

## Rules of Procedure Maastricht University Disputes Advisory Committee for Student Affairs

Procedure of the Maastricht University Disputes Advisory Committee for Student Affairs for the handling of objections against decisions taken by or on behalf of the Maastricht University Executive Board, which do not require filing with the Maastricht University Board of Appeal for Examinations as referred to in Article 7.61 paragraph 1 WHW or in regulations based upon it.

*These Rules of Procedure are a translation of the 'Reglement van Orde Geschillenadviescommissie Studentenaangelegenheden Universiteit Maastricht'. This translation has no legal force.*

### I General Provisions

#### Article 1 Definitions

In these rules of procedure, the following definitions apply:

- a. Awb: Algemene wet bestuursrecht, the Dutch General Administrative Law Act
- b. Decision: a written decision as referred to in article 7.63a (2) of the WHW taken by or on behalf of the Executive Board, involving an action aimed at changing the rights, entitlements and obligations of a person concerned, based on the WHW or regulations based on it. A written refusal to take a decision is equivalent to a decision
- c. Interested party: the person(s) whose interests are directly affected by a decision. Pursuant to Article 7.59a (3) of the WHW, in the context of the objection procedure, the term 'interested party' refers to: a student, a prospective student, a former student, an external student, a prospective external student or a former external student. During the objection procedure, the person concerned is referred to as the 'objector'
- d. Executive Board (EB): Executive Board of Maastricht University
- e. Complaints Service Point (CSP): the central service point at the UM as referred to in article 7.49a WHW where interested parties can file a complaint, an objection or an appeal against a decision
- f. Filing an objection: exercising the power to contest a decision made at Maastricht University
- g. Disputes Advisory Committee (DAC): the advisory body installed by the Executive Board as referred to in Article 7.63a of the WHW, in conjunction with chapter 5 paragraph 2 of the UM Administration and Management Regulation (BBRUM)
- h. Protocol: Protocol Iudicium Abeundi, Nederlandse Federatie van Universitair Medische Centra (September, 2010):  
<https://www.umcnl.nl/app/uploads/2025/09/Protocol-Iudicium-Abeundi-2010.pdf>
- i. UM: Maastricht University
- j. Defendant: the UM body that made the decision against which the objection is being lodged
- k. WHW: the Dutch Higher Education and Research Act

#### Article 2 Legal Framework

1. Objections shall be dealt with in accordance with Articles 7.63a and 7.63b of the WHW and, where applicable, the provisions of the Awb.
2. The Protocol shall also apply to proceedings concerning the Iudicium Abeundi pursuant to Article 7.42a of the WHW.

## **II Disputes Advisory Committee**

### **Article 3 Disputes Advisory Committee**

1. The Executive Board shall be assisted in the handling and decision-making process regarding the objection by a DAC set up for this purpose.
2. Based on the documents submitted and the proceedings at the hearing, the DAC shall issue a written recommendation to the EB regarding the decision to be taken on the objection.

### **Artikel 4 Size and composition**

1. The DAC consists of at least three members, with the size and composition depending on the contested decision:
  - a. with the exception of an objection lodged against a decision taken by or on behalf of the EB to terminate or refuse enrolment on the basis of Section 7.42a of the WHW: a chair, a UM staff member and a student member. The DAC is composed on the basis of availability as indicated in the annual schedule.
  - b. against a decision taken by or on behalf of the EB to terminate or refuse enrolment on the basis of Section 7.42a of the WHW: a chairperson and at least two other members.
2. The chairperson and other members available to the DAC are appointed by the EB for a term of three years, or in the case of student members, for a term of one year. They are eligible for reappointment.
3. The chairperson of the DAC is neither part of nor accountable to the EB.
4. The members of the DAC are functionally independent and must not have been involved in taking the contested decision.
5. Prior to the hearing, the appellant may file an objection against a DAC member. The chairperson takes a decision on this objection as soon as possible.
6. The chairperson and members of the Advisory Committee are dismissed:
  - a. at their own request;
  - b. if they are no longer members of the university community (this does not apply to the chairperson);
  - c. when they turn 70, effective from the following month.
7. They are also dismissed early if they are not fit to carry out their position due to illness or disability or if they have been convicted of a crime in a final court judgment. Before being dismissed, the party concerned is informed of the intention to dismiss him/her and is given the opportunity to be heard in this regard.
8. The DAC as referred to in paragraph 1 is assisted by an executive secretary.

### **Article 5 Procedure of the Disputes Advisory Committee**

1. The chairperson of the DAC is responsible for conducting the investigation.
2. The DAC, responsible for advising on the objection submitted, is authorised to gather all information and data it deems necessary for the preparation of its advice and, to this end, to consult with those UM employees whom the DAC deems appropriate.
3. Within six weeks of receiving the objection, the DAC shall issue written advice to the EB regarding the decision on the objection. This period may be extended by a maximum of two weeks.
4. The advice shall be accompanied by the report of the hearing if a hearing has taken place.

### **Article 6 Urgent cases**

1. Upon request, the chairperson of the DAC determines whether a case is urgent within a week of receiving the objection from the CSP, and informs the objector and the EB of this as soon as possible.
2. In urgent cases, the EB takes a decision on the objection within four weeks of receiving the objection through the CSP. In that case the DAC may expedite the hearing of parties and/or the formulation of advice for the Executive Board.

### **III. The Objection**

#### **Article 7 Filing an objection**

1. Objections are to be filed through the CSP, preferably by e-mail: [complaintsservice@maastrichtuniversity.nl](mailto:complaintsservice@maastrichtuniversity.nl).
2. If the objection is addressed to another body, it shall be forwarded by that body to the CSP as soon as possible after the date of receipt has been noted on it.
3. The CSP shall confirm receipt of the objection in writing to the person lodging the objection and shall forward the objection, stating the date.
4. The DAC will only consider an objection submitted directly to its secretariat by the objector after involvement of the CSP.
5. If the CSP has sent an objection to an unauthorised body, that body shall return the objection to the CSP as soon as possible.

#### **Article 8 Content of the objection**

1. The objection must be signed and include at least:
  - a. the name and address of the appellant;
  - b. the date;
  - c. a copy of or a detailed description of the decision against which the objection is being filed;
  - d. the grounds of the objection.
2. If the appeal is in a language other than Dutch or English and a translation is required in order to adequately process it, the objector is responsible for providing the translation.

#### **Article 9 Omissions**

1. The CSP determines whether the objection complies with the conditions of article 8 paragraph 1 of the previous article and is therefore admissible.
2. The CSP informs the objector of any omissions or oversights and the period within which these may be remedied
3. If the appellant does not rectify these omissions within the period specified, the DAC may advise to declare the objection inadmissible.

#### **Article 10 Time periods**

1. Objections are to be filed in writing within six weeks and commences on the day after the decision was announced or was deemed to have been refused to be taken.
2. An objection is deemed to have been filed on time if it was received before the end of the period referred to in paragraph 1. If the objection is sent by post, it is deemed to have been filed on time if it is delivered before the end of the period, provided it is received no later than one week after the end of the period.
3. If an objection is filed after the period in paragraph 2 has lapsed, the objection shall not necessarily be deemed inadmissible if serious oversight on the part of the objection cannot reasonably be ascertained.

#### **Article 11 No suspension of decision**

The appeal does not suspend the effect of the decision against which it is filed, unless another legal provision stipulates otherwise.

#### **Article 12 Representation**

1. If the objector is to be represented by another party, all documents pertaining to the case shall be forwarded to the authorised representative.
2. The authorisation must be in writing, accompanied by the date and signature of the objector and the representative.
3. If the objector is to be represented by a lawyer, written authorisation is unnecessary.

4. Any costs of representation shall be borne by the party being represented.

**Article 13                      New decision**

1. The objection shall be regarded as also pertaining to any decision to withdraw or amend the contested decision, unless the objection is entirely resolved by that decision.
2. The deciding body shall communicate the new decision to DAC as soon as possible.

**Article 14                      Withdrawing an objection**

1. An objection may be withdrawn by the objector in writing through the secretariat of the DAC by sending an e-mail to: [secretariaat-gc@maastrichtuniversity.nl](mailto:secretariaat-gc@maastrichtuniversity.nl).
2. An objection may also be withdrawn orally during the hearing.

**Article 15                      Reconsideration**

1. If the objection is admissible, the contested decision shall be reconsidered on the basis of the objection.
2. If deemed necessary on the basis of this reconsideration, the EB revokes the contested decision and, if needed, takes a new decision.

**Article 16                      Upholding of decision**

A decision against which an objection has been filed may, despite breach of a written or unwritten legal rule or general principle of justice, be upheld by the EB if this does not appear to disadvantage the interested parties.

**IV                      Amicable settlement and Statement of defence**

**Article 17                      Amicable settlement**

1. Upon receipt of the objection, the GC will forward it to the defendant, inviting them to consult with the objector to see whether an amicable settlement is possible. The DAC notifies the EB of the termination of the handling of the objection as a result of the amicable settlement.
2. When an amicable settlement is reached, the parties shall inform the DAC thereof and the objector shall be requested to withdraw the objection.

**Article 18                      Statement of defence**

1. If an amicable settlement is not possible, the defendant is requested to submit a statement of defence within a period set by the DAC, including all documents relevant to the decision.
2. The statement of defence shall be drawn up in Dutch and, if the objector does not have a sufficient command of Dutch, shall be accompanied by an English translation.
3. Upon receipt of the statement of defence, the DAC shall send a copy thereof to the objector as soon as possible.

**V                      The hearing**

**Article 19                      Fact-finding and opportunity to be heard**

1. Before the EB decides on the objection, it gives the objector the opportunity to be heard by the DAC.
2. The DAC invites the objector and the defendant to the hearing.
3. The DAC notify the parties of the composition of the DAC in the invitation to the hearing.

**Article 20 Waiver of the right to be heard**

The DAC can determine that the parties need not be heard if:

- a. the objection is obviously inadmissible;
- b. the objection is obviously unfounded;
- c. the objector has stated that they do not wish to exercise the right to be heard;
- d. the objector has not indicated within the reasonable term established by the DAC that they wish to exercise the right to be heard; or
- e. the objection is entirely resolved and other parties involved cannot be harmed in their interests as a result.

**Article 21 Submission and inspection of documents**

1. The parties may submit additional documents up to five working days before the hearing. The chairperson may decide that documents can also be submitted after this period.
2. Together with the invitation to the hearing, or as soon as possible thereafter, the parties will receive a copy of the list of contents of the documents in the file, unless there are compelling reasons not to do so. If desired, the DAC can provide the parties with another copy of the documents sent from the file.
3. The Advisory Committee may decide that certain documents pertaining to the case shall only be made available to the objector for inspection, and informs objector of this. The Advisory Committee gives the objector a reasonable opportunity to inspect these documents prior to the hearing.
4. The executive secretary of the GC shall send the GC members a copy of all documents relating to the case to be heard at least five working days before the hearing, or as soon as possible thereafter.

**Article 22 The hearing**

1. The hearing for the DAC is held behind closed doors in Maastricht. At the request of the interested parties or otherwise, the hearing may be public.
2. The parties are heard in one another's presence, unless there are compelling arguments against this.
3. If the objector is unable to attend the hearing of the Advisory Committee, the objector is given the opportunity to respond in writing to the written defence submitted by or on behalf of the EB.
4. The DAC gives the defendant the opportunity to respond in the second round to the objector's response.
5. A report of the hearing is drawn up and added to the DAC advice on the objection to the EB.

**Article 23 Language**

1. In accordance with Article 2:6 of the Awb the hearing is held in Dutch.
2. If the objector is not proficient in Dutch, the objector shall be permitted to be accompanied to the hearing by someone who is proficient in Dutch.
3. The objector may, at their own expense, be assisted by a professional interpreter.
4. If the objector does not know anyone who can assist them with the Dutch language during the hearing, they may make a request to the DAC no later than three working days prior to the hearing for the hearing to be held in English.
5. The chairperson of the DAC decides on the request referred to in paragraph 4.
6. If the chairperson of the DAC deems it necessary in the interests of the case, an interpreter is officially appointed. In this case the costs of the interpreter are borne by the DAC.

**Article 24 Witnesses and experts**

1. The interested parties may bring witnesses and experts to be heard, on the understanding that the parties provide a written list of the personal details of these persons to the DAC no later than five working days prior to the hearing.
2. Travel and other costs of witnesses and experts are borne by the parties that bring them to the hearing.

**Article 25**                      **New facts and circumstances**

If after the hearing the DAC becomes aware of facts or circumstances that could affect the verdict, the objector is notified and given the opportunity to be heard on the new information.

**VI**            **The decision on the objection****Article 26**                      **Decision period**

The EB takes a decision within ten weeks of receiving the objection from the CSP, except in urgent cases as referred to in Article 6 of these rules of procedure.

**Article 27**                      **Suspension/lapsing of decision period**

1. The period within which the decision must be taken is suspended as of the day after that on which the objector is requested to rectify an omission as referred to in Article 9 until the date the omission is rectified or the period set for this expires without the omission being rectified.
2. The EB may postpone the decision for a maximum of four weeks. The objector shall be notified of the postponement in writing.
3. Further suspension of the decision period is possible insofar as the objector and other interested parties agree or are not disadvantaged by this, or as necessary in order to comply with statutory procedural requirements.

**Article 28**                      **Announcement of decision**

1. The decision on the objection is sent to the objector, with a copy to the defendant.
2. The decision includes the rationale on which the decision is based. If the hearing was waived pursuant to Article 20, the decision additionally indicates the grounds on which this waiver was based.
3. The decision is also accompanied by the advice issued by the DAC and the report of the hearing.
4. If the EB's decision deviates from the advice of the DAC, the verdict indicates the rationale for this decision.
5. The decision is issued in the form of an appealable decision, indicating the competent court and the appeal period.

**Article 29**                      **Costs**

Objections are handled free of charge.

**Article 30**                      **Informing the CSP**

Once the objection has been handled, or in any case no later than the end of the statutory period in which the objection must be handled, the DAC informs the CSP in writing of the outcome of the case.

**Article 31**                      **Unforeseen situations**

In situations not covered by these rules of procedure, the provisions of the Awb apply and the matter is decided by the chairperson of the DAC.

As determined by the Executive Board on 6 January 2026.

Maastricht, December 2025