Date of adoption by the competent authority of the
Amsterdam University of the Arts (AHK): 14 July 1994
Date of entry into force at AHK: 15 July 1994
Amendment of articles 2, 3, 10.3, 11 and 12.1 adopted on 6 July 2011
and entered into force 8 July 2011.

RULES OF PROCEDURE

of the joint

Examinations Appeals Board

of the Gerrit Rietveld Academy and the Amsterdam University of the Arts

as referred to in article 7.62 of the Dutch Higher Education and Research Act

1. Definition of terms

Article 1
In these rules of procedure, the following terms are defined as follows:
a. the Act: the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW);
b. the Examinations Appeals Board: the Examinations Appeals Board pursuant to article 7.60 of the Act
c. the institutions: the Gerrit Rietveld Academy and the Amsterdam University of the Arts
d. the competent authority the Executive Board of the Gerrit Rietveld Academy or of the Amsterdam University of the Arts
e. the inspectorate: the inspectorate, referred to in the Dutch Education Inspection Act
f. student: students, external candidates and auditors, as referred to in title 3 of chapter 7 (art. 7.32 et seq.) of the Act

2. The Examinations Appeals Board

Article 2 Location
The Examinations Appeals Board is located at the Gerrit Rietveld Academy on the Fred Roeskestraat 96, 1076 ED, Amsterdam. The chamber for use by the Amsterdam University of the Arts, as referred to in article 8 of these rules of procedure, is located on Jodenbreestraat 3, 1011 NG Amsterdam.

Article 3 Powers

Insofar as the possibility of submitting an appeal does not remain open pursuant to article 7.66 or article 7.68 of the Act, the Examinations Appeals Board exclusively rules on the appeal lodged against:
a. any decisions to reject, as referred to in article 7.8b, third and fourth subsection, and 7.9, first subsection of the Act;
b. decisions with respect to determining the number of credits obtained, as referred to in article 7.9a of the Act, as well as decisions concerning having passed the final examination, referred to in art. 7.9d;

c. decisions that are not decisions of general scope, taken on the basis of the provision under or pursuant to title 2 (educational entry requirements) of chapter 7; of the Act, in view of the admission to examinations;
d. decisions taken on the basis of article 7.28, fourth subsection;
e. decisions of Examinations Boards or examiners;
f. decisions of committees as referred to in article 7.29, first subsection; and
g. decisions taken on the basis of article 7.30b.

Article 4 Members and substitute members

1. The Examinations Appeals Board consists of six members and six substitute members, who are all appointed by the competent authority. They do not form part of the authority or the inspectorate.
2. The competent authority of the Gerrit Rietveld Academy appoints the members of the chamber pursuant to article 8 of these rules of procedure, charged with the handling of the appeals from students, external candidates and auditors of the Gerrit Rietveld Academy. The competent authority of the Amsterdam University of the Arts appoints the members of the chamber pursuant to article 8 of these rules of procedure, charged with the handling of the appeals from students, external candidates and auditors of the Amsterdam University of the Arts.
3. The chairperson and the substitute members of the Examinations Appeals Board shall fulfil the eligibility requirements for appointment as judge of a district court, referred to in article 48, first subsection, of the Dutch Judiciary Organisation Act.
4. In the event of permitted challenge, disqualification or absence of one of more members, the chairperson shall immediately arrange a replacement.

Article 5 Appointment

1. Members and substitute members of the Examinations Appeals Board shall be appointed for a period of at least three years and no more than five years, and insofar as it concerns students, for a period of at least one year and no more than two years. They are eligible for reappointment.
2. Members and substitute members of the Examinations Appeals Board may be granted discharge at their own request. Upon reaching seventy years of age, their discharge is granted effective from the first day of the following month. They are discharged if they are unfit to fulfil their position on account of illness or deficiencies, as well as if they are sentenced for criminal offence by irrevocable judicial sentence. Before discharge is granted on the basis of the provisions in the preceding sentence, the party concerned shall be notified of the intention to discharge and he or she shall be offered the opportunity to be heard in the matter.
3. Members and substitute members, not including the chairperson and substitute chairman, shall furthermore be discharged if they cease to possess the qualities that were the basis for their appointment as member or substitute member of the Examination Appeals Board.

Article 6 Remuneration

1. The chairperson and deputy chairperson are remunerated on the basis of a billing rate agreed upon with the competent authority.
2. With regard to members and substitute member who are not employed at one of the institutions, a fee to be determined at a later date will be awarded for attending the session of the Examinations Appeals Board.

Article 7 Secretary

The Examinations Appeals Board is assisted by a secretary who is appointed by the competent authority. The competent authority can assign one or more staff members to the secretary.

Article 8 Chambers

1. The joint Examinations Appeals Board of the Gerrit Rietveld Academy and the Amsterdam University of the Arts is split up into two chambers. One chamber handles the appeals that relate to the Gerrit Rietveld Academy, the other chamber deals with appeals that relate to the Amsterdam University of the Arts.
2. Each chamber has three members. A chamber holds a plenary session.
3. A chamber is under the direction of the chairperson, or in his or her absence the substitute chairperson or a member of the Examinations Appeals Board designated for that purpose by the competent authority.
4. The number of substitute members per chamber is equal to the number of members.
5. Other than the chairperson, at least half of the board consists of teachers.

Article 9 Powers of the chambers

With respect to the application of articles 13 to 22, the relevant chamber and its chairperson shall replace the Examinations Appeals Board and the chairperson of the Examinations Appeals Board respectively.

3. The appeal

Article 10 The lodging of an appeal

1. The appeal can be lodged by the affected party.
2. The appeal can be lodged if:
   a. the decision is in conflict with any generally binding regulation;
   b. the institution, or a body thereof, has clearly made use of its authority for purposes other than that for which that authority was given;
   c. the institution, or a body thereof, could not have reached the decision in all reasonableness when considering the interests involved; or
   d. the decision is in conflict with any principle of proper governance existing in the general legal consciousness.
3. The appeal shall, in the case of a reasoned appeal, be lodged within six weeks after sending of the decision to the appellant.

Article 11 Filing the appeal

The appeal is filed with the Examinations Appeals Board in the place where the competent chamber has its seat. The appeal must be addressed to the Examinations Appeals Board. The postal address is the same as the postal address of the secretary of the Executive Board.

Article 12 Amicable settlement

1. Before the appeal is taken up, the Examinations Appeals Board shall send the notice of appeal to the body against which the appeal is directed, with an invitation to find out if an amicable settlement is possible in consultation with the parties concerned. If the appeal is directed against a decision of an examiner, the notice of appeal referred to in the first sentence shall be sent to the relevant Examinations Board. If the examiner, against whom the appeal is directed, is a member of the Examinations Board, he or she shall not participate in the deliberations.
2. The body referred to in the first subsection shall, in that case, inform the Examinations Appeals Board of the outcome of the deliberations, accompanied by the pertaining documents. If an amicable settlement has not been possible, then the notice of appeal shall be taken up by the Examinations Appeals Board.
3. The sending and invitation referred to in the first subsection shall be carried out on behalf of the Examinations Appeals Board by or on behalf of the chairperson of the board as soon as the notice of appeal has been received by the Examinations Appeals Board.

4. The chairperson of the Examinations Appeals Board may decide not to attempt an amicable settlement if, in his or her view, such an attempt is clearly pointless or would be disproportionately harmful to the appellant. In that case, the chairperson shall determine a period in which the statement of defence should be lodged.

Article 13 Written preparation for the appeal hearing

1. In the event that an amicable settlement, as referred to in article 12, has not been possible, a statement of defence from the relevant body will be added to the documents referred to in that article and within the period mentioned in the second subsection of that article. The chairperson of the Examinations Appeals Board may determine that the statement of defence can be submitted later before a date that he or she deems to be reasonable. A copy of the statement of defence shall be promptly sent to the appellant.
2. If the appellant indicates that he or she wishes to submit a further memorandum to the statement of defence, or the relevant person or persons or the relevant body indicate that they would like to reply to this memorandum with a memorandum in response to the further memorandum, the chairperson shall offer the Examinations Appeals Board the opportunity to do so within a period to be determined by him or her, if there is still time available for that taking into consideration the third subsection. A copy of the further memorandum or the memorandum in reply to the further memorandum shall be immediately made available to the other party by the Examinations Appeals Board.
3. For the purpose of the hearing, all documents pertaining to the proceedings shall be made available for inspection for at least three days with the secretary of the Examinations Appeals Board. This shall be communicated to the parties by the Examinations Appeals Board. The chairperson of the Examinations Appeals Board can determine that documents with contents of an extremely personal nature are only made available for the parties.

Article 14 Determining the place and date of the appeal hearing

1. The chairperson of the Examinations Appeals Board shall determine, as soon as possible where and the date on which the appeal hearing shall take place. This shall be communicated to the parties in a timely fashion.
2. The Examinations Appeals Board can, on its own initiative, gather information deemed to be necessary by it and request the documents relating to the proceedings.

Article 15 Challenge and disqualification

1. With respect to the hearing, each of the current members of the Examinations Appeals Board can be challenged by one or more of the parties involved in the appeal based on facts or circumstances that could make it difficult for the relevant member to form an impartial opinion. A member can also disqualify himself or herself on the basis of such facts or circumstances.
2. The other current members of the Examinations Appeals Board shall decide as quickly as possible if the challenge or disqualification is permitted. If the votes are equally divided, the request shall be granted.

Article 16 Replacement and assistance at the hearing; witnesses and experts

The Examinations Appeals Board can call up witnesses and experts on its own initiative or at the request of the parties.

Article 17 Appeal hearing

1. The chairperson of the Examinations Appeals Board shall be in charge of the hearing. He or she gives each of the parties the opportunity to explain their position.

2. The Examinations Appeals Board give a decision within 10 weeks after receipt of the notice of appeal. The chairperson of the Examinations Appeals Board shall communicate that before the appeal hearing has closed.

Article 18 Deliberations and way of deciding

1. The Examinations Appeals Board shall deliberate and decide in chambers. It exclusively bases its decision on the documents that were made available for inspection, together with that which put forward in the hearing or which is discussed, without this prejudicing the other party.
2. The Examinations Appeals Board decides on the basis of a simple majority.

Article 19 Decision

1. If the Examinations Appeals Board deems the appeal to be valid, it shall nullify the decision completely or partially. It can determine that the case should be decided on again or, if the decision is refused, that the case should still be decided on, or that the interim examination, final examination, the admission test, of any part thereof, should be taken again under conditions to be set by the Examinations Appeals Board.
2. The body whose decision is nullified, shall deal with the case again, where necessary, in accordance with the decision of the Examinations Appeals Board. The Examinations Appeals Board can set a period for that in its decision.

Article 20 Decision

1. The decisions of the Examinations Appeals Board are dated and include:
   a. names and places of residence of the parties and the names of the authorised persons;
   b. the grounds on which the decision is based;
   c. a decision, and
   d. the names of the member of the Examinations Appeals Board who have issued the decision.
2. A copy of the decision, which is signed by the chairperson of the Examinations Appeals Board and the secretary, shall be sent by registered post to the parties and the competent authority. It will be made available for inspection for interested parties. In the last case, the chairperson can determine that the names of the parties and others are omitted from the copy.

4. Provisional arrangement

Article 21 Request for a provisional arrangement

1. In cases in which the interest of the appellant requires an immediate provisionally enforceable decision, he or she can request a provisional arrangement to the chairperson of the Examinations Appeals Board, accompanied by a reasoned appeal, pending the decision in the main proceedings.
2. The chairperson shall decide on this request having heard the relevant body or the relevant examiner, or at least after having called them up.

Article 22 Hearing of the request for a provisional arrangement

1. The chairperson of the Examinations Appeals Board shall decide on the request as referred to in article 21.
2. After receipt of a request, as referred to in the first subsection, the chairperson of the Examinations Appeals Board shall decide as quickly as possible on the place and date on which the public hearing of the request shall take place. This shall be communicated to the parties in writing in a timely fashion.

3. Articles 13, first and third subsection, 14, 16, 17, 20, first subsection under a, b, c, and second subsection, and article 26 apply equally to the request for a provisional arrangement.

Article 23 Termination of or change to the provisional arrangement
The provisional arrangement can be terminated or changed by the chairperson of the Examinations Appeals Board. Articles 16, 17 and 20, first subsection under a, b and c, and the second subsection, apply equally.

Article 24 Annulled provisional arrangement
The provisional arrangement is annulled, as soon as a decision is made in the main proceedings by the Examinations Appeals Board, insofar as no other date has been set in the decision of the Examinations Appeals Board.

5. Review of decisions

Article 25 Review of decisions
1. The review of a decision by the Examinations Appeals Board can, at the request of each of both parties, take place on the basis of facts or circumstances revealed later, which had they been known earlier could have led to another decision.
2. Paragraph 3 and 4 apply equally, insofar as necessary, to the request for review.

6. Obligation to provide information

Article 26 Obligation to provide information
The bodies and staff members, together with the examiners of the institution shall furnish the Examinations Appeals Board with the details that this board judges to be necessary for the execution of its task.

7. Final provisions

Article 27 Unforeseen cases and entering into force
1. In cases these rules of procedure do not foresee, the chairperson of the Examinations Appeals Board will make a decision, where necessary following consultation with the other members.
2. These rules of procedure shall enter into force after their adoption by the competent authority of the institution.

==========
Adopted date 14 July 1994 by the competent authority of the Amsterdam University of the Arts.
Amendment adopted on 6 July2011.