Maastricht University

Board of Appeal for Examinations (CBE)

RULES OF PROCEDURE

as referred to in Article 7.62 of the Higher Education and Research Act (WHW), of the Board of Appeal for Examinations of Maastricht University.

General

Article 1 Definitions

1. In these Rules, the following terms have the meanings set out below:

Act:	the Higher Education and Research Act (WHW)
Awb:	the General Administrative Law Act
Board:	the Board of Appeal for Examinations (CBE) of UM, as referred to in Article 7.60 of the Act
panel:	a panel of the Board responsible for hearing an appeal
chair:	the chair of the Board
secretary:	the secretary of the Board
Examination Board:	the Examination Board, as referred to in Article 7.12 of the Act
CSP:	the Complaints Service Point, as referred to in Article 7.59a of the Act
appellant:	the person who lodges a notice of appeal with the Board
respondent:	the relevant Examination Board, the SSC director or the examiner against whose decision the appeal is directed
UM:	Maastricht University.

2. Where other terms are used that are defined in Article 1.1 of the Act, those definitions shall apply.
3. The relevant provisions of Chapters 6 and 7 of the Awb and Articles 7.60 to 7.63 of the Act apply in full to the appeal procedure.

Complaints Service Point

Article 2 Address of the Complaints Service Point

1 The postal address of the CSP is PO Box 616, 6200 MD Maastricht.
2. The email address of the CSP is complaintsservice@maastrichtuniversity.nl.

Article 3 Lodging an appeal and time limits

1. An appellant must lodge a notice of appeal with the CSP within six weeks of the date on which the decision concerned was announced or deemed to have been announced in the prescribed manner.
2. The CSP shall acknowledge receipt of a notice of appeal in writing to the appellant, stating the date of receipt, and shall forward the notice of appeal to the Board as soon as possible.
3. The Board shall only consider an appeal lodged directly with the Board by an appellant after it has been processed through the CSP.
4. If a notice of appeal is lodged directly with the Board, it shall be forwarded to the CSP as soon as possible, and the appellant shall be informed accordingly. The date on which the notice of appeal was lodged with the Board shall be treated as the date on which it was lodged with the CSP.
5. If the CSP has forwarded an appeal to a body that does not have jurisdiction to hear it, that body shall return the appeal to the CSP as soon as possible.
6. A notice of appeal is lodged in time if it is received before the end of the period referred to in Article 3(1) of these Rules of Procedure. A notice of appeal lodged electronically is in time if it is received by the CSP before the end of that period. A notice of appeal sent by post is in time if it is posted before the end of the period and is received by the CSP no later than one week after the period has expired.

7. Where the appeal concerns a failure to take a timely decision, no time limit applies to the lodging of the appeal. The notice of appeal may be lodged once the administrative body has failed to take a timely decision. The Board shall, however, declare the appeal inadmissible if the notice of appeal is lodged unreasonably late.

Board

Article 4 Jurisdiction

1. The Board has jurisdiction to hear appeals against the following decisions:
   a. decisions concerning study advice in the first-year (propaedeutic) phase as referred to in Article 7.8b(3) and (5), and decisions concerning referral in the post-propaedeutic phase as referred to in Article 7.9(1) of the Act
   b. decisions concerning successful completion of the final examination as referred to in Article 7.9d of the Act
   c. decisions, other than decisions of general application, taken pursuant to or under Title 2 of Chapter 7 of the Act concerning prior-education requirements and admission requirements for the purpose of admission to examinations
   d. decisions taken on the basis of the additional assessment referred to in Articles 7.25(6) and 7.28(4) of the Act
   e. decisions taken by Examination Boards and examiners
   f. decisions taken by boards concerning exemption from prior-education requirements as referred to in Article 7.29(1) of the Act, and
   g. decisions taken pursuant to Article 7.30b of the Act concerning admission requirements for master's programmes, for the purpose of admission to the programmes referred to in that Article.
2. A refusal to take a decision shall be treated as a decision. If a decision is not taken within the time limit prescribed by the Act or, where no such time limit applies, within a reasonable period, this shall be treated as a refusal to take a decision.
3. An appeal may be brought on the ground that a decision is contrary to law.

Article 5 Content of the notice of appeal and omissions

1. The notice of appeal must be dated and signed and must include at least:
   a. the name and address of the appellant
   b. the identity of the examiner or body that took the decision
   c. a clear description of the decision against which the appeal is directed, accompanied by a copy of the decision where possible, or, if the appeal concerns a refusal to take a decision, a clear description of the decision that the appellant believes should have been taken
   d. the grounds of appeal
   e. the remedy sought, described as precisely as possible.
2. The chair shall determine whether the notice of appeal complies with Article 5(1) of these Rules of Procedure. On behalf of the chair, the secretary shall give the appellant an opportunity to remedy any identified omissions within a period set by the chair.
3. Failure to comply, or to comply in time, with the requirements within the period set under Article 5(2) of these Rules of Procedure may result in the notice of appeal being declared inadmissible.
4. Where the notice of appeal is lodged after the period referred to in Article 3 of these Rules of Procedure has expired, it shall not be declared inadmissible on that ground if it cannot reasonably be held that the person lodging it was at fault.

Article 6 Amicable settlement

1. Before considering the appeal, the Board shall send the notice of appeal to the respondent and invite the respondent, in consultation with the parties, to explore whether the dispute can be settled amicably.
2. Within three weeks, or sooner where possible, the respondent shall inform the Board in writing of the outcome of those discussions and shall provide the record of the meeting and the related documents. If an amicable settlement proves impossible, the Board shall proceed to consider the appeal.

3. If the respondent informs the Board that the appellant failed to attend the meeting to explore the possibility of an amicable settlement, and the chair finds that the appellant was duly invited, the notice of appeal may be declared inadmissible.

Article 7 Statement of defence

1. If an amicable settlement proves impossible or is not considered to serve a useful purpose, the respondent shall be given a reasonable period in which to submit a statement of defence, together with all documents relating to the case.
2. The secretary shall, as soon as possible after receiving the statement of defence, send a copy to the appellant.

Article 8 Composition of the panel

1. If no amicable settlement has been reached, the chair shall appoint two or four other members of the Board who, together with the chair, shall form the panel that will hear the appeal. One of the members must be a lecturer or a member of the academic staff.
2. If a member of the Board appointed by the chair is unavailable to sit on the panel, the chair shall appoint a substitute member.
3. The secretary shall inform the parties of the composition of the panel referred to in Article 8(1) of these Rules of Procedure and shall draw their attention to the possibility of challenging a member under Article 8a of these Rules of Procedure.

Article 8a Challenge and recusal of panel members

1. Any party may, until the close of the public hearing, challenge any appointed member of the panel on the basis of facts or circumstances that could call that member's impartiality into question. An appointed member may also recuse themselves on the basis of such facts or circumstances.
2. The other members of the panel shall decide as soon as possible whether the challenge is upheld.
3. If a challenge is upheld or an appointed member recuses themselves, the chair shall appoint another member of the Board to replace that member. If the challenge or recusal concerns the chair, a deputy chair shall act as chair of the panel.
4. A decision on a challenge shall be taken as soon as possible. The period within which the Board must decide the appeal under Article 22 of these Rules of Procedure shall be extended by the time required to decide the challenge.

Article 9 Composition of the Board and terms of office

1. The Board shall consist of at least 6 and no more than 15 members. The number of substitute members shall not exceed the number of members. As far as possible, the number of members and substitute members shall correspond to the number of UM faculties listed in the UM Administrative and Management Regulations. In composing the Board, the aim shall be for each faculty to be represented by one member and one substitute member.
2. On the recommendation of the Board, the chair, deputy chair and other members and substitute members shall be appointed by the Executive Board for a term of three years, with the exception of student members, who shall be appointed for at least one and no more than two years. Members are eligible for reappointment.
3. The University Council has the right of consent in respect of the proposed appointment of members of the Board.
4. A member of the Board may not at the same time be:
   a. a member of the Inspectorate of Education
   b. a member of the Supervisory Board
   c. a member of the Executive Board
   d. a dean
   e. a member of a Faculty Board
   f. a member or secretary of an Examination Board, or otherwise provide support to an Examination Board.
5. The chair and deputy chairs must hold a law degree.

Article 9a Dismissal of Board members

1. Members and substitute members of the Board shall be dismissed:
   a. at their own request
   b. on appointment to one of the positions referred to in Article 9(4) of these Rules of Procedure
   c. on ceasing to be a member of the university community or to have the status of academic staff member
   d. on reaching the age of 70, with effect from the first day of the following month.
2. The chair, deputy chairs, members and substitute members shall also be dismissed before the end of their term if illness or infirmity makes them unfit to perform their duties or if they have been convicted of a criminal offence by a final court judgment. Before dismissal on a ground referred to in the preceding sentence, the person concerned shall be notified of the intended dismissal and given an opportunity to be heard.

Article 9b Secretary

1. The Board shall be assisted by a secretary appointed by the Executive Board. The Executive Board may also appoint one or more deputy secretaries.
2. In carrying out their duties, the secretary shall comply with the instructions of the chair.

Procedure

Article 10 Joinder and severance

The panel may join related cases and sever joined cases.

Article 11 Place and time of hearing

1. After receiving the respondent's report on the amicable-settlement process, the chair shall determine the place and time of the hearing.
2. The secretary shall notify the parties in writing of the place and time of the hearing at least 10 calendar days before the hearing.
3. The secretary shall summon the parties to the hearing.
4. Meetings and hearings of the Board shall in principle take place online. At the request of a party, and where the circumstances require, the chair shall determine that the hearing will take place in Maastricht.
5. The Board may, on its own initiative, obtain any information it considers necessary and request documents relating to the proceedings.
6. The bodies, staff members and examiners of the institution shall provide the Board with any information the Board considers necessary for the performance of its duties.
7. The parties need not be heard if:
   a. the appeal is manifestly inadmissible
   b. the appeal is manifestly unfounded, or
   c. the interested parties have stated that they do not wish to exercise their right to be heard.

Article 12 No suspensive effect

An appeal does not suspend the operation of the decision against which it is brought, unless otherwise provided by or pursuant to a statutory provision.

Article 13 New decision

1. The appeal shall automatically extend to any decision to withdraw, amend or replace the contested decision, unless the parties have insufficient interest in such extension.
2. The respondent shall inform the Board of the new decision as soon as possible.

Article 14 Reply and rejoinder

1. The chair may decide to give the appellant an opportunity to submit a reply and the respondent an opportunity to submit a rejoinder, within a period set by the chair.
2. After receiving the reply or rejoinder, the secretary shall provide a copy of the reply to the respondent and the rejoinder to the appellant.

Article 15 Submission and inspection of additional documents

1. The parties may submit additional documents up to 10 calendar days before the hearing. The chair may permit further documents to be submitted after that deadline. The secretary shall send a copy of any such documents to the other party.
2. The parties shall receive a copy of the case file no later than one week before the hearing.
3. The chair may, for compelling reasons and whether or not at the request of a party, decide that certain documents are not to be disclosed to all parties. In this case, the parties shall be informed accordingly.

Article 16 Assistance and representation at the hearing; witnesses and experts

1. The parties may be represented or assisted at the hearing. They may bring witnesses and experts to the hearing, provided that they notify the secretary in writing of the names of these individuals no later than four working days before the hearing. The secretary shall inform the parties accordingly.
2. The Board may call witnesses and experts on its own initiative or at the request of the parties. If the Board calls a witness or expert on its own initiative, the secretary shall inform the parties immediately.
3. If a party is represented or assisted, the secretary shall also send all documents relating to the notice of appeal to the authorised individual.

Article 17 Public hearing

The appeal shall be heard at a public hearing of the Board. In special cases, the Board may decide that all or part of the hearing will take place in private.

Article 18 Attendance at the hearing

If a party or their representative does not attend the hearing, the chair shall determine whether they were duly invited. If the party concerned was duly invited, the chair shall decide whether the case may proceed in that party's absence.

Article 19 Conduct of the hearing

1. The chair shall conduct the hearing and give each party an opportunity to explain their position.
2. During the hearing, the Board may put questions to the parties and require them to provide any information it considers necessary to assess the appeal.
3. If the Board introduces written documents into the proceedings on its own initiative during the hearing, or written documents are submitted to the Board, the chair shall give the parties an opportunity to examine those documents and comment on them. If the chair considers that a party would be unreasonably prejudiced in presenting its case by the submission of documents at the hearing, the chair may decide either to disregard those documents in the deliberations and decision or to suspend the proceedings until a time to be determined by the chair.
4. The parties are not permitted to make video or audio recordings during the hearing. If the chair becomes aware that any such recordings are being made, the chair may decide to close or suspend the hearing. The chair may record, or arrange for the recording of, the hearing for the purpose of preparing the report of the hearing and the ruling. The recording shall be deleted once those documents have been prepared.

Article 20 Amendment of the parties' positions

The parties may amend the substance of the appeal or defence, and the grounds on which they are based, until the close of the hearing, unless the chair considers that this would unreasonably prejudice the other party's procedural position.

Article 21 Adjournment of the hearing

1. The chair may, on their own initiative or at the request of a party, adjourn the hearing until a time to be determined by the chair.
2. The secretary shall notify the parties of the time at which the hearing will resume.

Article 22 Time limit for the decision

1. The Board shall decide the appeal within 10 weeks, beginning on the day after the period for lodging the notice of appeal expires.
2. The period referred to in Article 22(1) of these Rules of Procedure shall be suspended from the day on which the appellant is requested to remedy an omission referred to in Article 5(2) of these Rules of Procedure until the day on which the omission is remedied or the period allowed for doing so expires without the omission having been remedied.
3. The Board may defer its decision for no more than four weeks. Notice of the deferral shall be given in writing.
4. A further deferral is possible insofar as the appellant agrees and the interests of other interested parties cannot thereby be prejudiced, or those parties also agree.

Article 23 Deliberations

The Board shall base its ruling on the matters presented at the hearing, the written documents and matters within its own knowledge.

Article 24 Further consideration of the case

If, before issuing its ruling, the Board finds that the examination of the case was incomplete, it may direct that consideration of the case be continued at a time to be determined by the chair. The parties may be given directions regarding the submission of evidence. The secretary shall notify the parties of the time at which the proceedings will resume.

Article 25 Ruling

If the Board finds the appeal well-founded, it shall set aside the contested decision in whole or in part. The Board is not authorised to take a new decision in place of the original decision. The Board may direct the body concerned to take a new decision in the matter or, where the body refused to take a decision, to do so, or the Board may direct that the test, exam, admission assessment, additional assessment or any part thereof be taken again, subject to conditions set by the Board. Where necessary, the respondent shall take a new decision in the matter, with due regard to the Board's ruling. The Board may set a time limit for doing so in its ruling.

Article 26 Content of the written ruling

1. The ruling shall be dated and state:
    a. the names and places of residence of the parties and, where applicable, the name of their representative
    b. the grounds on which the ruling is based
    c. the decision
    d. the names of the chair or deputy chair and the members of the Board who made the ruling.
2. The ruling, signed by the chair or deputy chair and the secretary, shall be sent to the parties. A copy shall be sent to the members and substitute members of the Board.
3. The ruling shall be published in anonymised form on the UM website. The secretary shall provide the Executive Board and the Faculty Boards with an annual overview of the rulings.

4. The ruling shall state who may lodge a further appeal, the time limit for doing so and the body with which it can be lodged.
5. In accordance with Article 2:6 of the Awb, the Board's ruling shall be written in Dutch.

Article 27 Interim relief

Where required as a matter of urgency, the chair or deputy chair may, at the appellant's request and pending the ruling in the main proceedings, grant interim relief, without prejudice to Article 8:81 of the Awb. The request must be made by means of a reasoned written application. The chair shall decide on the application after the parties have been heard or, at a minimum, duly summoned to a hearing. A hearing may be dispensed with if the respondent informs the chair or secretary that they intend to comply with the request for interim relief.

Article 28 Representation

The Board shall be represented in and out of court by the chair or secretary.

Article 29 Review

1. At a student's request, the Board may review a final ruling on the basis of facts or circumstances that:
   a. existed before the ruling, and
   b. were not known and could not reasonably have been known to the applicant before the ruling, and
   c. could have led to a different ruling had they been known to the Board earlier.
2. The other articles of these Rules of Procedure shall apply mutatis mutandis insofar as necessary.

Final provisions

Article 30 Archiving

The secretary shall ensure that rulings made by the Board, together with the related documents, are retained in the Board's archives.

Article 31 Unforeseen circumstances

In cases not, or not clearly, provided for in these Rules of Procedure, the chair shall decide, where possible after consulting the other members of the Board.

Article 32 Translation

If these Rules of Procedure are translated and there is any inconsistency between the translation and the Dutch version, the Dutch version shall prevail.

Article 33 Revocation of previous Rules

All previous versions shall cease to have effect when these Rules of Procedure enter into force.

Article 34 Entry into force

These Rules of Procedure shall enter into force upon publication on the Maastricht University website.

Short title

These Rules may be cited as the 'Rules of Procedure of the Board of Appeal for Examinations of Maastricht University 2026'.

Adopted by decision of the Board of Appeal for Examinations of Maastricht University dated 6 July 2026, with the consent of the Executive Board obtained on 2 June 2026 and the consent of the University Council obtained on 23 April 2026.

Maastricht, 2 June 2026