

Rules of Procedure

Disputes Advisory Committee (GAC)

Saxion

Adopted by the plenary meeting of the Disputes Advisory Committee on 25.03.2010

Approved by the Board of Executives of Saxion Universities on 06.04.2010

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Rules of Procedure

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Chapter I: Foundation

Section 1 Foundation.

These Rules put into effect the provisions laid down in section 7.63a of the Higher Education and Research Act (WHW) concerning the powers and composition of the Disputes Advisory Committee, as well as the provisions laid down in Section 7:13, subsection 1 up to and including 6 of the General Administrative Law Act. These Rules also regulate the procedure of the Disputes Advisory Committee.

Chapter II

Disputes Advisory Committee

Section 2

Authority of the Disputes Advisory Committee

These Rules put into effect the provisions laid down in section 7.63a of the Higher Education and Research Act (WHW) concerning the powers and composition of the Disputes Advisory Committee, as well as the provisions laid down in Section 7:13, subsection 1 up to and including 6 of the General Administrative Law Act. These Rules also regulate the procedure of the Disputes Advisory Committee.

Section 3

The number of members and the composition of the Disputes Advisory Committee.

1. The Disputes Advisory Committee consists of six members, three of whom are deputy members; they are appointed and dismissed by the Board of Executives.
2. The chairman and the deputy chairman will be appointed in office.
3. Apart from the chairman, the Disputes Advisory Committee consists of one member from among the teaching staff and one student of Saxion Universities.
4. The members and deputy members will in turn take a seat on the Disputes Advisory Committee. In addition, the members and deputy members can replace one another in case of inability to attend or vacancy to participate in the activities of the board.
5. The chairman and the deputy chairman have to meet the requirements for eligibility for appointment as a judicial official, as referred to in section 1d of the Legal Position Judicial Officials Act.
6. Remuneration for the members and deputy members will be fixed by decision by the Board of Executives.

Section 4

The period for which the (deputy) members of the Disputes Advisory Committee are appointed and their dismissal

1. The members and the deputy members of the Disputes Advisory Committee are appointed for a period of four years and, in as far as students are involved, for a period of two years. The teacher and student members can be re-appointed once.
2. Every four years, immediately after the annual meeting a teacher member will resign in accordance with a rotation schedule to be drawn up by the board. The rotation schedule is to be drawn up in such a way that each teacher member will resign no later than in the eighth year after his (re) appointment. A teacher member, appointed in a temporary vacancy, takes the position in the rotation schedule of the person he replaces.
3. The members and the deputy members of the Disputes Advisory Committee are dismissed by the Board of Executives when the Disputes Advisory Committee is dissolved, and also when they no

longer hold the position on the basis of which they were appointed members or deputy members of the Disputes Advisory Committee.

Section 5

The secretary of the Disputes Advisory Committee

1. The Disputes Advisory Committee is assisted by a secretary who is appointed by the Board of Executives.
2. The secretary of the Disputes Advisory Committee in carrying out his activities will take into account the instructions of the chairman of the Disputes Advisory Committee.
3. The Disputes Advisory Committee will also appoint a deputy secretary who, in case of inability to attend or vacancy, can take over the activities of the secretary.

Section 6

Duty of care of the Board of Executives

The Board of Executives will ensure that the members mentioned in section 4, their deputies and the former members and their deputies will not suffer any disadvantage by or as a result of their membership of the Disputes Advisory Committee in their position within Saxion Universities.

Chapter III Procedure

Section 7

Lodging a notice of objection

- 1 An objection can be lodged by the party involved, who is understood to be a (prospective or former) student or a (prospective or former) *extraneus*.
2. The notice of objection is addressed to the Disputes Advisory Committee and submitted to the secretary of the committee or to the Reporting Centre for Complaints & Disputes.
3. The person concerned receives a written confirmation of the notice of objection received.
4. The period for submitting a notice of objection is six weeks and begins on the day after the one on which the decision was announced. Announcement takes place by post or hand delivery. The date of receipt of the notice of objection is decisive for the question whether the objection has been submitted in time.
5. An objection has been lodged in time when it has been received before the end of the period of objection referred to in subsection 4.
6. If the notice of objection is submitted after the period referred to in the fourth and fifth subsection, rejection on the ground of want of form will not take place if it cannot reasonably be judged that the applicant can be blamed for the overdue submission.
7. If the objection is made against an overdue decision, the objection is not restricted to a certain period. The notice of objection can be lodged as soon as the administrative body is in default with respect to a timely decision. The objection is however rejected on the ground of want of form if the notice of objection has been lodged at an unreasonably late date.

(* NB: the term of six weeks is prescribed by law.)

Section 8

Confirmation of receipt of objection

The secretary on behalf of the Disputes Advisory Committee confirms in writing the receipt of the objection and informs the applicant of the objection within what period he may expect a response on the substance.

Section 9

Contents of the objection; rectification of an omission

1. The objection is to be signed and to contain:
 - a. name, address and place of abode of the applicant
 - b. the date
 - c. indication of the body or the person against whom the objection is being lodged,
 - d. a clear description on the decision against which objection is being lodged, or in case the objection is lodged against a refusal to take a decision, a clear description of the decision which, in the opinion of the applicant, should have been taken, and

- e. the grounds for the objection.
2. When the objection is made against a decision, it should be accompanied by a copy of that decision, if possible.
3. When the requirements indicated in subsection 1, or any other explicit requirements for hearing an objection, have not been met, the secretary of the Disputes Advisory Committee will inform the applicant of this and give him an opportunity to rectify the omission within a stipulated term. If the applicant fails to rectify the omission within the stipulated term, he may be declared inadmissible.

Section 10

Amicable settlement

1. Before hearing an objection, the secretary on behalf of the Disputes Advisory Committee will send the objection to the body against which objection is being lodged, accompanied by the request to respond to the objection within 10 working days. In addition, an explicit request is made to see if an amicable settlement is possible in consultation with the interested party or parties. The secretary of the Disputes Advisory Committee will play an active role in investigating the possibilities for an amicable settlement. No later than three weeks after receipt of the objection, it must be clear whether the attempt to settle has resulted in a settlement.
2. In case an amicable settlement cannot be reached, the objection will be heard by the Board.

Section 11

Obligation to hear

1. If the notice of objection is handled by the committee, the chairman of the committee will give the person concerned and a representative of the Board of Directors an opportunity to be heard. A written report will be made of the hearing.
2. Unless otherwise determined, the hearing will take place in public.

Section 12

Consultation and advice

1. The Disputes Advisory Committee holds a plenary session and deliberates and decides in camera.
2. The Disputes Advisory Committee will base its decision exclusively on the documents presented and on matters brought forward at the session. After the deliberations the chairman will formulate a proposition for an advice.
3. The Disputes Advisory Committee will aim to arrive at a unanimous decision. In the event the committee is unable to arrive at a unanimous decision, the issue will be decided by majority voting.
4. The advice if the committee is issued in writing and includes a report of the hearing.

Section 13

The decision on the objection

1. The Executive Board will decide within ten weeks after receipt of the notice of objection. The decision will also state the possibility to lodge an appeal.

2. Insofar as there is cause for this the Executive Board will revoke the contested decision and insofar as necessary takes a new decision to replace the former decision.

3. The decision is to be based on a proper motivation that is stated upon the announcement of the decision.

If no hearing has taken place, it is indicated why this is the case.

4. The decision on the objection is signed by the chairman of the Executive Board and a copy of the decision is sent to the person concerned and made available to interested parties. The names of the persons concerned are left out from the published copies for interested parties.

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

Section 14

Request for an expedited procedure

1. If immediate action is required, the person concerned can request the chairman of the Disputes Advisory Committee to issue its advice to the Executive Board as soon as possible.

2. The chairman will determine within one week after having received the objection whether immediate action is required and informs the person concerned and the Executive Board of this as soon as possible.

3. The Executive Board will decide within four weeks after the Disputes Advisory Committee has received the objection.

Chapter IV

Other Issues

Section 15

Plenary meetings

Once a year the Disputes Advisory Committee will hold a plenary meeting to discuss general procedure in the Disputes Advisory Committee. All members, deputy members and persons mentioned in section 5, will be invited to participate in this meeting.

Section 16

Annual report

The Disputes Advisory Committee will report annually to the Board of Executives on its activities, signalling bottlenecks and suggesting alterations of this regulation, if necessary, or of the Students' Charter Saxion Universities, concerning these points.

Section 17

Definition of a year of session

A year of session is equal to a calendar year.

Section 18

Contingencies

In all cases in which the law, the Students' Charter or these Rules of Procedure do not provide, decisions will be taken by the Disputes Advisory Committee.

Section 19

Reference title

This regulation may be referred to as: Rules of Procedure of the Disputes Advisory Committee Saxion Universities.

Section 20

Effect

This regulation is effective as of the first day after approval by the Board of Executives.