentences, third and fourth paragraphs, 8:14, 8:69, and 8:88, first paragraph AWB is, with the exception to the extent to which it is deviated from in these regulations, of consistent application in dealing with the notice of objection.

Article 8. appeal

- 8.1 The appeal is filed against a decision as meant in article 7:61, first paragraph WHW.
- 8.2 The term for setting up an appeal is six weeks.
- 8.3 The appeal is taken into account by the college of appeal for the examinations.

article 9. friendly settlement regulations, appeal

- 9.1 The college of appeal for the examinations forwards the notice of objection, prior to dealing with the appeal, to the body against which the appeal is filed, with an invitation to investigate in consultation with the person concerned whether a friendly settlement regarding the dispute is possible.
- 9.2 If the appeal is filed against a decision by an examiner, the notice of objection as meant in the first paragraph of this article is sent to the examining board involved. If this examiner is a member of the examining board, he will not take part in the deliberations.

- 9.3 The body as meant in the first paragraph of this article, or the examining board, informs the college of appeal for the examinations within three weeks of receiving the notice of objection whether a friendly settlement was possible. If this is not the case, the notice of objection is taken into account by the college of appeal for the examinations.
- 9.4 The college of appeal for the examinations may refrain from seeking a friendly settlement as meant in this article, in the case of:
- An evident unfoundedness of the appeal;
 - An evident non-suitedness of the person concerned;
 - Incompetency on the part of the college of appeal for the examinations;
 - It can be assumed in advance that a friendly settlement is not possible.

Article 10. decision on appeal

- 10.1 The college of appeal for the examinations decides within 10 weeks after receipt of the notice of objection.
- 10.2 If the appeal is considered legitimate the college of appeal for the examinations reverses the decision completely or partially. The college of appeal for the examinations is not authorised to make a new decision in the place of the completely or partially reversed decision. It can decide that the case is once again decided if the decision is refused, or that the test, the examination, the admission request, the additional investigation or any other part thereof is again considered or sat (examination) under the conditions set by the college of appeal. The body for which the decision was reversed, sees to the case –to the extent needed – taking into account the verdict of the college of appeal for the examinations. To this end, the college of appeal for the examinations can set a time in its verdict.
- 10.3 In the case of immediate urgency, the chairman of the college of appeal for the examinations can make a provisional arrangement on the request of the applicant of the notice of objection. Based on this request, the chairman reaches a decision after having heard the body involved or the examiner involved, or at least after having summoned him. Furthermore, that which is decided in article 8:81 ABW is of consistent application.

Article 11. of consistent application stipulations AWB in dealing with the notice of objection

- 11.1 That which is decided in the articles 2:1, 6:2, 6:4, 6:5, 6:6, 6:7, 6:8, 6:9, 6:10, 6:11, 6:12, 6:14, 6:16, 6:17, 6:18, 6:19, 6:20, 6:21, 6:22, 6:23, 7:16, 7:17, 7:18, 7:19, 7:20, 7:21, 7:22, 7:23, 7:24, third, fourth, sixth and seventh paragraphs, 7:26, 7:28, first paragraph, second paragraph, first and second sentences, third and fourth paragraphs, 8:14, 8:69, 8:77 en 8:88, first paragraph AWB is, with the exception of the extent from which this is deviated in these regulations, of consistent application in dealing with the notice of objection.

Article 12. appeal against the college of appeal for higher education

- 12.1 Against a decision of the management board as meant in article 5, fifth paragraph and article 6 of these regulations as well as against a decision of the college of appeal for the examinations as meant in article 10 of these regulations, an appeal can be filed within a period of six weeks after the verdict with the college of appeal for higher education.

- 12.2 Against verdicts of the management board as a result of complaints as meant in article 3 of these regulations no appeal is possible.
- 12.3 Against judgments of the college of appeal for higher education no further appeal is possible.

Article 13. regulations regarding order

- 13.1 The management board stipulates the regulations of order regarding the arbitration advice board.
- 13.2 The college of appeal for the examinations stipulates the regulations of order to regulate its work. These regulations, including their amendments, require the endorsement of the management board.

Article 14. miscellaneous

- 14.1 These regulations are part of the management and control regulations in conformity with that which is determined in article 7.59a WHW.
- 14.2 Stipulations of and amendments to these regulations require the prior endorsement of the university council.

Article 15. final stipulations

- 15.1 These regulations are operational as from 6 April 2011.
- 15.2 These regulations are published on the HZ website.
- 15.3 These regulations have to be quoted as "regulations legal protection students and external students HZ".

Vlissingen, 6 April 2011

Drs. P.C.A. van Dongen, chairman