Appendix 7 Standing Orders of the Examinations Appeals Board

Regulations in implementation of the provisions of Article 54 of the Structure Regulations of Radboud University Nijmegen.

CHAPTER 1. GENERAL PROVISION

Article 1. Definition
In these Standing Orders, the following term has the following meaning:
• Board: the Examinations Appeals Board as referred to in Article 51 of the Structure Regulations of Radboud University Nijmegen.

CHAPTER 2. THE EXAMINATIONS APPEALS BOARD

Article 2. Chamber size and composition
1. The Board deliberates and decides in chambers with five members about disputes that have been referred to the Board in accordance with the Structure Regulations. The members are appointed by the chairman. For every appeal to be heard, the chairman will appoint:
   a. the chairman of the chamber, and the chairman or the deputy chairman may be appointed as such;
   b. three members of the academic staff;
   c. a student member.
   In principle, the chairman will appoint one member from the faculty within which the appeal has been lodged.
2. The chairman may determine that the appeal will be heard in chambers with three members and must report this, stating reasons, in the next annual summary of appeals.

Article 3. Deputy chairman
In the event of his absence or inability to act, the chairman of the Board will be replaced as such by a deputy chairman.

Article 4. Secretary
1. The Board will be assisted by a secretary, to be appointed by the Executive Board. The Executive Board will also appoint one or more deputies.
2. In performing his duties, the secretary will follow the instructions of the chairman.

CHAPTER 3. COURSE OF PROCEEDINGS ON THE EXAMINATIONS APPEALS BOARD

Article 5. Lodging an appeal; time limit
1. The appeal must be lodged with the office of the Board.
2. The period of six weeks within which an appeal must be lodged will commence with effect from the date following the date on which the decision was made known.
3. An appeal will have been lodged within the specified time if it has been received before the end of the period of six weeks. If sent by post, an appeal will have been lodged within the specified time if it has been delivered by post before the end of this period, provided that it has been received by the office of the Board within one week after expiry of this period.
4. If the appeal has been lodged with an examiner or a university body other than the Board, the appeal will be forwarded to the office of the Board, together with the documents submitted with it, after the date of receipt has been recorded on it. In this case, in order to determine the admissibility
of the appeal, the aforementioned recorded date of receipt will be regarded as the date on which it was lodged with the Board.

Article 6. Contents of the appeal; rectifying an omission
1. The appeal must be signed and contain at least the following:
   a. name and address, degree programme and student number of the appellant;
   b. details of the examiner, examination board or other body concerned;
   c. a clear description of the decision against which the appeal has been lodged, on submission of a copy of the decision, if possible, or, if the appeal has been lodged against a refusal to decide, a clear description of the decision which should have been taken in the appellant’s opinion;
   d. the grounds of the appeal;
   e. the date.
2. The chairman of the Board will inform the appellant of any omissions on the appellant’s part and will invite him to rectify these within a period of time to be set by the chairman. In the event that the appellant fails to rectify the omissions on his part, the appeal may be declared inadmissible.

Article 7. Attempt to reach a settlement
1. The Board will send the appeal immediately to the chairman of the body against which the appeal has been lodged, with an invitation to examine, in consultation with those involved, whether the dispute can be settled out of court.
2. If the appeal has been lodged against a decision of an examiner, the appeal will be sent in the manner as referred to in the preceding paragraph to the chairman of the examination board concerned.
3. The Board will request the chairman of the relevant body to contact the person who has lodged the appeal as soon as possible, but in any case within five days of receipt of the invitation, to examine, in consultation with those involved, whether the dispute can be settled out of court.
4. The Board will request the chairman of the relevant body, within three weeks of the invitation referred to in the first paragraph having been sent, to inform the Board, stating reasons, what the outcome of the consultation was. When informing the Board of the outcome, the chairman must also submit the documents relating to the dispute. If a settlement has not proved possible, the chairman must also include a statement of defence of the relevant body or examiner.

Article 8. Dispensing with an attempt to reach a settlement
The chairman of the Board may decide to dispense with an attempt to reach a settlement if, in his opinion, such an attempt is futile or may harm the appellant disproportionately. In that case, the chairman will decide on a period of time within which the statement of defence must be submitted.

Article 9. Hearing the appeal
1. If a settlement has not proved possible, the appeal will be heard by the Board.
2. The chairman will appoint the members of the Board who will hear the appeal in question. He will also set the date and hour of the court hearing. The hearing in court will if possible take place within two weeks of the expiry of the period referred to in paragraph four of Article 7.
3. Before the Board decides on the appeal, it will give the parties the opportunity to be heard.

Article 10. Decision not to hear the parties.
The Board may decide not to hear the parties if
a. the appeal is manifestly inadmissible,
b. the appeal is manifestly unfounded, or
c. the parties have declared that they do not wish to exercise their right to be heard.

Article 11. Obligation of members.
The members of the Board may not, other than through the chairman or secretary, consort either directly or indirectly with parties, their authorized representatives or their lawyers about any dispute submitted to them or in respect of which the parties are aware or suspect that it will be submitted to them.
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**Article 12. Sending documents for the hearing.**
1. The secretary will send the appeal and the statement of defence, if the appeal is to be heard, to those members of the Board who have been assigned to hear the appeal and also, in so far as the statement of defence is concerned, to the appellant.
2. If the volume of the exhibits to the appeal give cause thereto, making these exhibits available for inspection may suffice.
3. If the statement of defence has not been submitted to the secretary of the Board within at least five working days of the date of the public hearing of the appeal, eight copies of it must be submitted. In that case, the secretary will, if possible, send a copy of the statement of defence to the appellant. He will also ensure that a copy of the statement of defence will be available for inspection by the appellant for a period of at least one hour prior to the hearing.
4. If the appellant is of the opinion that he has not had sufficient opportunity to take note of the contents of the statement of defence, he may request the chairman to adjourn the court hearing.

**Article 13. Representation and assistance at the hearing; witnesses and experts.**
1. The parties may arrange to have themselves represented at the hearing by an authorized representative and assisted by a lawyer. In addition, they may bring witnesses and experts to the hearing. The names of these persons must be given to the Board and the other party in writing no later than on the fourth day before the date of the hearing.
2. The Board may, on its own initiative, summon parties to appear at the hearing in person to provide information and may, on its own initiative or at the request of the parties, summon witnesses and experts to appear.
3. The Board may, on its own initiative, obtain the information it deems necessary and request the documents relating to the dispute.

**Article 14. Joining persons and consolidating cases; separating.**
1. Any party whose interests are directly involved in the dispute may request the Board to be permitted to intervene or join one of the parties. If the request is allowed, the party making the request will be regarded as a party to the dispute.
2. In the case referred to in the first paragraph, the Board will order the measures necessary for the course of the proceedings.
3. The Board is authorized to consolidate related cases and to separate consolidated cases.

**Article 15. Court hearing.**
1. The court hearing of the Board will be a public hearing, unless compelling interests preclude this in the opinion of the Board.
2. The chairman of the Board will chair the hearing. He will give each party the opportunity to explain his/its position.
3. The parties may change the contents of the appeal and the statement of defence, as well as the grounds on which they are based, until the conclusion of the hearing, unless the Board is of the opinion that the other party will be unreasonably prejudiced by this change.
4. In the event that it becomes evident prior to the conclusion of the hearing that the investigation has not been comprehensive enough, the Board may decide that the court hearing will be continued at a date to be determined by the Board. In that case the parties may be given instructions with regard to the submission of proof.
5. As soon as the court hearing has been concluded, the chairman of the Board will specify when the decision will be given. This decision will be given within fourteen days of the conclusion of the hearing. This period may be extended by the Board by at the most fourteen days. The parties will be informed of this in good time.

**Article 16. Deliberations and decision in chambers.**
1. The Board will deliberate and decide in chambers as soon as possible after the court hearing.
2. The Board will decide by an absolute majority of votes. Every member is obliged to cast a vote.
3. The secretary will have an advisory role during the proceedings and deliberations in chambers.
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4. The members and the secretary are obliged to maintain confidentiality with regard to any sentiments expressed in chambers about the pending appeal.

Article 17. Further investigation.
In the event that it becomes evident during the proceedings in chambers that the investigation has not been comprehensive enough, the Board may order that the investigation will be continued at a hearing fixed at that time or to be fixed by the chairman at a later date.

Article 18. Decision.
1. The decisions of the Board will bear a date and contain the following:
   a. names and addresses of the parties and the names of authorized representatives;
   b. a decision;
   c. the grounds on which the decision is based;
   d. the names of the members of the Board who have given the decision.
2. The decision will be signed by the chairman and the secretary. The secretary will ensure that a copy of the decision is sent to the parties and also to the Executive Board, the examination board concerned and the dean of the faculty concerned. The Board may decide that the names of the parties will be omitted from the copies in the interests of the parties concerned.
3. At such time as the decision is made known, it will also be stated that it is possible to lodge an appeal with the Higher Education Appeals Tribunal within six weeks.

Article 19. Injunctive relief.
1. In the event that urgency so requires given the interests of the appellant, the appellant may, pending the decision in the main proceedings, request the chairman of the Board, in an application supported by reasons, to grant injunctive relief. The appellant must include a copy of the appeal. The chairman will decide after having heard the parties or at any rate after having duly summoned them to appear.
2. The provisions of Articles 7, 9, 13, 15(1), (2) and (5), 18(1)(a), (b) and (c) and (2) apply as much as possible by analogy to the request referred to in the first paragraph.
3. The injunctive relief will cease to apply as soon as the Board has decided in the main proceedings, in so far as a different date has not been specified for this in the decision.

CHAPTER 4. ENTRY INTO FORCE

Article 20. Entry into force
These Standing Orders will enter into force with effect from 4 April 2011.

Adopted by the Examinations Appeals Board on 24 March 2011 and approved by the Executive Board in a decision of 4 April 2011.