

## **VRIJE UNIVERSITEIT AMSTERDAM – OBJECTION PROCEDURE**

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### **SECTION 1 DISPUTES ADVISORY COMMITTEE**

#### **Article 1 Disputes Advisory Committee**

1. Vrije Universiteit Amsterdam (VU Amsterdam) has a Disputes Advisory Committee, as referred to in article 7.63a of the Higher Education and Research Act. This committee advises the Executive Board on objections against decisions taken by or on behalf of the Executive Board.
2. The Disputes Advisory Committee is made up of a chairperson and two members. The Executive Board can appoint deputy chairpersons and deputy members.
3. The chairpersons and deputy chairpersons, members and deputy members do not form part of, and do not work under the responsibility of, the Executive Board.
4. The composition of the committee is established at each hearing.
5. No members who are involved in the dispute in any way will take part in the committee.

#### **Article 2 Appointment and dismissal**

1. The chairpersons and members are appointed by the Executive Board.
2. The chairperson must have knowledge of the specific legislation and regulations relating to higher education, as well as sufficient procedural experience.
3. The following persons can be appointed as members of the Disputes Advisory Committee:
  - a. persons who are employed at VU Amsterdam under the terms of an employment contract on the basis of the collective labour agreement for Dutch universities.
  - b. persons who are enrolled as a student at VU Amsterdam;
  - c. persons from outside of VU Amsterdam who have expertise in the field of law or policy domains referred to in the notice of objection.
4. The chairperson is appointed for a term of four years. Reappointments are possible.
5. The members are appointed for a term of three years, with the proviso that student members are appointed for a term of two years. Reappointments are possible.
6. Membership ends on the expiry of the term of appointment. Furthermore, dismissal will be granted by the Executive Board to chairpersons and members at their own request. A request for dismissal must be submitted at least two months before the intended date of dismissal. Once the members lose the position on the grounds of which they are appointed, the appointment ends by operation of law.
7. The provisions referred to in paragraphs 4 to 6 apply mutatis mutandis to the deputy chairpersons and deputy members.

#### **Article 3 Secretariat**

1. In carrying out its appointed tasks, the Disputes Advisory Committee is supported by an administrative secretary appointed for this purpose by the Executive Board. The Executive Board can add one or more employees to the secretariat.
2. The secretary attends the meetings of the Disputes Advisory Committee.

#### **Article 4 Facilitation**

The chairpersons and members from outside of VU Amsterdam will be awarded a reimbursement in accordance with the circular on advisory boards and committees. They are also eligible for a travel allowance.

### **SECTION 2 OBJECTION PROCEDURE**

#### **Article 5 Submission of a notice of objection**

1. Objections are made by lodging a duly substantiated notice of objection with the Executive Board via the Disputes Desk of VU Amsterdam.
2. The lodging of a notice of objection must take place in writing, preferably by email, addressed to [bezwaarschriften.bz@vu.nl](mailto:bezwaarschriften.bz@vu.nl).
3. If the notice of objection is lodged with another body of VU Amsterdam, it will be forwarded by this body, together with the documents submitted with it, to the Disputes Desk as soon as possible, and the person lodging the objection will be informed of this at the same time.
4. The objection does not suspend the effect of the contested decision, unless determined otherwise by or pursuant to legal requirements.
5. The notice of objection can be withdrawn in writing by letter or email addressed to the secretary of the Disputes Advisory Committee. The person lodging the objection may also withdraw the objection verbally during the hearing by the Disputes Advisory Committee.

#### **Article 6 Content of the notice of objection**

1. The notice of objection must be signed, and must include:
  - a. the name and home address of the person lodging the objection, and a statement of the faculty/programme in which the person lodging the objection is enrolled, if applicable;
  - b. the date;
  - c. a copy of the decision against which the objection is directed or, if the objection is directed against the refusal of a decision, a clear description of the decision that, in the opinion of the person lodging the objection, should have been taken;
  - d. the grounds of the objection.
2. If the requirements stated in the first paragraph or any other requirement for taking up the objection are not fulfilled, then the secretary of the Disputes Advisory Committee will inform the person lodging the objection of this omission and invite him or her to rectify the omission within a period set for this purpose. If the person lodging the objection has not rectified the omission within this period, the committee can recommend that the objection be declared inadmissible.

#### **Article 7 Objection period**

1. The period for lodging a notice of objection is six weeks. This period begins on the day that the decision (or refusal to take a decision) is made known to the person lodging the objection in the prescribed manner. The date of receipt is the basis for establishing whether the objection has been lodged in good time.
2. If the objection has been lodged or received after the period referred to in the first paragraph, the declaration of inadmissibility on these grounds will be rendered inoperative if the person lodging the objection demonstrates that he or she has lodged the objection as soon as could reasonably be expected.
3. If the objection was directed against a decision not having been taken in good time, the objection will not be bound by a period. The objection will however be declared inadmissible if the notice of objection has been lodged unreasonably late.

4. At the request of the person lodging the objection, the Disputes Advisory Committee can grant an extension to the person lodging the objection for the submission or supplementation of the grounds of the notice of objection, if in the opinion of the Disputes Advisory Committee there are reasonable grounds for doing so.

#### **Article 8 Confirmation of receipt**

1. The secretary will confirm the receipt of the notice of objection to the person lodging the objection, stating the date of receipt, and inform those who have taken the decision on behalf of the Executive Board that the notice of objection has been received.
2. In the confirmation of receipt, the person lodging the objection will be informed of the further procedure as stated on VUweb.

### **SECTION 3 AMICABLE SETTLEMENT AND STATEMENT OF DEFENCE**

#### **Article 9 Amicable settlement**

1. After receipt of the notice of objection, the secretary sends the notice of objection to the body that has taken the contested decision, with the invitation to enter into consultation with the person lodging the objection to see whether an amicable settlement is possible. The body in question will invite the person lodging the objection for consultation on a possible amicable settlement at the earliest possible opportunity.
2. Within three weeks of receipt of the request to explore the possibility of reaching an amicable settlement, the body in question will notify the secretary in writing of the outcome of these deliberations and provide any relevant documentation.
3. If an amicable settlement of the dispute has come about, the notice of objection can be withdrawn by the person lodging the objection in writing by letter or email addressed to the secretary of the Disputes Advisory Committee.

#### **Article 10 Statement of defence**

1. If no amicable settlement of the dispute has come about, the body in question will submit a statement of defence no later than three weeks after receipt of the notice of objection by that body. The chairperson can determine that the statement of defence can be lodged at a later date, within a period considered reasonable by him or her. The statement of defence must be lodged by email and addressed to the secretary of the Disputes Advisory Committee.
2. After receipt of the statement of defence, the secretary will send a copy of it to the person lodging the notice of objection.

### **SECTION 4 THE HEARING**

#### **Article 11 Procedure**

1. Before the Disputes Advisory Committee issues its advice concerning the objection, it will gather the necessary knowledge regarding the relevant facts and the interests to be considered, and give the person lodging the objection the opportunity to be heard.
2. The bodies and staff members will provide the Disputes Advisory Committee with the information that it considers necessary for the performance of its tasks.
3. The Disputes Advisory Committee will gather information from experts if necessary. These experts may be invited to attend the hearing.

#### **Article 12 Hearing**

1. The invitation to the hearing will be sent to the person lodging the objection and the defendant at least ten days before the hearing is scheduled.
2. The person lodging the objection and the defendant can submit documents up to five days before the hearing.
3. The hearing will take place at a meeting of the Disputes Advisory Committee. Unless determined otherwise by the Disputes Advisory Committee, the hearing will take place in public.
4. The Disputes Advisory Committee can forego the hearing if:
  - a. the objection is manifestly inadmissible;
  - b. the objection is manifestly unfounded;
  - c. the person lodging the objection has stated that he or she declines the opportunity to be heard;
  - d. the objection is upheld in full and the interests of other individuals involved are not infringed by the hearing having been foregone.
5. A report will be made of the hearing. The report will state the names of those present and their positions. It will contain at a minimum the standpoint of the person lodging the objection and the matters discussed at the meeting, insofar as they are relevant to the case.
6. If the hearing of the person lodging the objection is foregone, the grounds upon which that decision was based will be stated in the advice.

#### **Article 13 Assistance and representation**

1. At the hearing, the parties may be assisted by an advisor or represented by an authorised representative.
2. The Disputes Advisory Committee can require the submission of a written power of attorney or authorisation.
3. If a party is assisted by an advisor or is represented by an authorised representative, the secretary will send all documents relevant to the notice of objection to this person.

#### **Article 14 Witnesses and experts**

1. Parties can bring one or more witnesses or experts to the hearing, on the understanding that they must notify the secretary of this in writing no later than five days before the hearing, stating the names and positions of the persons concerned. The secretary will immediately send a copy of such a notification to the other party.
2. The Disputes Advisory Committee can summon witnesses and experts in its official capacity or at the request of one of the parties. The secretary will inform the parties of this as soon as possible.

### **SECTION 5 IMMEDIATE URGENCY**

#### **Article 15 Immediate urgency**

1. In urgent cases, the Disputes Advisory Committee can determine on request that the committee issue an advice to the Executive Board as soon as possible.
2. The chairperson will determine within a week of the receipt of the notice of objection whether there is case of immediate urgency, and will inform the person lodging the objection and the Executive Board of this as soon as possible.
3. In a case as referred to in this article, the Executive Board will make a decision on the objection within four weeks of receipt of the notice of objection by the Disputes Advisory Committee.

## **SECTION 6 ADVICE - DECISION ON OBJECTION - APPEAL**

### **Article 16 Advice**

1. The Disputes Advisory Committee bases its advice on the documents that are provided, in addition to the information presented at the hearing. The Disputes Advisory Committee makes its decision on the advice to be issued by majority vote.
2. The advice will be issued to the Executive Board in writing and supported by arguments. The advice will include the report of the hearing and a proposal for the decision to be taken on the notice of objection. The advice will be signed by the chairperson and the secretary of the Disputes Advisory Committee.

### **Article 17 The decision on the objection by the Executive Board**

1. The Executive Board will make its decision within ten weeks of receipt of the notice of objection. The decision will also state the possibility of lodging an appeal.
2. The term will be deferred from the day on which the person lodging the objection was requested to rectify an omission as referred to in Article 6 until the date on which the omission is rectified or the period in question has elapsed.
3. If, on the grounds of the first paragraph of Article 10 or otherwise by the Disputes Advisory Committee with the consent of the other party, the term for the submission of a statement of defence is deferred, the term for the taking of a decision will be extended by the same period.
4. The Executive Board may defer the decision by no more than four weeks. A written notice of the deferment will be sent to the person lodging the objection.
5. If the objection is inadmissible, the Executive Board will reconsider the contested decision and, insofar as the reconsideration gives cause to do so, will withdraw the contested decision and issue a new decision in its place.
6. A decision against which an objection is made may, despite the breach of a procedural requirement, be left in place by the Executive Board provided that the person lodging the objection is not disadvantaged as a result.
7. The decision will be sent by the Executive Board by e-mail or handed to the person to whom it applies within the period stated in the first paragraph.
8. The decision on the objection must be based upon a sound substantiation that is stated in the announcement of the decision.
9. The decision on the objection will be signed by the Executive Board, and a copy of it will be sent to the person lodging the objection and made available to the defendant, accompanied by the advice of the Disputes Advisory Committee.
10. If the decision of the Executive Board differs from the advice made by the committee, the reasons for this difference will be set out in the decision.

### **Article 18 Appeal**

The person lodging the objection can appeal against the decision of the Executive Board to the Higher Education Appeals Tribunal. For more information, see [www.cbho.nl](http://www.cbho.nl)

### **Article 19 Final provision**

The chairperson will decide on matters not provided for by these regulations. If necessary the Executive Board will make a proposal to amend or supplement the regulations.

Adopted by the Executive Board on 8 March 2022. These regulations come into force on 8 March 2022.