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Dispute Arbitration Committee Regulations

Saxion

Colophon

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Department DBI
Author Frank Beckmann

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CHAPTER I. Basis

Article 1

Basis

These regulations implement the provisions of Article 7.63a of the Higher Education and Scientific Research Act (WHW) regarding the competence and composition of the Dispute Arbitration Committee (hereinafter referred to as GAC), as well as the provisions of Article 7:13, first to sixth paragraphs of the General Administrative Law Act (Awb). These regulations also determine the working method of the GAC.

CHAPTER II. Dispute Arbitration Committee

Article 2

Competence of the GAC

The GAC advises the Executive Board on objections, as referred to in article 7.63a paragraph 2 of the WHW, regarding decisions (or the lack thereof) on the basis of the WHW and regulations based on it, other than those referred to in article 7.61 of the WHW.

Article 3

The size and composition of the GAC

1. The GAC consists of six members, three of whom are alternate members; they are appointed and dismissed by the Executive Board.
2. The chairperson and deputy chairperson are appointed in office.
3. In addition to the chairperson, the GAC consists of a Saxion lecturer and student.
4. The members and alternate members take turns sitting in the GAC. In addition, the members and alternate members may replace each other in order to participate in the work of the committee in the event of inability to attend or absence.
6. The remuneration of members and alternate members shall be determined by decision of the Executive Board.

Article 4

The term of appointment and dismissal of GAC (alternate) members

1. The appointment of GAC members and alternate members is for a term of four years and, in the case of students, for a term of two years. The lecturer and student members may be reappointed once.
2. A lecturer member resigns every four years immediately after the end of the annual meeting, in accordance with a schedule to be drawn up by the committee, this schedule must be drawn up in such a way that each lecturer member resigns no later than the eighth year after their (re)appointment. A lecturer member, appointed in an interim vacancy, takes over the position in the schedule of the person they have replaced.
3. Except at their own request, members and alternate members of the GAC shall be dismissed by the Executive Board upon dissolution of the GAC, as well as when they no longer possess the capacity that was the basis for their appointment as a member or alternate member of the GAC.

Article 5

The GAC secretary

1. The GAC is assisted by a secretary appointed by the Executive Board.
2. The GAC secretary shall observe the instructions of the chairperson of the committee in the performance of their duties.
3. The Executive Board also appoints a deputy secretary who, in the event of the secretary's inability to attend or absence, can take over the secretary's duties.

Article 6

Duty of care of the Executive Board

The Executive Board shall ensure that members as referred to in Article 4, their alternates, and former members and their alternates, are not disadvantaged in their position within Saxion by, or as a result of, their membership of the GAC.

CHAPTER III. Objection procedure

Article 7

The submission of a notice of objection

1. The objection can be lodged by the person concerned, which is understood to mean a (prospective or former) student or a (prospective or former) external candidate.
2. The notice of objection is addressed to the GAC and submitted to the Meldpunt Klacht & Geschil (Complaints and Disputes Office hereafter MKG).
3. The period for submitting a notice of objection is six weeks. This period commences the day after the decision has been made known.

Article 8

The content of the notice of objection; rectification of omission

1. The notice of objection must contain:
 - a. name, address and place of residence of the person concerned,
 - b. the date,
 - c. indication of the body concerned that took the contested decision,
 - e. a clear description of the grounds for the objection.
2. If possible, a copy of the decision to which the dispute relates shall be submitted with the notice of objection.
3. If the requirements referred to in paragraph 1 or any other requirement for the handling of the objection are not met, the GAC secretary shall inform the person concerned of this and invite them to rectify this within a period specified to them by the secretary.
4. If the person concerned has not rectified the omission committed within the period referred to in paragraph 3, the committee will advise the institutional board to declare the objection inadmissible.

Article 9

Deadline for submitting a notice of objection

1. The period for submitting a notice of objection is six weeks. This period commences the day after the decision has been announced. Announcement takes place by sending or issuing the decision. The date of receipt of the notice of objection determines whether the objection was filed in time.
2. A notice of objection shall be submitted in good time if it is received before the end of the period referred to in paragraph 1.
3. If the notice of objection is submitted after the expiry of the period referred to in the first and second paragraphs, a declaration of inadmissibility on that basis shall be omitted if it cannot reasonably be considered that the person concerned can be blamed for the late submission.
4. If the objection is directed against the failure to take a decision in time, the objection is not subject to a time limit. A notice of objection can be submitted as soon as an institutional body fails to take a decision in time. However, a notice of objection will be declared inadmissible if the notice of objection is submitted unreasonably late.

Article 10

Confirmation of receipt of notice of objection

The MKG confirms receipt of the notice of objection in writing on behalf of the GAC, and indicates briefly how the procedure will proceed.

Article 11

Amicable settlement

1. Before the notice of objection is processed by the GAC, the MKG will send a copy of the notice of objection to the relevant body as soon as possible, with the invitation to examine in consultation with the person(s) involved whether an amicable settlement of the dispute is possible. The invitation contains the request to inform the MKG of the outcome of the deliberation within three weeks of receipt by the relevant body of the objection.
2. In the event that an amicable settlement has been reached, the MKG informs the parties on behalf of the GAC that the objection will not be dealt with by the GAC.
3. If an amicable settlement has not been possible within one week of the notification of this a notice of defence will be submitted by the relevant body. The MKG shall ensure that a copy of the notice of defence is sent to the opposing party without delay.
4. If an amicable settlement has not been possible, the report of the amicable settlement will be added to the notice of defence.

Article 12

Right to be heard

1. Before the GAC decides on the objection, the chair of the committee will give the person concerned and a representative of the institutional board the opportunity to be heard. A written report will be made of this hearing.
2. Unless otherwise specified, the hearing shall take place in public.

3. The chair of the GAC may refrain from hearing a person concerned in the following circumstances namely, when:

- a) the objection is manifestly inadmissible;
- b) the objection is manifestly unfounded;
- c) the person or party involved has declared that they do not wish to make use of the right to be heard;
- d) the person or party involved does not declare within a reasonable period set by the administrative body, that they wish to make use of the right to be heard, or
- e) the objection is fully met and the interests other persons or parties involved cannot be harmed as a result.

Article 13

Replacement and assistance at the hearing; witnesses and experts

1. The parties may be assisted or represented by an authorised representative at the hearing. They may also bring witnesses and experts to the hearing, provided that they provide the names of those persons in writing to the GAC and to the opposing party no later than the fourth day prior to the hearing.
2. If someone lets someone else represent them, the GAC will in any case send the documents relating to the case to the representative.
3. The GAC may call witnesses and experts either officially of its own volition or at the request of the parties.

Article 14

Course of the hearing

1. The objection will be dealt with in a public session of the GAC. In special cases, and also at the reasoned request of one of the parties, the Committee may decide that the hearing of the objection will take place in whole or in part behind closed doors.
2. The GAC chairperson determines the date, place and time when the objection will be heard. The parties will be notified of this in writing.
3. The GAC chairperson, or their deputy, will preside over the session. They will give each of the parties the opportunity to explain their position.
4. The parties may change the content of the objection and the defence, as well as the grounds on which they are based, until the closing of the hearing, unless the GAC is of the opinion that the opposing party is unreasonably disadvantaged by this change.
5. If it appears before the closure of the hearing that the investigation is incomplete, the GAC may determine that the hearing will be continued at a time to be determined by the Committee. In this event instructions may be given to the parties.

Article 15

The hearing in the absence of (one of) the parties

1. If one or both parties are absent at the hearing, the GAC chairperson shall ascertain whether that party or both parties, were duly summoned.
2. If a party who is not present has been duly summoned, the handling of the objection can also take place without the presence of that party or both parties.

Article 16

Merging of cases; splitting

1. The GAC may, of its own official volition or at the request of the parties, summon third parties whose interests are directly affected by the dispute. The summons makes each third party become a party to the proceedings.

2. Irrespective of paragraph 1, any person whose interests are directly affected by the dispute may request the GAC to intervene or may join one of the parties.

If the application is granted, the applicant becomes a party to the proceedings.

3. In the cases referred to in the first and second paragraphs, the GAC shall establish the rules necessary for the proper conduct of proceedings.

4. The GAC is authorised to join related cases and split joined cases.

Article 17

Deliberation and advice

1. The GAC holds plenary sessions and deliberates in chambers.

2. It bases its advice solely on the documents that have been submitted and on what has been put forward during the hearing. After the deliberations, the chairperson drafts a proposal for advice.

3. The GAC strives for unanimity in the preparation of the advice. If the committee is unable to reach unanimity, a decision is taken by a majority vote.

4. The committee's advice is issued in writing and contains a report of the hearing.

Article 18

The decision on objection

1. The Executive Board will decide within ten weeks of receipt of the notice of objection. The decision shall also specify options for appeal.

2. Insofar as there is reason to do so, the Executive Board will revoke the contested decision and, if necessary, take a new decision in its place.

3. The decision on the objection must be based on a sound reasons that are stated when the decision is announced.

If the hearing of the person concerned has been waived, the decision shall also state the grounds on which this was done.

4. The decision on the objection is signed by the President of the Executive Board and sent in copy to the person concerned and made available to interested parties. The names of parties will be omitted in copies made for the benefit of interested parties.

5. If the decision on the objection deviates from the advice of the GAC, the decision will state the reason for that deviation and the advice will be sent with the decision.

Article 19

Request for expedited processing

1. If the matter requires urgency, the GAC chairperson may, at the request of the person(s) concerned, determine that the committee will issue its advice to the Executive Board as soon as possible.
2. The chairperson will determine within one week of receipt of the objection whether there is an immediate urgency and will inform the person concerned and the Executive Board of this as soon as possible.
3. The Executive Board will take a decision within four weeks of receipt of the objection by the MKG.

CHAPTER IV. Other matters

Article 20

Plenary meeting; annual report

1. The GAC holds a plenary meeting once a year to discuss the general affairs of the committee.
2. The GAC reports annually to the Executive Board on its activities, identifies bottlenecks and, if necessary, initiates amendments to these regulations.

Article 21

Definition of the year of session

A year of session is equal to one calendar year.

Article 22

Citation title

These regulations may be cited as: Saxion Dispute Arbitration Committee Regulations. (GAC Regulations)

Article 23

Entering into force

These regulations will enter into force the day after they have been approved by the Executive Board.