

# COMPLAINTS

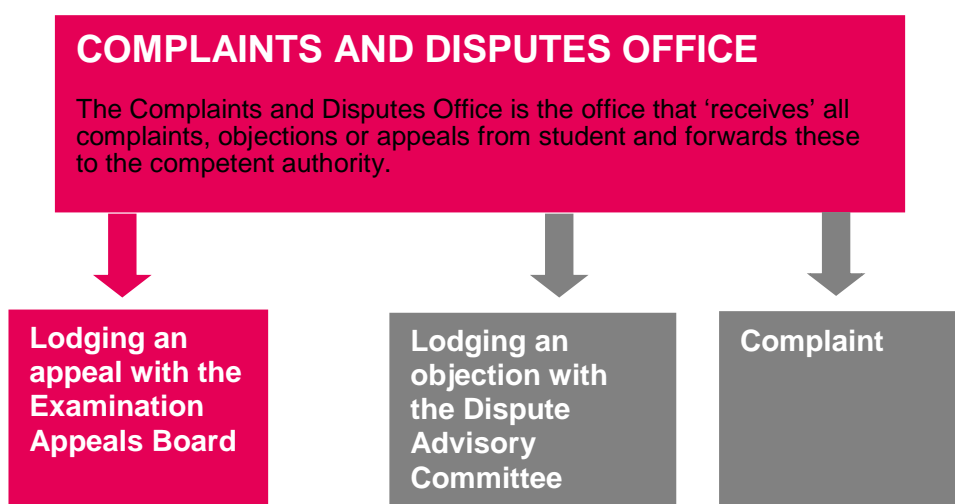


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## 1. When can you lodge a complaint?

As a student, you will obviously first make a personal effort to arrive at a solution with the person concerned. If this fails, you can file a formal complaint, for example if you believe you have been treated unfairly or improperly by a HAN lecturer or HAN employee, or if you are dissatisfied with the quality of the facilities on campus. You can also lodge a complaint if you are dissatisfied with the state of affairs at your faculty or course department. Note: the complaint must relate to a certain behaviour or conduct, and cannot be directed against a general regulation.



## 2. What issues are not regarded as a complaint?

Not sure whether your complaint is regarded as such? Then take a look at the Enquiry and Complaints Desk on HAN Insite. Complaints about issues such as IT facilities, sanitary facilities and the availability of study areas should not be submitted to the Complaints and Disputes Office. If you have a specific complaint or suggestion about an issue that falls under the Queries and Complaints Desk for students, you can submit your complaint using the specified headings as shown below.

**Insite** Vragen/Klachten | Contact

Vraag- en Klachtenpunt Studenten	Veelgestelde vragen Insite	Contact
<ul style="list-style-type: none"><li>Begeleiding</li><li>Faciliteiten</li><li>Onderwijsapplicaties</li><li>Onderwijsgebouw en studieruimte</li><li>Oneens met... (Bureau Klachten en Geschillen)</li><li>Personeel</li><li>Seksuele intimidatie en agressie</li><li>Web</li></ul>	<ul style="list-style-type: none"><li>In en om het gebouw</li><li>Geldzaken en Financiën</li><li>ICT-voorzieningen</li><li>Marketing, Communicatie en Voorlichting</li><li>Werken bij de HAN</li><li>Studeren bij de HAN</li><li>Formulieren</li></ul>	<ul style="list-style-type: none"><li>International Office</li><li>Receptie</li><li>ServiceDesk</li><li>Studentendecanen</li><li>Vraagpunt Studentzaken</li></ul>

mailen naar iemand die het voor je uitzoekt.

## Onderwijs Online HAN SCHOLAR ROOSTERS STUDIE RESULTATEN

- In the first instance, you can discuss complaints about undesirable behaviour such as discrimination, (sexual) harassment, aggression and violence with one of the confidential counsellors. More information can be found in Appendix 11 of the HAN Student Charter<sup>1</sup>.

### 3. The Procedure

Once submitted, the complaint is usually sent to the institute director for assessment. Within six weeks, you will receive a detailed assessment of the complaint.

**Please note that it is not possible to lodge a complaint anonymously.** Proper handling of a complaint requires that both parties be heard.

The rules regarding the complaints procedure can be found in Appendix 12 of the HAN Student Charter.<sup>2</sup>

### 4. How and where do I lodge a complaint?

A complaint can be lodged digitally via the standard form<sup>3</sup> or via email: [bureau.klachtengeschild@han.nl](mailto:bureau.klachtengeschild@han.nl)

If you want to submit your complaint by mail, you can send it to the address below.

**Note: you must still send the standard form by email to the email address listed above!**

Complaints and Disputes Office  
Postbus 6960  
6503 GL NIJMEGEN

The Complaints and Disputes Office will always send a confirmation of receipt. If you have not received confirmation within two working days, you should contact the Complaints and Disputes Office to check whether your complaint was received.

### 5. Questions

If you have any questions about the procedure or want more information, please contact the Complaints and Disputes Office. The office can be reached by email ([bureau.klachtengeschild@han.nl](mailto:bureau.klachtengeschild@han.nl)) or by telephone: 024 - 353 05 30 or via the secretarial office of Legal Affairs: 026 - 369 1504.

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<sup>1</sup> See Appendix 1 of this document.

<sup>2</sup> See Appendix 2 of this document.

<sup>3</sup> See Appendix 3 of this document.

## Appendix 1: The Standard Form

<b>FORMAT FOR APPEAL / COMPLAINT / OBJECTION</b>	
Appeal / complaint / objection	<i>Briefly specify the subject.</i>  <i>PLEASE NOTE: YOU MUST ENCLOSE A COPY OF THE DECISION (IF AVAILABLE) AGAINST WHICH THE APPEAL/COMPLAINT/OBJECTION IS DIRECTED</i>
Name	<i>Enter your full name here (not just initials)</i>
Address and postal code	<i>Enter here your complete address (including house number and any additional number/letter) and postal code</i>
Email address	<i>Enter your HAN email address here</i>
Phone number	<i>Enter your phone number here</i>
Student number	<i>Enter your student number here</i>
Date of enrolment at HAN	<i>Enter the date on which you were enrolled at HAN</i>
Which degree course are you doing?	<i>Enter your degree course here</i>
In which phase of your programme are you?	<i>Enter here whether you are in the propaedeutic phase, for example, or the post-propaedeutic phase (main phase).</i>
Is the appeal/complaint/objection about an exam?	<i>Enter the exam code and exam date here</i>
Is the appeal/complaint/objection about a decision by or on behalf of the Board of Examiners or Institute Management?	<i>Enclose the letter or email</i>
Grounds for the appeal/complaint/objection	<i>Explain here clearly the grounds for your appeal, complaint or objection. What do you disagree with and why?</i>

	<p><i>If the space in this box is insufficient to explain the grounds for your appeal, complaint or objection, you can enclose a separate appendix in which you explain the grounds in more detail. Indicate this under the 'appendixes' section in this format.</i></p>
Signature	<p><i>Sign or insert your scanned signature here <b>or</b> send this form using your HANaccount.</i>  <a href="mailto:naam@student.han.nl">naam@student.han.nl</a></p>
Date of sending your letter of appeal/complaint/objection	<p><i>Note the date of sending your letter of appeal/complaint/objection</i></p>
Appendixes	<p><i>Indicate here how many appendixes you are enclosing with your letter of appeal/complaint/objection.</i>  <b>PLEASE NOTE: ALWAYS ENCLOSE A COPY OF THE DECISION (IF AVAILABLE)</b></p> <p><i>Send the appendixes along with this appeal/complaint/objection.</i></p>

## **Appendix 2: The HAN Student Charter**



## **Student Charter General section**

### **2016-2017 academic year**

Registration number:	PM
Approval Participation Council:	PM
Decision Executive Board:	PM

#### **Preface**

In accordance with the law, HAN adopts and publishes a Student Charter. The charter consists of two sections, an institutional and a course-specific section. The institutional section, called the Student Charter, is a HAN-wide document for all HAN students. The course-specific section of the Student Charter has been given the title 'Degree Statute' (in Dutch: OpleidingsStatuut). The Education and Examination Regulations are part of this Degree Statute.

#### **Student Charter**

The Student Charter sets out what HAN students can expect from HAN and what HAN expects from them. This charter is a collection of all the rights and duties of students and the HAN facilities available for students. The charter furthermore contains an overview of the legal protection afforded to students.

#### **Degree Statute**

The course-specific section of the charter, the Degree Statute, describes the structure of the degree course and the support facilities. This statute provides information on the structure and provision of education, student facilities, personal tutoring services and the Education and Examination Regulations. The Education and Examination Regulations are therefore part of the Degree Statute.

#### **Education and Examination Regulations**

The law prescribes that each degree course or group of degree courses must record all information on the structure of a degree course in a set of regulations. These regulations are called the Education and Examination Regulations. The Education and Examination Regulations are there to provide clarity about the degree course. This includes the period within which examiners are required to announce the results of an integrated and regular examination, the method of inspection for integrated and regular examinations, the study load and the contents of the degree course.

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## **Chapter 1 GENERAL PROVISIONS**

### **Article 1.1 Terms and definitions**

1. The terms and definitions used in this charter are those set out in Appendix 1 of the Model Degree Statute: Terms and Definitions.
2. Additional definitions apply to several of the regulations appended to this charter.

### **Article 1.2 Contents of Student Charter**

1. The Student Charter of HAN University of Applied Sciences contains the following:
  - a. an institutional section, containing a description of the rights and duties of HAN students, an overview of facilities available to students, an overview of the regulations aimed at protecting the rights of students and the HAN rules and disciplinary measures as defined in Article 7.57h of the Higher Education and Research Act (WHW), and
  - b. a course-specific section (referred to as the Degree Statute), containing a description of the course structure, the supporting facilities that are available within the domain to which the degree course belongs, Education and Examination Regulations and a description of additional rules and procedures for each domain or course department.
2. This charter contains the following regulations as defined in the WHW:
  - a. Appendixes 1 and 2 to this charter contain HAN rules and disciplinary measures as defined in Article 7.57h of the WHW;
  - b. Appendix 6 to this charter contains regulations about financial support as defined in Article 7.51 of the WHW;
  - c. Appendix 9 to this charter contains regulations as defined in Article 7.63a of the WHW;
  - d. Appendix 10 to this charter contains regulations as defined in Article 7.60 of the WHW.

### **Article 1.3 Adoption of the Student Charter**

1. The Student Charter is adopted by:
  - a. the Executive Board, with the consent of the Participation Council, with regard to the institutional section and the framework of the course-specific section;
  - b. the Faculty Board, with the consent of the faculty council, with regard to the course-specific section that is not adopted by a body as referred to in subparagraph a;
  - c. the chair of the Programme Council of HAN Master Programmes (HMP), with the consent of the institute council, with regard to the course-specific section that is not adopted by a body as referred to in subparagraph a.
2. Contrary to the provision in Article 1.3 paragraph 1 subparagraph a, the amounts and instalments as described in Article 3.4 paragraphs 2 and 3 and Article 3.5 paragraph 1 of the charter are revised on a yearly basis in accordance with the statutory tuition fees imposed by the Dutch Minister of Education, Culture and Science and the institutional tuition fees and level of the instalments set by the Executive Board, without such revisions requiring the explicit approval of the Executive Board.

### **Article 1.4 Publication of the Student Charter**

1. Students enrolling at HAN for the first time will be given instructions on how to access the Student Charter on the HAN website.
2. All amendments made to the Student Charter are published in the HAN magazine SENSOR.
3. The Student Charter that is available on the HAN website will be updated at least once a year.

### **Article 1.5 Obligation to present identification when exercising powers granted pursuant to the Student Charter**

Employees exercising powers pursuant to this charter must present identification if requested to.

## **Chapter 2 HAN ORGANISATION**

### **Article 2.1 Faculties, institutes, domains, Services Department**

1. The HAN consists of the Faculty of Health and Social Studies; the Faculty of Education, the Faculty of Economics and Management and the Faculty of Engineering. Each faculty consists of one or more institutes. An institute consists of one or more course departments.
2. Education is provided in the form of degree courses.
3. The general HAN support services are incorporated in the Services Department.
4. The HAN Masters programmes have been incorporated in the interfaculty institute of HAN Master Programmes (HMP).

### **Article 2.2 Supervisory Board**

The Supervisory Board supervises the policies of the Executive Board and the general affairs at HAN. The Supervisory Board acts in the interests of the objectives of the Stichting Hogeschool van Arnhem en Nijmegen (foundation of the HAN University of Applied Sciences). The Supervisory Board consists of seven members at most.

### **Article 2.3 Executive Board**

The Executive Board constitutes the board of the Stichting Hogeschool van Arnhem en Nijmegen and the HAN institutional board as referred to in the Act. The Executive Board is responsible for managing HAN, coordinating the day-to-day affairs, setting the policies and supervising the performance of the faculty boards. The Executive Board consists of no more than three members.

### **Article 2.4 Faculty board**

The faculty board is in charge of the day-to-day management of the faculty, which has been assigned powers by the Executive Board for this purpose. With due observance of HAN's policies, each faculty board defines its faculty's policies and manages the implementation of those policies. The faculty board is accountable to the Executive Board. The faculty board is usually made up of one person.

### **Article 2.5 Institute management**

The institutes are managed by an institute management. The institute management manages and organises the institute and defines the institute's policies, which must reflect the policies of HAN and the policies of the faculty to which the institute belongs. The institute management is accountable to the faculty board. The institute management usually consists of one person.

### **Article 2.6 Participation Council**

1. HAN has a Participation Council with 16 members. The Services Department, the separate faculties and the interfaculty institute of HMP all have a subcouncil. All subcouncils have 12 members, except for the institute council of HMP and the subcouncil of the Services Department. The HMP institute council has six members and the Services Department subcouncil has nine. Half of the members are elected directly from and by staff and the other half are elected directly from and by the students (with the exception of the Services Department subcouncil, which has no student members). The councils have the authority to discuss all matters concerning HAN with the Executive Board, all matters concerning the faculties with the faculty boards and all matters concerning HMP with the HMP Programme Council. They are also authorised to submit proposals and communicate their views. The Executive Board, the faculty boards and the HMP Programme Council are obliged to respond to the councils and provide substantiation for their responses.
2. Each student may vote for members of or stand for election in the Participation Council and the faculty council.

### **Article 2.7 Course Committee**

1. Each HAN degree course or group of HAN degree courses has a course committee.
2. The course committees that jointly form a domain meet at least twice a year.
3. The Executive Board approves the Course Committee Regulations for each degree course or group of degree courses. These regulations are included in the Degree Statute.

### **Article 2.8 Board of Examiners**

1. The faculty board will establish a board of examiners for each degree course or group of courses. The HMP Programme Council will establish a board of examiners for each Masters programme

- or group of Masters programmes.
2. The board of examiners determines objectively and in an expert manner whether a student meets the conditions specified in the Education and Examination Regulations for the knowledge, insight and skills needed to obtain a degree.
  3. The board of examiners adopts Board of Examiners Regulations for each degree course. These regulations are included in the Degree Statute.

#### **Article 2.9 External supervisor**

1. One or more external supervisors is appointed for each degree course or group of degree courses.
2. An external supervisor has the task of judging and/or monitoring the quality of the exam.
3. The tasks, competences and position of the external supervisors are explained in further detail in the regulations for external supervisors as set down by the faculty director.

#### **Article 2.10 Facilitating student participation**

Where possible, students should not suffer as a result of participating in activities of the Participation Council, the subcouncils or course committees.

Course departments have the obligation to make every reasonable effort to offer flexible study opportunities to students who participate in the above activities and, if needed, make the necessary arrangements to provide a solution if these activities are in conflict with the study obligations of the participating students.

### **Chapter 3 APPLICATION, ENROLMENT AND TUITION FEES**

#### **Article 3.1 Application and enrolment before the start of the academic year**

1. Application for a degree course or an associate degree course in the full-time format is possible up to and including 15 August prior to the academic year in question.
2. Application for a degree course or associate degree course in the part-time or work-study format is possible up to and including 1 September, the first day of the formal academic year.
3. A person must enrol as a student to be eligible to take part in a government-funded degree course.
4. In principle, students are enrolled for one academic year at a time.
5. Anyone wishing to enrol for a course for the first time or wishing to switch to a different course must submit an enrolment application through Studielink.
6. Students enrolled at HAN during a particular academic year will receive a request on or around 1 June to enrol for the next academic year through Studielink.
7. If a student has fulfilled all the requirements with regards to enrolment at least 10 working days before the start of the new academic year, including having paid the tuition fees and completing all the steps of the course selection check, he or she is guaranteed to be enrolled as of the new academic year.
8. If a student has not fulfilled his or her payment obligations (either by lump sum payment or authorisation for payment in instalments for the academic year he or she has enrolled for and by having cleared any payment arrears relating to prior academic years) or any of the other enrolment requirements, he or she will not be enrolled.
9. Any student who does not wish to enrol for the following academic year must give notification of this through Studielink.
10. For a number of degree courses, regular enrolment can take place on both 1 September and 1 February. Application for the purpose of such intake is possible for all degree formats up to and including 1 February 2016.
11. Permission is needed from the institute director to enrol as an external student. Enrolment as an external student is only possible if the institute director deems that this will not conflict with the nature or interest of the degree course. Enrolment as an external student is not possible for a work-study course.

#### **Article 3.2 Enrolment after the start of the academic year**

1. If a student enrolls during the course of the academic year, his or her enrolment will apply to the remainder of that academic year.
2. A student who enrolls after the start of an academic year will be enrolled as of the first working

day of the month in which he or she fulfils all requirements related to the enrolment, including payment of the tuition fees.

3. Students who are not required to do the course selection check may only enrol after the start of an academic year if the institute director believes it is feasible for that student to successfully participate in the study programme despite starting at a later date.
4. Students who are required to do the course selection check may only enrol after the start of an academic year if they have completed the full course selection check, if this check has not resulted in a rejection and if the institute director believes it is feasible for that student to successfully participate in the study programme despite starting at a later date.

### Article 3.3 Early termination of enrolment

1. A request to terminate an enrolment must be made through Studielink. This also applies to the withdrawal of an enrolment application as referred to in Article 3.3 paragraph 2.
2. A student can only withdraw an enrolment for an academic year before 1 September of that academic year. If the student has received a Certificate of Enrolment, it must be returned.
3. If a student who has enrolled for a course asks for his or her enrolment to be terminated before the end of an academic year, his or her enrolment will be terminated as of the month following the month in which the request was received. (For example: if the student writes on 15 April asking for his or her enrolment to be cancelled with immediate effect, his or her enrolment will be cancelled on 1 May.)
4. A student's enrolment will be terminated automatically as of the following month if he or she receives a binding negative recommendation, if the board of examiners makes a request to that effect on grounds that the student has been found to have committed serious fraud, or in the case of *Judicium Abeundi* (expulsion order) as described in section 10 of the Education and Examination Regulations. If a student is issued a binding negative recommendation in the months of June, July or Augustus, that student will be dis-enrolled on 31 August.
5. If a student fails to pay the tuition or examination fees, that student's enrolment will automatically be terminated as of the start of the second month after receiving the payment reminder for the fees in question.
6. A student cannot be dis-enrolled retrospectively.
7. The Executive Board may withdraw a student's enrolment in exceptional cases such as fraud committed by the student when he or she enrolled.

### Article 3.4 Tuition fees: amounts

1. A student is required to pay the statutory tuition fees or institutional tuition fees for each academic year he or she is enrolled in a degree course.
2. Full-time students are required to pay the statutory tuition fees. Part-time and work-study students are required to pay a part of the statutory tuition fees to be decided by HAN if they have not previously earned a Bachelors degree and belong to the group of people as defined in Article 2.2 of the 2000 Dutch Student Finance Act or who have Suriname nationality. The fees for the 2015-2016 academic year are as follows:
 

Full-time student	€ 1,951
Part-time student	€ 1,773
Work-study student	€ 1,951
3. Examination fees for external students are € 1,951
4. Students who do not fall within the scope of paragraph 2 are required to pay institutional tuition fees. The fees for the 2015-2016 academic year are as follows:
 

Enrolments as of 2013-2014 low	€ 7,135
Enrolments as of 2013-2014 high	€ 8,385
Enrolments as of 2013-2014 top	€ 9,485
Enrolments 2012-2013 all degree courses	€ 7,000
Enrolments 2011-2012 all degree courses	€ 7,000

<sup>1</sup> This requirement does not apply to students enrolled for the first time for a degree course in the fields of education or health care.

- |   |        |
|---|--------|
| Enrolments 2010-2011 Arnhem Business School, Faculty of Education and Faculty of Health and Social Studies                            | €6,500 |
| Enrolments 2010-2011 Faculty of Engineering   | €6,250 |
| Enrolments 2010-2011 Arnhem Business School, Faculty of Education and Faculty of Health and Social Studies                            | €3,950 |
| Enrolments 2009-2010 Faculty of Engineering   | €3,500 |
| Enrolments 2008-2009 Arnhem Business School, Faculty of Education and Faculty of Health and Social Studies and Faculty of Engineering | €3,500 |
| Enrolments 2007 Arnhem Business School  | €3,500 |
| Enrolments 2007 Arnhem Business School, Faculty of Health and Social Studies and Faculty of Engineering                               | €2,500 |
| Enrolled for 2 <sup>nd</sup> degree course partly in parallel with the first course for which a degree has been obtained              | €1,951 |
| University Assistance Fund (UAF) students who do not meet the requirements specified in Article 7.45 paragraphs 1,2 or 6 of the WHW   | €1,951 |
5. The fees determined by HAN will be announced well in advance of the start of the academic year.
  6. A student enrolled for a course after the start of an academic year will pay one twelfth of the annual tuition fees applicable to him or her for each full month remaining in the academic year.

### **Article 3.5 Payment of tuition fees and administration costs**

1. Tuition fees may be paid either as a single amount or as spread payments under a payment arrangement with 10 instalments by direct debit authorisation that is valid for the period during which the student is enrolled in the course. The payment arrangement will be renewed automatically by one academic year upon re-enrolment. Students making use of a payment arrangement will be charged € 10 for administration costs.
2. The 10 instalments are collected monthly around the 25<sup>th</sup> from September to June.
3. A student enrolled at HAN who has paid the statutory tuition fees for the academic year at another university or university of applied sciences that are equal to or higher than the statutory tuition fees payable to HAN are not required to pay the statutory tuition fees to HAN for that academic year. If the fees paid elsewhere are lower than the statutory tuition fees payable to HAN, the student is required to pay HAN the difference between the two amounts.

### **Article 3.6 Refund of tuition fees**

1. Early termination as referred to in Article 3.3 paragraphs 3 and 4 of these regulations will result in a refund of one twelfth of the tuition fees for each month remaining in the academic year after the termination, except in cases of termination with effect from July or August.
2. In the event of a student's death during the course of the academic year, one twelfth of the tuition fees will be refunded for each month of the academic year following his or her death.
3. External students have no rights to a refund of fees.

## **Chapter 4 RIGHTS STEMMING FROM ENROLMENT**

### **Article 4.1 Rights**

1. Students are entitled to participate in the education offered by all faculties at HAN University of Applied Sciences. Faculties may restrict access to their education if a particular course is subject to an intake restriction or if the available teaching capacity is limited. Intake restrictions must be included in the course-specific section of the Student Charter.
2. The external student has the right to take only those exams that are part of the degree course and has access to institutions and collections belonging to HAN, provided the institute director deems that this does not conflict with the nature or interest of the degree course.
3. Students are entitled to take regular examinations for the degree courses in which they are enrolled and to take part in any integrated examinations listed in the examination programme in the course-specific section of the Student Charter, unless the board of examiners has denied that student participation in one or more regular or interim examinations. The course department may decide that a student must have successfully completed one or more regular or integrated examinations before taking part in other regular or integrated examinations.
4. A student is entitled to access HAN's buildings and collections, unless such is deemed to be prohibited by the nature or interests of his or her studies. The faculty directors are authorised to

restrict access to and use of laboratories, lecture halls or computer rooms in the event of capacity problems. Restrictions may never be such that it becomes impossible for enrolled students to make reasonable use of the facilities.

5. Students are entitled to use the services of a student counsellor.
6. Students are entitled to personal tutoring. Personal tutoring is described in more details in the course-specific section of the Student Charter.
7. Students have voting rights as described in Article 2.6 paragraph 2 of this charter.
8. Students are entitled to complete a degree course, either at HAN or another university of applied sciences, if their course is discontinued at HAN.
9. Students are entitled to be awarded a degree as referred to in Article 7.10a or 7.10b of the WHW upon presentation of the diploma certificate.
10. The degree is awarded once the board of examiners has decided the student has passed the final assessment. The certificate is issued no later than the last day of the month following the month in which the student passed his or her final assessment. Students are deemed to have completed their degree course if they have successfully passed all examinations for the units of study that make up their degree course or the propedeutical phase of the degree course, insofar as the board of examiners has not stipulated that the final assessment will also include an inquiry to be performed by the board, as referred to in Article 7.10 paragraph 1 of the WHW, and if there are final and formal records in HAN's computer systems stating that the student has passed all the examinations as described in the previous sentence.
11. Paragraphs 1,6, 7, 8 and 9 of this article do not apply to external students.

#### **Article 4.2 Unlawful use**

A person who makes unlawful use of the teaching and examination facilities may be subject to a claim for compensation for damages. Unlawful use of teaching and examination facilities constitutes an offence and may lead to criminal prosecution, in addition to penalties pursuant to this charter.

#### **Article 4.3 Procedural rules and rights**

1. If a student fails to pay his or her tuition fees or instalments for the tuition fees:
  - a. the student will no longer be entitled to government-funded education and education facilities;
  - b. the student will no longer be entitled to the facilities for examinations;
  - c. HAN will not issue a student card or, if the student has been issued a student card, will block that card;
  - d. the student will no longer have access to IT facilities;
  - e. the student will no longer be entitled to the HAN's personal tutoring services;
  - f. the student will no longer be entitled to the HAN's personal tutoring services unless the student requires assistance to make a payment arrangement.
2. If a student fails to pay his or her tuition fees or instalments for the tuition fees, the presentation of his or her degree certificate will be postponed until the student has fulfilled all of his or her payment obligations.
3. Before the provisions set out in paragraph 1 enter into effect, the student will receive a payment reminder, in accordance with the reminder procedure for tuition fees, explaining the consequences of late payment and specifying a deadline by which the payment must be received.

### **Chapter 5 SPECIAL FACILITIES FOR STUDENTS**

#### **Article 5.1 General**

1. HAN students are entitled to use the University Library at Radboud University Nijmegen.
2. HAN students are entitled to the services of a student psychologist after registering through the HAN Study Support Centre (SSC). The student psychologist can provide short-term care, individually or as a group, and may refer the student to an external care provider if he or she sees reason to do so.
3. HAN students may purchase a sports card, which allows them access to the facilities of Seneca (HAN's expertise centre for sports and health), the sport facilities in Arnhem and the sports facilities of Radboud University Nijmegen.
4. If there are special circumstances, the student can refer to the campus student counsellor.



**Article 5.2 Students with a functional limitation**

1. Students with a functional limitation are entitled to support and services.
2. The reason why HAN supports students with a functional limitation is threefold:
  - a. to optimise access to HAN education;
  - b. to prevent the students from falling behind in their studies;
  - c. to use resources efficiently and effectively.
3. All students receive an email containing information about studying with a functional limitation a few days after they enrol at HAN. This email specifically asks prospective students to contact HAN if they have a functional limitation that they expect will affect their studies. Prospective students who would like an intake interview can ask for one before the degree course begins. An appointment for the intake interview can also be scheduled for the start of the degree course. This interview will not in any way affect an applicant's right to enrol as a HAN student.
4. All students, including those with a functional limitation, have access to the regular HAN tutoring system, and the personal tutor is the first point of contact for all students, including those with a functional limitation.
5. At the start of their studies, all students are assigned a personal tutor. Students are responsible for clearly informing HAN if they have a functional limitation. The student and his or her personal tutor will discuss what combination of coaching/supervision and support and what facilities would be most suitable for the student.
6. The purpose of the meeting is to:
  - a. Assess the obstacles that the student or prospective student has come across in his or her studies so far. The prospective student should bring his or her file from his or her previous course along to the meeting if possible.
  - b. Give the student a clear picture of the nature of the degree course that he or she has chosen and the support that he or she can expect from HAN.
  - c. Give the course department a clear picture of the effect that the functional limitation may have on the student's studies.
  - d. Give a clear picture of the available options for the student and course department regarding the student's study track in the degree course, the facilities the student requires, the work placement and job perspectives (i.e. intake, transfer and graduation) and make agreements about these matters.
7. The procedure described below will follow after the interview:
  - a. If a student asks for non-standard facilities, the personal tutor will send the student's request to the institute board for approval; if this request relates to examinations and graduation projects, the personal tutor will send the request to the board of examiners.
  - b. If the student's request is granted, the personal tutor will record this in a study contract. A standard study contract is available for course departments who wish to apply for extra facilities (see Insite HAN student counsellor).
  - c. A student who has been granted extra facilities will receive a copy of the approved modifications and facilities so that he or she does not have to explain to every lecturer and at every examination that he or she requires special facilities.
  - d. The student and the personal tutor/senior tutor will meet once a year to evaluate the facilities that have been granted to the student. The student may also request an interim evaluation and ask for any modifications resulting from this interim evaluation to be made available to him or her.
  - e. The student and the personal tutor/senior tutor will draw up a new contract for the following academic year based on the evaluation or decide to continue with the current contract.
8. Students who acquire a functional limitation during the course of their studies or students with a functional limitation who did not notify HAN about this limitation can make an appointment with the personal tutor/senior tutor. At that meeting, it will be decided what facilities the student requires or should have in order for that student to achieve a feasible curriculum. The meeting will follow the same format as the intake interview.
9. Students who as a result of their functional limitation are unable to complete their degree course in the period during which they receive a performance-related grant may apply for a year's extension for that grant, in accordance with Article 5.6 paragraph 10 of the 2000 Student Finance Act. If they are unable to complete their degree course within the extended grant period referred to in the previous sentence, they can apply to the HAN Financial Support Fund for financial support.

**Article 5.3 Students with a sports career**

1. The provisions contained in Article 5.3 paragraphs 2 to 8 apply to:
  - a. HAN students who have an A, B or HP athlete status or an International Talent, National Talent or Emerging Talent (*Belofte*) status as recognised by the Dutch Olympic Committee/Dutch Sports Federation (NOC/NSF);
  - b. HAN students regarded as elite athletes by the Elite Sport Coordinator at HAN<sup>1</sup>.
2. A student as defined in article 5.3 paragraph 1 who wishes to use the facilities as mentioned in Article 5.3 paragraph 5 must apply to the HAN Elite Sport Coordinator.
3. The student as defined in Article 5.3 paragraph 1 who is considered a HAN elite athlete receives the HAN elite athlete declaration and an explanation of the elite athlete provisions from the HAN Elite Sport Coordinator.
4. If a student as referred to in Article 5.3 paragraph 1 is eligible for facilities provided by NOC/NSF and/or his/her own sports association, he or she must first use these facilities before using the HAN facilities as defined in paragraph 5b.
5. The following provisions apply to students as referred to in Article 5.3 paragraph 1:
  - a. Faculties have the obligation to make every reasonable effort to offer the students referred to in Article 5.3 paragraph 1 flexible study opportunities. Possible packages include special arrangements for examinations and alternative assignments.
  - b. Students as referred to in Article 5.3 paragraph 1 who are unable to complete their degree course during the period in which they are eligible for a performance-related grant may apply for financial aid from the HAN Financial Support Fund.
  - c. Students as referred to in Article 5.3 paragraph 1 will receive a HAN sports card free of charge and may use the medical sports facilities provided by Seneca.
6. All actions resulting from the implementation of Article 5.3 paragraph 5 fall under the responsibility of the relevant course department and thus rest first with the student's personal tutor or senior tutor. If a student asks for non-standard facilities, the personal tutor/senior tutor will send the student's request to the course coordinator for approval; if the request for non-standard facilities relates to examinations and graduation projects, the personal tutor/senior tutor will send the request to the board of examiners.
7. Every year, the Elite Sport Coordinator determines whether the student still qualifies for the status of elite athlete. The student takes the initiative for these meetings. Elite athlete sports cards remain valid for one year only. If necessary, the Elite Sport Coordinator, the student and the student's personal tutor or senior tutor will meet to discuss how to organise the curriculum in a way that accommodates the student's sports activities.
8. In the case of problems stemming from the sport itself, the course department and/or student can contact the HAN Elite Sport Coordinator.
9. If desired, a meeting can be organised between the HAN Elite Sport Coordinator, student and personal tutor or senior tutor about setting up the course in a sport-friendly manner.
10. A student who makes use of the facilities described in Article 5.3 paragraph 5 agrees to be available for promotional HAN activities at least once a year. The precise nature of those activities will be determined in consultation with the student and the HAN Information Centre. The Elite Sport Coordinator may mediate between the HAN Information Centre and the student and offer advice on relevant promotional matters.

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<sup>1</sup> The coordination of elite sport at HAN University of Applied Sciences is the responsibility of *Topsport Gelderland*. *Topsport Gelderland* is an initiative of the Institute of Sports and Exercise Studies at HAN and has been appointed by the NOC/NSF to coach and guide elite athletes and talented athletes with a recognised NOC/NSF status. *Topsport Gelderland* determines whether a student who is studying at HAN is eligible for the HAN elite athlete provisions.

## **CHAPTER 6 EDUCATION**

### **Article 6.1 General**

1. HAN courses are taught in Dutch. Exceptions to this may be made in the following cases:
  - a. degree courses in a foreign language;
  - b. a guest lecture by an international lecturer;
  - c. if the specific nature, organisation or quality of the education or the student's country of origin necessitates this.
2. Education at HAN is organised in such a way that students are given reasonable opportunity to meet the standards for academic progress.
3. The structure of the degree course is explained in the Education and Examination Regulations relevant to the degree course, and which are included in the course-specific section of this charter.
4. Enrolment at HAN depends only on students having paid their tuition fees and not on any other payments.
5. The costs of study materials (books, excursions, equipment for practicals, etc.) are reasonable and in proportion to an average student income.
6. The course-specific section of the charter contains specific information about the cost of a degree course.

### **Article 6.2 Student progress and recommendations**

1. The Education and Examination Regulations of a degree course, which are included in the course-specific section of this charter, contain regulations for monitoring students' progress and the corresponding personal tutoring.
2. No later than at the end of a student's first year of enrolment in the propedeutical phase of a full-time associate degree course or a work-study course, he or she will receive a recommendation from or on behalf of the institute director about whether or not to continue his or her studies with that course department or elsewhere. In the case of a part-time course, the recommendation may be presented later than stated above.  
The recommendation may be a 'binding negative recommendation' if the student is not considered suitable for the degree course. Any student who receives a binding negative recommendation may not re-enrol as a student for that same degree course at the same institution. A binding negative recommendation is only given after sufficient warning. A student's personal circumstances may offer cause to postpone or refrain from issuing a binding negative recommendation. The course-specific section of this charter contains specific rules for issuing a binding negative recommendation for the relevant degree course.

### **Article 6.3 Assessments**

1. The student's knowledge, understanding and skills are assessed by means of regular or integrated examinations, depending on how the course is organised.
2. The course-specific section of the Student Charter contains information on the assessment methods used in the degree course.

### **Article 6.4 Code of conduct for education taught in other languages**

The code of conduct for courses taught in other languages has been included in Appendix 17.

## **Chapter 7 RELATED REGULATIONS**

### **Article 7.1 Codes of conduct**

HAN has various codes of conduct:

- a. General Code of Conduct, see Appendix 1;
- b. Code of Conduct for the Use of IT, see Appendix 2;
- c. Code of Integrity, see Appendix 3;

### **Article 7.2 Regulations governing the protection of personal data** HAN

has a set of Personal Data Protection Regulations, see Appendix 4.

### **Article 7.3 Regulations governing financial support**

HAN has various regulations governing financial support:

- a. Financial Support Regulations, see Appendix 5;

- b. Internal Regulations for the Financial Support Fund Committee, see Appendix 6;
- c. Emergency Fund Regulations, see Appendix 7.

#### **Article 7.4 Legal protection, complaints procedures and ombudsman**

1. HAN has multiple procedures governing legal protection, reporting and complaints procedures:
  - a. Regulations for the Complaints and Disputes Office, see Appendix 9;
  - b. Regulations for the Disputes Advisory Committee, see Appendix 9;
  - c. legal protection procedures for decisions concerning education, see Appendix 10;
  - e. a reporting and Complaints Procedure for Undesirable Behaviour, see Appendix 11;
  - f. a procedure for complaints that fall beyond the scope of the reporting and complaints procedure for undesirable behaviour as defined in subparagraph e, see Appendix 12;
  - g. a reporting procedure concerning the use of portraits by HAN on the internet, see Appendix 13;
  - h. a reporting procedure concerning whistleblower regulations, see Appendix 14.
2. HAN has an ombudsman, see Appendix 15.
3. Administrative objection can be lodged against decisions by the Executive Agency of the Dutch Ministry of Education (Dienst Uitvoering Onderwijs, DUO). Decisions issued by DUO will contain information about the procedure for administrative objections.
4. Decisions made by DUO on objections are open to appeal before the administrative law division of the court. Court registry fees apply for appeals. A decision on an objection will contain information about the procedure for appeals.
5. In all cases in which a student is represented in the above-mentioned procedures, the student must submit a written authorisation of representation.

#### **Article 7.5 Other regulations**

HAN has the following sets of regulations:

- a. The HAN Code of Conduct for Education Taught in Other Languages, see Appendix 16;
- b. Protocol for dyslexia, see Appendix 17.

## **Appendix 1 GENERAL CODE OF CONDUCT**

### **Article 1 Scope**

Articles 2 to 12 apply to all persons present in the buildings or on the grounds of HAN University of Applied Sciences in Arnhem and Nijmegen and who are enrolled as students, course participants or otherwise, and to students, course participants and other enrolled participants during off-campus study periods (e.g. while on work placement or carrying out a graduation project).

### **Article 2 Student card**

1. Students are not permitted to allow others to use their student card, and are not permitted to use a student card belonging to somebody else.
2. Students who lose their student card must report this to the Service Desk immediately.
3. Students may be held liable for improper use of their student cards by third parties unless the student can demonstrate that he or she took the necessary precautions to prevent improper use by third parties. A student who is held liable is deemed to have allowed another person to use his or her student card and as such will be in violation of the provision contained in paragraph 1 of this article.
4. Students must carry their student card with them while in the HAN buildings or on HAN grounds. Students are obliged to show their student card upon request.
5. All HAN employees are authorised to ask a student to show his or her student card.
6. Those employees may instruct students who do not show their student card when requested to vacate the buildings and grounds used by HAN.
7. Students are responsible for ensuring that they submit the correct personal details to the Student Administration Office. Students must notify the Student Administration Office of any changes as quickly as possible through Studielink.

### **Article 3 Provisions governing the conduct of students present in the buildings and on the grounds used by HAN faculties and central services**

1. Students must use the HAN buildings and grounds in accordance with their designated use.
2. Students must conduct themselves with decorum and propriety while in the buildings or on grounds used by HAN.
3. Students are in any event prohibited to:
  - a. eat or drink in the lecture and practical rooms;
  - b. smoke in the buildings. Smoking is permitted around the buildings in the areas outside the blue lines;
  - c. disrupt the education or other activities;
  - d. endanger safety;
  - e. be under the influence of narcotics or stimulants, unless they can show they have a medical prescription for those substances;
  - f. act contrary to the environmental rules;
  - g. act contrary to the rules of propriety, as partly described in articles 8, 9 and 10;
  - h. act contrary to the applicable traffic rules;
  - i. act contrary to the provisions contained in this charter for the use of computers, email, the internet and the intranet;
  - j. use the digital learning environment for improper purposes.
4. It is forbidden to wear clothing that covers the face.
5. The faculty director is authorised to impose further dress regulations in a separate clause in the Education and Examination Regulations of a degree course or group of degree courses if required for practical teaching purposes.
6. Without prejudice to the provisions in paragraphs 4 and 5, the faculty director is authorised to impose requirements with regard to the conduct and attitude of students based on requirements specified in professional profiles and stemming from professional practice. These requirements must be appended to the Education and Examination Requirements.
7. The guidelines contained in paragraphs 4 to 6 also apply to situations outside the HAN campus where students are in contact with the work field (e.g. in work placements and graduation assignments). These guidelines will only apply in dealings that concern educational matters or matters in the interests of education provided by HAN.

8. Students are obliged to observe all applicable safety regulations in the buildings and on the grounds used by HAN.
9. Students are obliged to act in accordance with instructions given by authorised employees who are responsible for ensuring a clean environment in the buildings and on the grounds used by HAN.
10. Students who act contrary to the provisions set out in Article 3 paragraphs 1 to 4 may be instructed by any HAN employee to cease those actions.
11. Students who do not comply with the instructions as referred to in Article 3 paragraph 10 may be instructed to vacate the buildings and grounds used by HAN.
12. All HAN employees have the authority to instruct students as described in Article 3 paragraph 11.
13. Any employee giving instructions as described in paragraph 11 of this article must report immediately to the institute director or the coordinator of the degree course in which the student concerned is enrolled.

#### **Article 4 Additional provisions governing the conduct of students during lectures**

1. In order to attend a lecture, students must be present in the relevant lecture room at the moment that the lecture is scheduled to start.
2. Lecturers are authorised to deny access to students who arrive at a lecture after the lecture is scheduled to begin.
3. Lecturers may instruct any student who acts contrary to the provisions set out in Article 3 paragraphs 2 and/or 3 to cease his or her actions.
4. Lecturers may instruct any student who ignores the instructions referred to in Article 4 paragraph 3 to leave the lecture room.
5. In situations as described in Article 4 paragraph 4, the lecturer must report immediately to the institute director or the coordinator of the course in which the student is enrolled.

#### **Article 5 Additional provisions governing the conduct of students in practical training rooms**

1. Students must in all events:
  - a. use the equipment with appropriate care and leave it in its proper condition;
  - b. replace all furniture in its original position after use;
  - c. deposit paper in the special paper bins or remove it from the room;
  - d. notify the instructor of the practical or Service Desk staff if there is any equipment that does not work or is not functioning properly.
2. Students are in all events prohibited from:
  - e. being under the influence of narcotics or stimulants, unless they can show they have a medical prescription for those substances; Use of any such substances or of any other substances that may affect the student's behaviour must be reported to the instructor of the practical or to another member of staff;
  - b. moving the equipment;
  - c. modifying the equipment, software and stored files;
  - d. copying software and files without permission from the instructor of the practical or another member of staff;
  - e. using software they have brought with them without permission from the instructor of the practical or another member of staff.
3. The instructor of the practical, the Service Desk staff or another member of staff may instruct any student who acts contrary to the provisions set out in Article 3 paragraphs 2 and 3 and/or Article 5 paragraphs 1 or 2 to cease his or her actions.
4. Employees may instruct students who do not comply with the instructions referred to in Article 5 paragraph 3 to leave the practical training room.
5. In situations as referred to in Article 5 paragraph 4, the member of staff concerned must report immediately to the institute director or the coordinator of the degree course in which the student is enrolled.

#### **Article 6 Additional provisions governing the conduct of students in examination rooms**

1. If integrated and regular examinations last longer than two and a half hours, students may deviate from the ban on drinks set out in Article 3 paragraph 3.

2. It is prohibited to act in conflict with the provisions contained in the applicable Education and Examination Regulations and the applicable degree statute governing integrated and regular examinations and conduct during those integrated and regular examinations.
3. The coordinating invigilator or another member of staff may instruct any student who acts contrary to the provisions contained in Article 3 paragraphs 2,3 or 4 and/or Article 6 paragraph 2 to cease his or her actions.
4. Employees may instruct any student who does not comply with the instructions as defined in Article 6 paragraph 3 to leave the examination room.
5. In situations as described in Article 6 paragraph 4, the member of staff concerned must report immediately to the institute director or the coordinator of the degree course in which the student is enrolled.
6. The member of staff who gave instructions as referred to in Article 6 paragraph 4 must report those instructions in the record of the examination session.

#### **Article 7 Provisions governing the conduct of students in off-campus study settings**

1. Students must act with decorum and propriety at organisations/institutions/companies in off-campus study settings.
2. During off-campus study periods, the code of conduct of the relevant organisation/institution/company will apply in addition to the provisions in this chapter.
3. In cases in which both the code of conduct of both HAN and the company/organisation/institution include provisions governing the same matters, the code of conduct of the company/organisation/institution will apply.
4. Students are in all events prohibited from:
  - a. endangering safety;
  - b. acting contrary to the rules of propriety as partly described in articles 8, 9 and 10, and as implemented at the business/organisation/institution;
  - c. using means of equipment that belong to the business/organisation/institution for personal purposes without explicit permission from the placement supervisor.
5. Students must observe all safety rules and regulations that apply in the buildings and on the grounds of the business/organisation/institution.
6. Students must act in accordance with instructions given by on-duty employees at the business/organisation/institution who are responsible for ensuring a clean environment in the buildings and on the grounds of the business/organisation/institution.
7. Students who act in conflict with the provisions set out in Article 7 paragraphs 1 to 6 may be instructed by any employee at the business/organisation/institution to cease those actions.
8. Any student who does not comply with the instructions referred to in Article 7 paragraph 7 may be instructed to vacate the buildings and grounds of the business/organisation/institution.
9. The placement coordinator has the authority to instruct students as described in Article 7 paragraph 8.
10. The placement coordinator who instructs a student as described in Article 7 paragraph 8 must report immediately to the institute director or the coordinator of the degree course in which the student concerned is enrolled.
11. The institute director/coordinator in question may ask the faculty director to impose a measure pursuant to Chapter 7 of this charter.
12. Any conduct on the part of a student that is in conflict with the provisions contained in this chapter but is not revealed until after the off-campus study period may result in measures being imposed pursuant to this chapter, but within a reasonable period after the conduct has become known.

#### **Article 8 Loss, damage, destruction, reproduction**

1. Students must use the equipment, objects, computer facilities, etc. that belong to HAN or third parties in accordance with their designated use.
2. Student must take due care when using the property of HAN or third parties.
3. Any damages resulting from loss, damage or destruction of property belonging to HAN or third parties by the student will be recovered from that student.
4. If a student is to blame for the loss, damage or destruction of property belonging to HAN or third parties, the faculty director may impose a measure as defined in Article 11 paragraph 3. The provisions in Article 11 paragraphs 4, 5 and 6 also apply to this situation.

5. HAN cannot be held liable for the loss of, damage to or destruction of property belonging to students or visitors.
6. Students are obliged to comply with the rules governing the reproduction of copyright-protected works, including software.
7. Any damages resulting from the reproduction of copyright-protected course materials supplied by HAN such as readers will be recovered from the student in question.
8. Copying, removing, deleting or modifying equipment, software or files may result in legal proceedings being brought by HAN or the software supplier. Any claims presented to HAN for copyright infringements committed by a student will be recovered from that student.
9. The faculty director may impose a measure as described in Article 11 paragraph 3 in the event of reproduction of copyright-protected course materials supplied by HAN, such as readers. The provisions in Article 11 paragraphs 4, 5 and 6 also apply in this situation.

#### **Article 9 Sexual harassment, aggression, discrimination**

1. See the Complaints Regulations for Undesirable Behaviour (Appendix 11) for the regulations governing complaints about sexual harassment, aggression and violence, bullying and discrimination.
2. In addition to the procedure described in the Complaints Regulations for Undesirable Behaviour, a student may submit a written request to the Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*) to investigate past or current discrimination as described in the Dutch Equal Treatment Act (*Wet gelijke behandeling*), the Dutch Equal Treatment (Men and Women) Act (*Wet gelijke behandeling van mannen en vrouwen*) or Article 7: 646 of the Dutch Civil Code.

#### **Article 10 Punishable offences**

1. If a student commits a punishable offence, the faculty director may impose a measure as referred to in Article 11 paragraph 3. The provisions in Article 11 paragraphs 4, 5 and 6 also apply to this situation.
2. A suspicion of a punishable offence committed by a student may also be reported to the police, which may in turn have implications under criminal law.

#### **Article 11 Measures**

1. If a student violates the provisions in Article 2 paragraph 1 or if a student violates any of the provisions contained in Article 3 paragraphs 1 to 5, Article 4 paragraph 1, Article 5 paragraphs 1 and 2, Article 6 paragraph 2, or Article 7 paragraphs 1 to 6, the faculty director may impose a measure as contained in Article 11 paragraph 3.
2. If a student does not comply with instructions given to leave as contained in Article 2 paragraph 6, Article 3 paragraph 7, Article 4 paragraph 4, Article 5 paragraph 4, Article 6 paragraph 4, and Article 7 paragraph 8, or if the provisions in Article 7 paragraph 12 apply to the student, the faculty director may impose a measure as described in Article 11 paragraph 3.
3. The faculty director may impose the following measures:
  - a. a warning;
  - b. an official reprimand;
  - c. denial of access to particular lectures or other specified components of a degree course for a period not exceeding one year;
  - d. denial of use of specified facilities for a period not exceeding one year;
  - e. denial of access to particular buildings or grounds used by HAN for a period not exceeding one year;
  - f. denial of access to all buildings and grounds used by HAN for a period not exceeding one year;
  - g. invalidation of a study period spent off-campus during which the behaviour occurred;
  - h. temporary termination of enrolment for a period not exceeding one year;
  - i. permanent denial of access to the institution or permanent termination of the student's enrolment. This measure may only be imposed if the student caused serious nuisance in the buildings or on the grounds of the institution, and if the student did not cease his or her behaviour after having been cautioned to do so by or on behalf of the institutional board;
  - j. withdrawal of a student's enrolment if the student provided incorrect information when



he or she enrolled.

4. Before the faculty director decides to impose a measure as described in Article 11 paragraph 3, the student will be given the opportunity to explain his or her view so that both parties can be heard. The student may be assisted by counsel, with due observance to the provisions in Article 7.4 paragraph 5 of the Students Charter.
5. A decision by the faculty director to impose a measure must be announced to the person in question in writing within 14 working days after that decision was made, and must explain the reasons for that measure. The decision will enter into effect at that moment.
6. In situations requiring immediate action, the faculty director may decide to deny a student access, with immediate effect, to particular lectures, facilities, buildings or grounds or to all HAN buildings and grounds, or may decide to suspend the student's off-campus learning period with immediate effect.  
Within a week of this decision, the faculty director must decide on the measure to be imposed in accordance with Article 11 paragraph 3, with due observance of Article 11 paragraphs 4 and 5.

#### **Article 12 Provision set by the faculty director in unforeseen circumstances**

Situations for which this chapter does not provide will be decided at the discretion of the faculty director who may impose a measure as described in Article 11 paragraph 3. The provisions in Article 11 paragraphs 4, 5 and 6 will also apply in those situations.

#### **Article 13 Obligatory consultation and reporting of sexual offences**

1. If the institutional board becomes aware in any way that a person charged with duties for that institution might have committed or might be committing a serious offence against public decency as described in Title XIV of the Dutch Criminal Code (*Wetboek van Strafrecht*) against a minor who is enrolled as a student at the institution, the competent authority will immediately consult with the confidential educational inspector, as referred to in Article 6 of the Education Inspection Act (*Wet op het onderwijstoezicht*).
2. If the consultation as defined in paragraph 1 leads to the conclusion that a reasonable suspicion exists that the person in question has committed an offence as described in paragraph 1 against a minor enrolled as a student at the institution, the institutional board will immediately report the matter to an investigating officer as defined in Article 127 in conjunction with Article 141 of the Dutch Code of Criminal Procedure (*Wetboek van Strafvordering*) and the institutional board will notify the confidential educational inspector immediately. Before the institutional board reports the offence, it will notify the parents of the student in question or the relevant person responsible for informing the parents on behalf of the institution.
3. If a member of staff learns that a person charged with duties for the institution might have committed or might be committing an offence as described in paragraph 1 against a minor who is enrolled as a student at the institution, that member of staff must notify the institutional board immediately.

## **Appendix 2 REGULATIONS GOVERNING THE USE OF IT FACILITIES**

These regulations of HAN University of Applied Sciences (HAN) contain rules governing the use of IT facilities by HAN students. The purpose of these rules is to stipulate the acceptable use of:

- systems and network security, including protection against damage and misuse,
- prevention of sexual harassment, discrimination and other punishable offences,
- protection of confidential information belonging to HAN, its employees and students,
- prevention of negative publicity, and
- management of costs and capacity.

Students are obliged to comply with the rules described in these IT regulations and must follow orders and instructions given by a person in authority based on these IT regulations.

Articles 2 to 9 apply to everyone enrolled as a HAN student, course participant or otherwise, and to students, course participants and enrolled participants during off-campus study periods (e.g. while on work placement or carrying out a graduation project).

### **Article 1 Additional terms and definitions**

In addition to the general terms and definitions, the following terms and definitions apply in these regulations. If these differ from the general terms and definitions, the below terms and definitions will apply.

<i>IT facilities:</i>	<i>Authorised person:</i> A member of the Executive Board, a faculty director, the Services Department director, an institute director, the head of a service unit or another individual who has been appointed as an authorised person either pursuant to the WHW or a decision or regulations set by the Executive Board.
<i>IT Service Unit:</i>	The computer, communication and network facilities made available by or on behalf of HAN.
<i>HAN-CERT:</i>	The unit of the HAN Services Department responsible for the development, maintenance and management of IT facilities.
<i>HANaccount:</i>	The computer emergency response team within the IT Service Unit responsible for preventing and handling incidents related to information security.

A personal code with a corresponding password used by students to identify themselves and gain access to certain IT facilities.

### **Article 2 Authorised use**

1. Students are entitled to use the IT facilities intended for students.
2. The IT facilities are only to be used by students to carry out the study activities for the degree courses in which they are enrolled, with the exception of what is stated in paragraphs 2.3 and 2.4 of this article.
3. Students are entitled to use the HAN email system to receive and send personal, internal and external email messages that are not related to their studies provided they adhere to the rules contained in these regulations on the use of IT.
4. Students are entitled to access the internet for activities not related to their studies provided they adhere to the rules contained in these regulations on the use of IT.
5. Students are not permitted to use any of the IT facilities intended for staff.
6. When using specific IT facilities, students must identify themselves by way of their HANaccount.
7. The HANaccount is strictly personal and non-transferable. Students may not share their HANaccount information with others and must take reasonable measures to protect their HANaccount.
8. A student is responsible for all activities carried out under his or her HANaccount.

9. It is not permitted to use someone else's HANaccount. HAN reserves the right to take immediate measures against a student if HAN discovers that other individuals have gained access to HAN IT facilities under that student's HANaccount.
10. Students are not allowed to gain access to information that belongs to other users or to attempt to obtain higher privileges or authorisations than the privileges or authorisations granted to them.
11. HAN will do its utmost to protect access to data stored by students.
12. Students must inform HAN immediately if there are any changes to their personal information that are relevant to the use of the IT facilities.

### Article 3 Manner of use

1. Students are not permitted to use the IT facilities for activities and/or conduct that are in conflict with the law, public decency, public order or these regulations. This includes, but is not limited to, the following activities and conduct:
  - a. infringing on one or more works protected by copyright or otherwise acting in conflict with the intellectual property rights of third parties;
  - b. viewing, saving and/or distributing child pornography or pornography of any other kind;
  - c. harassing a person sexually or in any other way;
  - d. distributing harmful software, such as computer viruses, worms and Trojan horses;
  - e. intruding into an IT facility by breaking through a security system and/or gaining access by a technical intervention, with the aid of false signals or a false key, or by acting under a false identity;
  - f. making IT facilities available to third parties;
  - g. using, leaving or leaving behind IT facilities in such a way that others are given the opportunity to misuse those IT facilities;
  - h. causing material or non-material damages to HAN or third parties;
  - i. infringing on the rights of HAN or third parties;
  - j. concealing their identity or posing as someone else.
3. Students are not permitted to keep IT facilities unnecessarily occupied or unnecessarily burdened. This means, among other things:
  - a. sending, receiving, placing, making accessible through hyperlinks or otherwise making public large quantities of data (i.e. many or large messages, files, streams, etc.) that the user knows, or could or should have known, can cause failure, nuisance and/or delays in the system or for the receiver(s);
  - b. sending, placing, making accessible through hyperlinks or otherwise making public unsolicited messages that the student knows, or could have or should have known, were neither intended for the recipient(s) nor sent, placed, made accessible through hyperlinks or otherwise made public in the context of the degree course;
  - c. intentionally sending, placing, making accessible through hyperlinks or otherwise making public messages or communications that the person concerned knows, or could have or should have known, that their contents are incorrect;
  - d. sending, placing, making accessible through hyperlinks or otherwise making public chain letters, advertisements (spam) and similar messages.
4. Students are required to read all information that they receive from HAN.
5. Students are obliged to report any flaws they suspect or have discovered in the security of IT facilities to HAN-CERT ([cert@han.nl](mailto:cert@han.nl)).
6. Students are not permitted to connect or disconnect devices to or from the fixed HAN network. Students are only permitted to connect private devices (e.g. laptops, tablets and telephones) to the network connections available for this purpose.
7. A student is obliged to take all reasonable measures to prevent unauthorised persons from gaining access to data belonging to HAN. This provision also applies if this data is located on private devices or on internet.
8. The use of social media, for private or study purposes, may not disrupt the good order at HAN and may not inconvenience others.
9. Students are not permitted to place photos, videos or other materials about HAN staff, students or contacts on social media without explicit permission from the person(s) concerned.

#### Article 4 Monitoring

1. The use of facilities will only be monitored for the purpose of enforcing the rules contained in these regulations. Illegal use of the IT facilities will be rendered impossible as best as possible by using technical means.
2. To monitor compliance with the rules, data on online activity are collected using an automated system (i.e. data are logged). The data will only be accessible to the directly responsible systems administrators and will only be made available in anonymised format to other administrators and responsible parties.
3. If there is reason to believe that the rules have been violated, individual use of the IT facilities may be monitored through an individual user's traffic data. The content will only be checked if there are important reasons for doing so.
4. HAN will fully abide by the Data Protection Act and other relevant laws and regulations when monitoring the traffic data or personal details. HAN specifically protects the data recorded for monitoring purposes from unauthorised access, and persons with access to the data are bound by contract to maintain confidentiality.
5. HAN may take a number of specific measures to monitor observance of these regulations:
  - a. Data may be monitored by means of filtering content using key words or events with the purpose of preventing negative publicity, the violation of laws or regulations or the disruption of public order. Suspicious activities will automatically be blocked or reported to the responsible systems administrator;
  - b. Monitoring activities that aim to manage costs and capacity will be restricted to checking the sources of the costs or capacity requested. If internet traffic incurs significant costs or creates considerable nuisance, this traffic will be blocked or prevented, without breaching the confidentiality of the communication content.

#### Article 5 Misuse

1. If misuse of IT facilities is discovered or suspected, this must be reported to HAN-CERT. Misuse can be reported by mail or by email to [cert@han.nl](mailto:cert@han.nl), after which a confirmation of receipt will be sent to the person who reported the incident.
2. If required, HAN-CERT will trace the identity of the user suspected of misuse and will then immediately forward the complaint to the relevant person in authority.
3. If misuse of IT facilities is discovered or suspected, HAN-CERT will be authorised to secure evidence and take measures to prevent further misuse. The person involved will be notified about this.
4. At the request of the relevant person in authority, the IT Service Unit will investigate the nature and extent of the identified misuse.
5. The person in authority may ask the IT Service Unit to conduct an investigation if he or she has received a complaint, been warned by a third party or has been informed of circumstances leading to a well-founded fear that the IT facilities are being misused.
6. If the IT Service Unit considers it necessary for the performance of their work, they are authorised to inspect and/or make copies of all related traffic data and files, with due observance of the prevailing legislation and HAN regulations.
7. The IT Service Unit will issue a written report to the authorised person on the results of the investigation no later than two weeks after receiving the request to investigate.
8. Once the IT Service Unit has issued its report, the person in authority will inform the student in writing about the results of the investigation, after which the student will be given the opportunity to explain his or her view on the matter.

#### Article 6 Measures

1. The person in authority may issue one or more measures as specified in paragraph 3 of Article 11 of the General Code of Conduct (Appendix 1) against a student who acts in conflict with the rules of this Code of Conduct for the Use of IT and/or ignores instructions given by a member of staff to cease his or her conduct, as well as against a person who uses his or her HANaccount to act in conflict with this Code of Conduct for the Use of IT.

<sup>2</sup>For the address, see the PDF document at [www.han.nl/start/corporate/contact/beveiliging](http://www.han.nl/start/corporate/contact/beveiliging).

2. In addition, the person in authority may take the following measure on the basis of this Code of Conduct for the Use of IT: The immediate deletion or blocking of information. This may also involve other information of the person concerned being deleted or blocked.
3. Paragraphs 4 and 5 of Article 11 of the General Code of Conduct (Appendix 1) will apply *mutatis mutandis* to imposing a measure in accordance with this article.
4. In situations requiring immediate action, the person in authority may decide to impose on a student one or more of the measures contained in Article 11 paragraph 3 in the General Code of Conduct and/or referred to in paragraph 2 of Article 6 with immediate effect. Within a week of this decision, the person in authority will decide on the measures to be issued in accordance with the General Code of Conduct or the Code of Conduct for the Use of IT, to which Article 11 paragraphs 4 and 5 of the General Code of Conduct will apply *mutatis mutandis*.

#### **Article 7 Rehabilitation**

If a complaint proves to be unfounded after investigation and if this investigation has prejudiced someone, rehabilitation will follow. The form and content will be geared to the specific situation.

#### **Article 8 Liability**

1. HAN excludes all liability for losses ensuing from the use of HAN's IT facilities.
2. HAN excludes all liability for the quality and availability of the IT facilities and/or the information spread by way of those IT facilities.
3. A student will be liable for all damages and/or losses that he or she causes by intentional actions, unintentional fault or negligence to HAN, in particular the IT facilities, or third parties. The student must compensate HAN or third parties for these damages or losses. Any damages resulting from loss, damage or destruction of property belonging to HAN or third parties caused by a student will also be recovered from that student.
4. A student will be liable for the loss suffered by HAN or third parties as a result of the measures taken by HAN as referred to in Article 6, and will be obligated to compensate this loss.
5. The student indemnifies HAN for claims made by third parties due to infringement on the rights of the third party.

#### **Article 9 Unforeseen circumstances**

Situations not covered by this code of conduct will be decided by the relevant person in authority.

**Appendix 3 CODE OF INTEGRITY**

**Adopted with consent from the Participation Council on 9 July 2014/Executive Board decision 2014/600**

**Preamble**

This Code of Integrity of HAN University of Applied Sciences, hereafter referred to as HAN, contains the foundations for the integrity policy that is used at the institution. All actions performed at HAN and all regulations that apply at HAN should be in accordance with these foundations.

**General**

1. HAN's aim is to contribute to higher education, in particular to higher professional education, and to the development of the professions on which this education is based. It does this by
  - a. providing higher professional education, and the related non-degree courses, as well as post-graduate higher education;
  - b. conducting applied research;
  - c. imparting knowledge to society in so far as this is related to the higher professional education provided at the institution;
  - d. providing all other kinds of social services that can promote the aim.
2. HAN strives for care and integrity in all the activities it undertakes and in all the relationships it enters into. HAN also sets high standards for its own conduct. The conduct of staff and students at HAN should be based on personal integrity, respect for others and social responsibility.
3. All members of the HAN community, both employees and students, are expected to refrain from all conduct that damages their integrity. Integrity means upholding general and professional social and ethical norms and values. This not only means acting in the spirit of this Code of Integrity, but also being able to estimate risks and vulnerabilities on a case by case basis and avoiding situations in which appearances could turn against them or HAN.
4. All members of the HAN community, both employees and students, can be called to account for the manners they adopt while at HAN and that stem from the principles that HAN has recorded in its charters.
5. Communication and teamwork should be conducted with respect and care for one another, prevention of all forms of intimidation and recognition of everyone's contribution and responsibilities.
6. All members of the HAN community, both employees and students, should use the available resources with care (e.g. equipment and furniture).
7. All members of the HAN community, both employees and students, are deemed to know that HAN:
  - a. provides all employees and students with the Code of Integrity through the Executive Board and that this document applies to all those employed by HAN in any way and anyone who participates in education provided by HAN;
  - b. does not distinguish between gender, sexual orientation, religion or philosophy, cultural background or skin colour when recruiting and selecting staff and admitting students;
  - c. fosters mutual respect;
  - d. strives for pluralism in personal convictions and for encounters between people of different personal convictions, and to divide students into groups based purely on grounds related to education;
  - e. operates with a focus on equality between men and women, with due observance of democratic relationships;
  - f. takes account of the confidentiality with regard to privacy-sensitive information.

**Education**

8. When it comes to teaching, all members of the HAN community, both employees and students, are obliged to act in accordance with the regulations contained in documents such as the Student Charter and the Education and Examination Regulations.

9. The study programmes perform assessments that are related to the professional attitude required in the profession for which students are trained. Acting contrary to this professional attitude may lead to negative assessments.
10. A student's manner of acting, dressing, treating others and suchlike must be respectful and take into account the opinions of others at HAN.

### **Conduct**

11. HAN staff and students handle all data with care. Data that is necessary for properly implementing business and educational processes are recorded in accordance with the applicable procedures. The data must be readily comprehensible and verifiable by those who have a direct interest in this data.
12. HAN staff and students conduct business with others on the basis of honesty, trust and clear agreements. If an agreement nevertheless encounters obstacles, we will clarify that. Until a new agreement is made, the old one remains applicable.
13. All HAN staff and students are expected to deal carefully with the interests and principles of HAN, even when these are addressed outside HAN (e.g. during a work placement or in publications).
14. In addition to explicit regulations, conduct should be based on the unwritten rule that everyone can and wants to explain his or her own conduct to those with whom they work or study. The following applies when there are intimate relationships between:
  - staff and students. The staff member concerned must report this immediately to their department manager;
  - staff members who have a hierarchical relationship. This must be reported immediately to the next highest level of management.
15. All members of the HAN community, both staff and students, are expected to communicate in an open and honest way and to refrain from anonymous communication.

### **External contacts**

16. The basic principles of the integrity policy are also expressly observed when purchasing goods and services from third parties and delivering goods and services to third parties.
17. If a HAN employee receives a gift in their capacity as HAN employee from third parties that is worth over €50, that employee must report this to his or her supervisor. The supervisor must ensure that the gift not only benefits the employee who received it, but also benefits HAN as a whole as best as possible or, if this is not possible, benefits as many HAN employees and students as possible. If a member of the Executive Board receives a gift in his/her capacity as a member, 'head' should be read as 'Supervisory Board'. The members of the Supervisory Board are not permitted to receive such gifts.

### **Code of Integrity Office**

18. Complaints about violations of this code can be reported to the Code of Integrity Office. The office can provide advice on the implementation of the standards and values specified above and thereby contribute to how behaviour at HAN is shaped. If requested, the office can provide recommendations to the Executive Board.

## Appendix 4 PRIVACY REGULATIONS FOR HAN UNIVERSITY OF APPLIED SCIENCES

Adopted with the consent of the Participation Council on 3-4-2012/Executive Board decision no. 2012/287

### I General provisions

#### Article 1 Terms and definitions

The following definitions will apply in this Code of Conduct, in line with and in addition to the Personal Data Protection Act (*Wet bescherming persoonsgegevens*) (2000 Bulletin of Acts and Decrees (*Staatsblad*), 302):

- a. **the Act:** the Personal Data Protection Act (*Wet bescherming persoonsgegevens*);
- b. **the internal code of conduct:** this code of conduct and its appendixes (Personal Data Protection Act report forms);
- c. **the Authority:** the Dutch Data Protection Authority as defined in Article 51 of the Act;
- d. **personal data:** all data relating to an identified or identifiable natural person;
- e. **processing personal information:** any operation or set of operations performed upon personal data, including in any event collection, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;
- f. **file:** any structured set of personal data relating to different persons that is accessible according to specific criteria, whether centralised or dispersed on a functional or geographical basis;
- g. **controller:** the Stichting Hogeschool van Arnhem en Nijmegen (foundation of HAN University of Applied Sciences), represented in this matter by the Executive Board;
- h. **processor:** the person who processes data for the controller but is not directly subject to its authority;
- i. **staff:** persons employed by or working for the controller;
- j. **data subject:** the person to whom personal data relates;
- k. **administrator:** the person who is responsible on behalf of the controller for the day-to-day processing of personal data and the accuracy of the entered data as well as for storing, deleting and disclosing data. The appendix contains a list of the administrators. This appendix can be requested from the personal data protection officer. In cases where it is unclear who the administrator is, the director of the Services Department will act as administrator.
- l. **user:** the person entitled, on behalf of the administrator, to enter, modify and/or delete personal data, or to seek information about data being processed; employees of the Human Resources Service Unit, the Student Affairs Service Unit and the IMAO (*Informatie Management Administratieve Organisatie*);
- m. **technical work activities:** work activities relating to the maintenance, repair and protection of hardware and software;
- n. **disclosure of personal data:** publishing personal data or otherwise making data available;
- o. **special categories of personal data:** personal data as referred to in Article 16 of the Act, such as data about disabilities, chronic illness and immigrant background;
- p. **officer:** the personal data protection officer who monitors the implementation of and compliance with the Act within the organisation;
- q. **application manager:** the person who ensures that the application works properly within the organisation.

### II Purpose and Scope

#### Article 2 Purpose of the regulations

The purpose of these regulations is to allow personal data to be processed in accordance with the Act and the accompanying Personal Data Protection Act Exemptions Decree (*Vrijstellingsbesluit Wbp*).

#### Article 3 Scope of the regulations

These regulations apply to personal data that is processed wholly or partly by automatic means; it also applies to personal data that is processed otherwise than by automatic means if that data is included or is intended to be included in a filing system.



### III Data management

#### Article 4 Mandate from controller

The Services Department director assumes responsibility on behalf of the controller for the processing of personal data.

#### Article 5 Obligation to report to the officer

All personal data that are processed for the achievement of a particular purpose will be reported to the officer unless exemption has been given for that reporting. All reports can be found in electronic format on the Insite pages of the HAN Information Architecture and Management (HIAM) department of the Services Department.

#### Article 6 Access to files

Access is granted to anyone who performs an activity relating to personal data in accordance with the definition of processing personal data.

### IV Collecting and processing

#### data Article 7 Lawful processing

Personal data may only be processed if, according to Article 9 of the Act, this processing is compatible with the purposes for which the data was obtained.

#### Article 8 Data processing register

The officer keeps a register as defined in Article 30 of the Act.

#### Article 9 Procedure for applying for disclosure of data

An application for the disclosure of data submitted to a HAN staff member or organisational unit must in any event be submitted to the IMD if:

- an external party is involved in any way in the application for the disclosure of data;
- the request for the personal data is not part of the regular tasks/job of the HAN staff member or of the regular work performed by the organisational unit;
- if the application for data is not in keeping with the purposes as described in the reports appended to these regulations or;
- if there is doubt about whether the Act will be infringed.

### V Exemption from reporting of data processing

#### Article 10 Reporting of data processing

1. The controller reports the processing of fully or partially computerised data to the officer prior to processing that data.
2. The controller is required to report new, modified or withdrawn data processing activities. The officer need not be informed if the processing activities meet the processing conditions contained in the Exemptions Decree.

#### Article 11 Protection

1. The controller must provide the necessary technical and organisational facilities for protection against loss or any form of unlawful processing.
2. The measures are partially aimed at preventing unnecessary collection and further processing of personal data.
3. If the provisions in paragraphs 2 to 6 of Article 32 of the Exemptions Decree are complied with, no report will be required for data processed in relation to providing facilities or services on a network to persons employed by the controller if that data is being processed for the purpose of internal control and security.
4. If the provisions in paragraphs 2 to 5 of Article 33 of the Exemptions Decree are complied with, no report will be required for data processing that is exclusively aimed at the maintenance, administration, protection, use and proper operation of computer systems.

**Article 12 Non-disclosure**

1. Employees are obliged to keep the knowledge that they acquire on account of their job confidential, except if statutory provision requires them to disclose this knowledge or their tasks necessitate them to disclose this knowledge. Paragraph 2 of Article 272 of the Dutch Criminal Code does not apply here.
2. This obligation also applies after the termination of an employee's employment contract.

**Article 13 Processor**

1. If the controller has assigned the processing of a certain set of data to a processor, agreements must be drawn up by the controller and processor that the processor must observe in regard to protecting the personal data in question.
2. A copy of this agreement will be sent to the officer.

**VII Notification****Article 14 Information provided to data subjects**

1. Before data is obtained from a data subject, the controller must inform the data subject of his or her identity, the purposes of the data processing and the manner in which data may be inspected.
2. The information contained in paragraph 1 will be provided by way of a general announcement on intranet addressed to students and employees containing mainly information about the fact that data is being processed and about these regulations, the manner in which data may be inspected and the manner in which they can obtain more information.
3. If personal data is obtained by means other than those defined in paragraph 1, the announcement described in paragraph 2 will be made at the time the data are recorded or no later than the time at which they are first disclosed to a third party. The announcement will be made by way of a general announcement on intranet.
4. The announcement referred to in paragraph 3 will not be made if it is impossible or requires disproportionate efforts to notify the data subject. In that case, the controller will record the origin of the data.
5. The data subject will not be notified if the data processing is prescribed by a statutory provision.
6. The controller provides information concerning the data processing activities described in paragraphs 1 and 3 if this is required for the purpose of proper and careful processing.

**Article 15 Opt-out**

All email messages sent to a specific group of data subjects for the purpose of maintaining a direct relationship between HAN and students/employees or third parties or for the purpose of carrying out commercial or charitable activities will contain an explicit option to terminate that mailing immediately and free of charge.

**VIII Data storage****Article 16 Data retention**

1. The personal data will be deleted no later than two years after the degree course has ended, unless the personal data is retained in order to comply with a statutory data retention obligation.
2. Personal data may be retained longer than referred to in the first paragraph if longer retention is required for historical, statistical or scientific purposes or on the grounds of a statutory provision.
3. Retention periods have been adopted for the retention of personal data. See the Data Retention Periods Regulations, for students (Executive Board decision 2009/49) and for employees (reference 07/7335c/HR/ah).

**IX Right of information, inspection, copies, correction and objection****Article 17 General**

1. Each data subject will have the right to submit a request to the administrator in relation to his or her personal data to:
  - a. obtain information;
  - b. inspect and correct (improve, add to, delete and/or protect) his or her data.
2. No costs will be involved for the data subject in exercising these rights.

3. The data subject may be assisted in exercising those rights.
4. The administrator advises the data subject about the possibilities of legal protection and monitoring and the board's role in this.
5. On a request as defined in paragraph 1, the provisions contained in articles 35 to 39 of the Act apply.

#### **Article 18 Right to object**

1. If the lawful basis for a particular data processing activity:
  - a. is required for properly fulfilling a duty under public law, or
  - b. is required for the legitimate interest of the controller,
    - a data subject may lodge an objection with the administrator at any time against the processing of his or her data based on personal circumstances.
2. The controller will assess whether the objection is justified within four weeks of receipt of the objection.
3. The data subject may lodge an objection with the controller at any time against data being processed if that data is processed in connection with creating or maintaining a direct relationship between the controller or a third party and the data subject with a view to recruitment for commercial or charitable purposes.
4. An objection lodged against processing for commercial or charitable purposes is justified at all times.
5. The administrator must terminate the processing immediately if the controller considers the objection justified.

### **X Legal protection and**

#### **monitoring Article 19 Complaints**

##### **procedure**

1. All data subjects are entitled to submit a complaint to the officer:
  - a. against a decision on a request as defined in Article 16;
  - b. against a decision on an objection lodged by the data subject as referred to in Article 17;
  - c. against the manner in which the controller, administrator or processor implements the rules contained in these regulations.
2. The officer must respond to the complainant in writing and with reasons stated as soon as possible but within six weeks of receipt at the latest.
3. Data subjects may be assisted in the submission and handling of their complaints.
4. The officer may obtain advice from the board.
5. The officer may arrive at the opinion that the complaint is unjustified or fully or partially justified.
6. If the officer decides not to allow the complaint or to only allow it partially, the data subject may submit a complaint to the board. The controller informs the data subject whose complaint he or she has decided not or only partially to allow about the option of lodging a complaint with the board and of the board's address.
7. If the officer is of the opinion that the complaint is wholly or partially justified, he or she will decide to:
  - a. fully or partially honour the data subject's request if the complaint is directed against a decision as defined in paragraph 1 under a.;
  - b. honour the data subject's objection if the complaint is directed against a decision as defined in paragraph 1 under b.;
  - c. implement the rules included in these privacy regulations, which may entail an act or an omission, including a restoration or ceasing of activities, if the complaint is directed against the manner in which these rules are implemented as defined in paragraph 1 under c.
8. The officer must inform the data subject of his or her decision in writing.
9. If the officer does not respond within six weeks after the complaint has been submitted, the data subject may submit a complaint to the board.

## **XI Data protection officer**

### **Article 20 Data protection officer**

1. The data protection officer is appointed by the controller.
2. The officer may not receive instructions from the controller regarding the performance of his or her duties.
3. The officer will have the same powers as the supervisor referred to in Title 5.2 of the Dutch General Administrative Law Act (*Algemene wet bestuursrecht*).
4. All HAN employees must provide the information and cooperate with what is required of them pursuant to the previous paragraph.
5. The officer is obliged to:
  - a. monitor the processing of personal data and the compliance with these regulations at HAN;
  - b. keep a register of the data processing activities reported to him or her;
  - c. compose an annual report of his or her work duties and findings as part of the HAN's annual report;
  - d. pursue a comprehensive policy in relation to privacy.
6. The data protection officer is responsible for:
  - a. handling complaints from data subjects;
  - b. handling requests from data subjects if the wishes of the requester are not fully met;
  - c. providing information regarding the use of personal data;
  - d. advising the controller on the protection of personal data.
7. The data protection officer as such only has access to personal data and only uses the personal data that he or she obtains in his or her capacity as data protection officer if that data concerns the performance of his or her duties as officer.
6. The officer can make recommendations to the controller for the purpose of better protection for the data that are processed.
7. The controller must ensure that the officer is provided with the full cooperation that he or she requires to perform his or her job.
8. The officer is bound to confidentiality.

### **Article 21 Monitoring compliance**

The Dutch Data Protection Authority is authorised under the Act to monitor compliance with the provisions contained in these privacy regulations pursuant to the Act.

## **XII Other**

### **provisions Article**

#### **22 Training**

The controller must provide regular training for the administrator and users to ensure that they understand the processes involved in processing personal data, the applicable rules and their own role within this process.

#### **Article 23 Unforeseen**

Circumstances that are not provided for in these privacy regulations will be decided upon by the officer, after he or she has informed the controller of these circumstances.

#### **Article 24 Publication and inspection**

These privacy regulations will be placed on the HAN intranet.

#### **Article 24 Changes and additions**

1. Changes to the purpose of data processing and to type of content, use and manner of obtaining personal data must result in revisions to these privacy regulations.
2. Changes and additions to the privacy regulations require the consent of the Participation Council.

#### **Article 25 Entry into effect and official title**

1. These privacy regulations will enter into effect on the date on which they are adopted by the Executive Board.
2. These privacy regulations may be referenced as the HAN University of Applied Sciences Privacy

Regulations.

## **Appendix 5 FINANCIAL SUPPORT REGULATIONS**

**Adopted with the consent of the Participation Council on 22-6-2012/Executive Board decision no. 2012/322**

### **Article 1 Scope**

1. A student will be eligible for the purposes of these regulations if:
  - a. he or she is enrolled as a student in a HAN degree course for which he or she has not been awarded a degree and for which he or she is required to pay statutory tuition fees,
  - b. he or she does not or does not fully participate in the degree course and is or was entitled to a performance-related grant as referred to in Chapter 5 of the Student Finance Act (*Wet op de studiefinanciering*) for that degree course as a result of special circumstances as referred to in paragraph 2, and
  - c. he or she has fallen behind or is expected to fall behind in his or her studies as a result of special circumstances as referred to in paragraph 2, or
  - d. he or she participates in a degree programme that has not been re-accredited and for which he or she has not yet been awarded a degree.
2. The following are considered special circumstances:
  - a. membership of the board of a student organisation that meets the conditions defined in paragraph 3;
  - b. membership of a degree course committee;
  - c. membership of a faculty council;
  - d. membership of an institute council;
  - e. membership of a Participation Council;
  - f. administrative or social activities that the Financial Support Fund Committee deems to be in the interests of HAN or the education the student is undertaking;
  - g. illness or disability;
  - h. pregnancy or childbirth;
  - i. special family circumstances;
  - j. other circumstances that the Financial Support Fund Committee believes would result in considerable unfairness if a request for financial support were to be rejected;
  - k. a delay in studies resulting from the manner in which HAN actually provides the degree course;
  - l. a delay in studies due to the student's activities as an elite athlete in a national and international context.
3. The following also applies in connection with a student's membership of a board of a student organisation as referred to in paragraph 2 under a. to f. if the student:
  - a. is or was entitled to a performance-related grant during the period in which he or she held or holds the board position or performed or performs the administrative or social activities;
  - b. holds a position for which no appropriate remuneration exists or is received or for which the full amount of a previously received appropriate remuneration was less than should have been awarded in accordance with Article 7.51f of the Act;
  - c. is enrolled in the main phase of a degree course at HAN or has earned sufficient credits to be admitted to the main phase of a HAN degree course;
  - d. is able to obtain a degree before his or her 34<sup>th</sup> birthday;
  - e. and the student organisation, according to its charters and policy or activity plan:
  - f. is accessible to all students enrolled at HAN;
  - g. is partly or fully aimed at students enrolled at HAN;
  - h. performs activities in which students participate who are enrolled at HAN;
  - i. has no commercial interests;
  - j. has full legal capacity ;
  - k. does not aim to perform activities aimed at maintaining discrimination;
  - l. does not operate nationwide.

<sup>3</sup>A student organisation that has recorded its charters in a notarial deed and that is an independent bearer of rights and obligations.

4. Before a student who has fallen behind or is expected to fall behind in his or her studies due to a

special circumstance as referred to in paragraph 2 subparagraph g (illness or disability) may be eligible for financial support, he or she must - if eligible for a performance-related grant - have used the possibility to extend his or her performance-related grant as referred to in Article 5.16 of the 2000 Student Finance Act.

### **Article 2 Amount of financial support**

1. The period during which a student receives financial support is determined individually for each student, with due observance of the following paragraphs, and is expressed in months.
2. If a student is expected to fall behind in his or her studies due to special circumstances as referred to in Article 1 paragraph 2 subparagraphs a to f (board activities or administrative or social activities), the period during which he or she will receive financial support will be decided based on the number of months he or she is expected to fall behind as a result of the nature and extent of the administrative work, board activities or social activities to be performed. The starting point for a delay in studies is a duration of no more than:
  - a. 2 months per year for general membership of a board;
  - b. 3 months per year for a position on an administrative board or for administrative or social activities;
  - c. 6 months per year for a board position of at least 20 hours a week;
  - d. 9 months per year for a board position of at least 30 hours a week;
  - e. 12 months per year for a board position of at least 40 hours a week;
3. The number of hours referred to in the previous paragraph will be calculated based on an overview to be submitted by the student of the duties he or she performs as part of his or her board position and the number of hours he or she spends on these duties. The following criteria apply to the calculation of the number of hours:
  - a. hours spent on activities that are not typical of the student organisation will not be taken into account;
  - b. hours spent on a board position that are not in reasonable proportion to the activities offered by the organisation in question or the number of student members of that organisation will not be taken into account;
  - c. hours spent on activities other than the core duties of a board position will not be taken into account;
  - d. representation hours will not be taken into account;
  - e. hours spent on executive duties will not be taken into account unless those duties are an essential part of the performance of the job, given the nature of the student organisation in question;
4. If a student has fallen behind or is expected to fall behind in his or her studies due to special circumstances as referred to in Article 1 paragraph 2 subparagraphs g to f (*force majeure*), under k (structure of degree course) or under l (elite athlete), the period during which he or she will receive financial support will be decided based on the number of months that comprises the student's delay in studies as a result of *force majeure*, the structure of the degree course or the student's activities as an elite athlete.
5. If a student has fallen behind or is expected to fall behind in his or her studies as a result of a special circumstance as referred to in Article 1 paragraph 2 subparagraph g (illness or disability), the extension received for the performance-based grant referred to in Article 1 paragraph 4 will be deducted from the duration of the financial support.
6. The maximum period a student can receive financial support from the Financial Support Fund is 24 months.
7. The financial support received per month will be equal to the performance-related grant (basic grant and any additional grant) to which the student is or was entitled in the last month in which the student receives or received the performance-related grant.
8. The financial support as defined in paragraph 6 of this article can be increased by the equivalent amount of the public transport chip card, as referred to in article 5.3, paragraph 2 of the Student Finance Act 2000.
9. The provisions contained in the preceding paragraphs may be departed from in special cases.

### **Article 3 Application for financial support**

1. A student who wishes to apply for financial support under these regulations may submit an application to the Financial Support Fund Committee of HAN.
2. The application may be submitted by means of an application form provided for that purpose on HAN Insite (only available in Dutch - please refer to the campus counsellor for further

information).

3. A student who wishes to apply for financial support as a result of a special circumstance as referred to in Article 1 paragraph 2 subparagraphs a to f (board activities) must submit his or her application before he or her accepts the board position or at least one month after the start of this board position. The following documents must be enclosed with the application:
- a. Certificate of Enrolment as a HAN student;
  - b. copy of the student's passport or identity card;
  - c. most recent notice from the DUO Education Executive Agency showing the amounts constituting the student grant awarded;
  - d. extract from the Commercial Register of the Chamber of Commerce for the student organisation in which the student holds or will hold a board position;
  - e. charters of the student organisation in which the student will hold a board position;
  - f. recent policy plan and/or activity plan of the student organisation in which the student will hold a board position;
  - g. overview of student's academic progress showing that the student has earned sufficient credits to be admitted to the main phase of a degree course at HAN or a Certificate of Enrolment demonstrating that the student is enrolled in the main phase of a degree course at HAN;

If the student thinks he or she will incur more than a three months' delay in his or her studies as a result of the board position, the following documents must also be enclosed:

- h. overview of duties the student performs as part of his or her board position and the number of hours spent on these duties;
  - i. advice from the student counsellor on the expected duration of the delay in studies and the existence of possible compensation for administrative work through other channels;
  - j. proof of the number of students who are or will become members of the student organisation and the number of those members who are enrolled as students at HAN.
4. A student who wishes to apply for financial support as a result of a special circumstance as referred to in Article 1 paragraph 2 subparagraph g to j (*force majeure*), subparagraph k (structure of degree course) or subparagraph l (elite athlete) must submit his or her application no later than three months after he or she is no longer entitled to a performance-based grant. The following documents must be enclosed with the application:
- a. Certificate of Enrolment as a HAN student;
  - b. copy of the student's passport or identity card;
  - c. recent notice from the DUO Education Executive Agency showing the month, year and amount of the last performance-related grant payment (i.e. basic grant and any additional grant);
  - d. explanation by the student of the reasons for the delay in studies;
  - e. statement from the student's personal tutor showing that the student reported to him or her as soon as possible after the special circumstance occurred, the extent of the delay in studies expressed in months and a projection of the student's academic progress;
  - f. overview of the student's academic progress containing the number of credits earned since the start of the degree course;
  - g. advice from the student counsellor on the duration of the delay in studies and the existence of possible compensation for the special circumstance referred to.
- The following must also be enclosed in the event of a delay in studies due to *force majeure*:
- h. statement from a third-party expert or other documentation showing the period during which the circumstances occurred and what the circumstances comprised.
- The following must also be enclosed in the event of a delay in studies due to illness or disability:
- i. documentation showing that the student has obtained an extension of his or her performance-related grant as referred to in Article 5.16 of the 2000 Student Finance Act;
- The following must also be enclosed in the event of a delay in studies due to the structure of the degree course:
- j. more detailed substantiation by the student explaining that the degree course was structured in such a way that he or she was not reasonably able to take the final assessment within the period in which he or she received the performance-related



grant or was unable to meet the standards for academic progress;

The following must also be enclosed in the event of a delay in studies due to his or her activities as an elite athlete:

- k. a statement from the Elite Sport Coordinator at HAN stating that the student is regarded as a national or emerging talent.
5. Applications will not be processed if they are received later than the time referred to in the two preceding paragraphs. The Financial Support Fund Committee may still decide to handle the application if the student has provided reasons in his or her application for why he or she submitted the application at a later time and the committee deems these reasons to be well founded.

#### **Article 4 Decision on the application**

1. The HAN Financial Support Fund Committee decides on applications submitted for financial support and the implementation of those regulations.
- 2 The HAN Financial Support Fund Committee may decide to:
  - a. award financial support if the application was submitted more than a year before the end of the performance-related grant. The committee awards financial support on the condition that the applicant is still enrolled as a HAN student for the duration of the period for which the financial support has been awarded, has not yet graduated, and is making academic progress with the prospects of graduating within the period for which he or she has been awarded financial support;
  - b. award financial support if the application was submitted a year before the end of the performance-related grant or no later than three months after the end of the performance-related grant. The committee awards financial support for the duration of 12 months or more on the condition that the student makes academic progress with the prospects of graduating within the period for which he or she has been awarded financial support. The student must report to the student counsellor every six months after the start of the financial support from the Financial Support Fund. If the student does not report to the student counsellor or the student counsellor is of the opinion that the student has not made academic progress, the student counsellor will immediately report this to the Financial Support Fund Committee;
  - c. refuse the application.
3. The HAN Financial Support Fund Committee will make its decision within no later than 30 working days after receipt of the application. The HAN Financial Support Fund Committee may extend this period once by no more than 10 working days. The decision made by the HAN Financial Support Fund Committee must be substantiated and communicated to the applicant in writing.
4. A student can lodge an objection against a decision made by the HAN Financial Support Fund Committee with the Disputes Advisory Committee within six weeks of the decision in accordance with the Regulations of the Disputes Advisory Committee (appended to the Student Charter).

#### **Article 5 Confirmation of financial support**

1. In the event that financial support is awarded as referred to in Article 4 paragraph 2 under a, the applicant must have the Financial Support Fund Committee confirm the award before the end of the performance-related grant to request payment of the financial support. In the event of illness or disability, the request for payment must be made before the end of the extended performance-based grant as referred to in Article 5.16 of the 2000 Student Finance Act.
2. A request for confirmation of the award of financial support must be made in writing on an application form that is available for that purpose on HAN Insite. The following documents must be sent with this request:
  - a. a copy of the decision by the HAN Financial Support Fund Committee in which the student is awarded financial support by the Financial Support Fund;
  - b. Certificate of Enrolment as a HAN student;
  - c. overview of the student's academic progress containing the number of credits earned since the start of the degree course;
  - d. advice from the student counsellor on the academic progress the student has made since being promised financial support from the Financial Support Fund;

- e. recent notice from the DUO Education Executive Agency showing the month, year and amount of the last performance-related grant payment (i.e. basic grant and any additional grant);
3. Applications will not be processed if they are received later than the time referred to in the first paragraph. The Financial Support Fund Committee may still decide to process the request if the student has given reasons in his or her application why he or she submitted the request at a later time.
4. The HAN Financial Support Fund Committee will review whether the student still meets the conditions under which the financial support was awarded as referred to in Article 4 paragraph 2 under a. If the student meets those conditions, the Financial Support Fund Committee will decide to award the student financial support and will state the amount of the financial support. The committee must decide within no more than 30 working days after receipt of the report and communicate this to the applicant in writing. A student cannot lodge an objection against this decision by the HAN Financial Support Fund Committee.

#### **Article 6 Payment of financial support**

After a decision granting a student financial support from the Financial Support Fund has been approved, and after a decision in which a payment of financial support from the Financial Support Fund has been promised to the applicant by the HAN Profile Fund Committee, the applicant must contact the Financial and Economic Affairs department within three months for payment of the financial support awarded to him or her. After that time, the student's right to financial support will lapse.

#### **Article 7 Provision of financial support**

1. The applicant will receive the financial support awarded to him or her by the HAN Financial and Economic Affairs department in the form of a gift and at the expense of the faculty at which the applicant is enrolled as a student.
2. The provision of financial support will start after the period in which the student is entitled to a performance-related grant or an extended performance-related grant as referred to in Article 5.16 of the 2000 Student Finance Act.
3. The financial support will be provided in equal monthly instalments.
4. The monthly instalments will be paid at the end of the month to which they relate.
5. If the student receives other payments based on his or her special circumstance as referred to in Article 1 paragraph 2, the amount of this other payment will be deducted from the financial support provided by the Financial Support Fund.
6. If the Financial Support Fund Committee judges that the student has made no academic progress as referred to in Article 4 paragraph 2 subparagraph b of these regulations, the Financial Support Fund Committee may decide to immediately end the provision of financial support.
7. The provision of financial support will at any rate end upon termination of the student's enrolment as a HAN student.

#### **Article 8 Withdrawal of an affirmative decision**

The committee may decide to withdraw the decision in which an applicant is promised or awarded financial support from the Financial Support Fund if it is found that this was promised or awarded based on incorrect or incomplete information provided by the applicant or if the applicant no longer meets the conditions under which a promise or award was made as referred to in Article 4 paragraph 2.

#### **Article 9 Transferability of entitlements**

The entitlement to financial support of a student who was enrolled at another institution of higher education and obtained entitlement to financial support during that enrolment will be taken over by HAN. This application for financial support must, however, be submitted in accordance with these regulations. Furthermore, the duration and amount of financial support may be redetermined based on these regulations.

#### **Article 10 Procedures of the HAN Financial Support Fund Committee**

The Financial Support Fund Committee sets out its procedures in internal regulations, with due observance to the provisions contained in these regulations and the other framework adopted by the

Executive Board, and present its internal regulations to the HAN Executive Board for approval.

**Article 11 Effective date**

These regulations will enter into effect on 1 September 2012.

**Article 12 Official title**

These regulations may be referenced as the 'Regulations Governing the Financial Support Regulations of HAN University of Applied Sciences'.

## **Appendix 6 INTERNAL REGULATIONS FOR THE FINANCIAL SUPPORT FUND COMMITTEE**

**Adopted with the consent of the Participation Council on 5-12-2011/Executive Board decision no. 2011/219**

### **Article 1. The committee**

#### **1.1 Location**

The committee is located in the HAN administration building in Arnhem.

#### **1.2 Composition**

The committee consists of five members. A chair is nominated by the Department of Legal Affairs. The other four members are from the faculties. Two faculties nominate one of their staff members as a committee member and the Participation Council nominates two members. The members nominated by the Participation Council are employees or students of HAN. One of the other members acts as deputy chair.

#### **1.3 Duties and responsibilities**

The committee is responsible for deciding on applications for financial support from the Financial Support Fund.

#### **1.4 Appointment of the chair and members**

The chair and other members are appointed by the Executive Board. They are appointed for a period of two academic years. At their request, the chair and other members can be reappointed, each time for a period of two academic years. The Executive Board will present a proposed decision on the composition of the Financial Support Fund Committee to the Participation Council for approval.

#### **1.5 Termination of appointment**

A member's appointment is terminated:

- After the appointment period expires, except in the case of reappointment as defined in Article 1.4.
- At a member's own request before the end of his or her appointment period, with a reasonable notice period to be agreed on in consultation with the Executive Board.
- Before the end of appointment period based on a decision by the Executive Board. This decision will be announced in writing. The Executive Board must state the reasons for their decisions and the date on which the appointment will be terminate.

#### **1.6 Duties and responsibilities of the chair and members**

The chair and other members must be available for one committee session a month.

The chair and members are responsible for preparing properly for these sessions.

They must perform their duties objectively and without bias.

The chair's main duties are as follows:

- To obtain information from the personal tutors and student counsellor regarding an application for financial support from the Financial Support Fund, to the extent this is relevant to the assessment of the application for financial support;
- To ensure that copies of students' applications for financial support are sent to the committee members in good time;
- To ensure that the committee follows proper decision-making procedures and to inform the Executive Board about these procedures;
- To ensure that decisions taken by the board are implemented.

The chair is responsible for:

- The proper functioning of the committee;
- Optimum participation by the members of the committee;
- The overall quality of the committee's duties;
- External representation of the committee, for example, during the hearings of the Disputes Advisory Committee;
- Safeguarding the unity of the decisions made by the committee;
- Preparation of the committee's annual report.

### **Article 2 Procedure for committee handling applications**

#### **2.1 Committee meetings**

If applications are submitted, the committee will meet once a month as a rule. The committee meetings are not open to the public. The chair presides over the meetings.

**2.2 Composition of the committee when handling applications**

The chair and members of the committee are present when the committee handles an application.

**2.3 Simplified handling procedure**

The chair may decide not to handle an application during a meeting as referred to in paragraph 2.4 and may make a decision immediately if he or she judges the Financial Support Fund Committee to clearly unauthorised or the applicant clearly ineligible. The chair may only base his or her decision on the documents relating to the case. The applicant may lodge an objection against this decision with the Disputes Advisory Committee within 10 working days from the day on which the decision was sent to him or her. This decision will lapse as a result of the opposition, unless the Disputes Advisory Committee disallows the objection or declares it unfounded.

**2.4 Handling of the application**

The committee will handle the application during the meeting on the basis of the documents delivered to the committee by the chair. The committee must ascertain whether the application is complete.

**2.5 Additional information**

If the application is incomplete, the committee will postpone the handling until additional information or evidence is obtained. The committee will set an additional time limit in that event. The chair will inform the applicant of this in writing.

**2.6 Hearing the applicant**

The committee may hear the applicant for the purposes of the advice it is to issue. The applicant will in any case be given the opportunity to explain his or her application orally if he or she requests this from the committee. The committee may:

- a. obtain further written information from parties or other bodies;
- b. request experts to issue written advice or reports.

**2.7 Testing framework**

The committee tests the application against the HAN Financial Support Regulations, Appendix 6 of the HAN Student Charter.

**2.8 Deliberation and decision-making**

Decisions may only be made if the chair or deputy chair and half of the other committee members have participated in the deliberations. In reaching decisions, the chair will aim for the committee to reach a unanimous viewpoint or optimum consensus. If no unanimous viewpoint or consensus can be reached, the decision will be taken by a majority of votes.

**2.9 Time limit**

The committee decides within 30 working days after receipt of the application. The committee may extend this period once by no more than 10 working days. The committee's decision must be substantiated and communicated to the applicant in writing.

**2.10 Register of decisions**

No report is made of the matters discussed during the meeting.

The chair will record the decisions taken by the committee in a register of decisions.

**2.11 Confidentiality**

The members of the committee must maintain the confidentiality of all matters of which they learn in their capacity as committee members, except in the presence of the Executive Board.

**Article 3 Consequences of the decision****3.1 Notification of the decision**

The committee makes decisions on behalf of the Executive Board.

The applicant, student counsellor, faculty director and the Executive Board will be notified of the committee's decision in writing within two weeks after the hearing.

The decision must contain at least the following:

- The date on which the decision was made and the date on which it was sent;
- A description of the reason for application;
- The committee's decision and reasons for its decision;
- Mention of the possibilities to object as defined in Article 3.2.

**3.2 Objection**

Objection may be lodged against the committee's decision with the Disputes Advisory Committee within six weeks from its date, in accordance with the Regulations of the Disputes Advisory Committee (appended to the Student Charter).

**3.3 Payment of financial support**

Within three months after a decision has been approved to grant a student financial support from the Financial Support Fund, an applicant must contact the Financial and Economic Affairs department for encashment of the financial support awarded to him or her. After that time, the student's right to financial support will lapse.

**3.4 Withdrawal of an affirmative decision**

The committee may decide to withdraw the decision in which an applicant is awarded financial support from the Financial Support Fund if it is found that this was promised or awarded on the basis of incorrect or incomplete information.

**Article 4 Accountability****4.1 Consultation with the Executive Board**

The representatives of the committee and a representative of the Executive Board will convene at least once a year. The committee chair is at any rate present during these consultations.

**4.2 Annual report**

Each year, the committee prepares a report about its activities.

The annual report must contain at least the following:

- A general account of the composition and procedures of the committee over the past year;
- An overview of the applications for financial support from the Financial Support Fund handled over the past year and the way in which they were handled;
- An overview of the bottlenecks identified in the policies and procedures in the past year;
- An account of the cases in which financial support was awarded under specific conditions;
- The way in which financial support awarded is paid out.

The annual report is finalised by 1 March of the year following the year under review.

The annual report will at any rate be presented to the Executive Board and the faculty boards.

**Article 5 Final provisions****5.1 Unforeseen cases**

If a situation occurs for which these regulations do not provide, the committee or the chair will take the decision that appears most reasonable and is most in line with the HAN Financial Support Regulations, Appendix 6 to the HAN Student Charter.

**5.2 Entry into effect**

These regulations will enter into effect at the same time as the HAN Financial Support Regulations, Appendix 6 to the HAN Student Charter.

**5.3 Transitional provisions**

These regulations apply to the committee's duties that are performed from the effective date. This also includes cases where an application for financial support from the Financial Support Fund was submitted prior to this date. If the implementation of this paragraph were to lead to disproportional prejudice of an applicant who submitted his or her application before the effective date of these regulations, the committee or the committee chair will be authorised to apply the regulations that applied before the effective date of these new regulations.

**5.4 Official title**

These regulations may be referenced as 'Internal Regulations for the Financial Support Fund Committee of HAN University of Applied Sciences'.

## **Appendix 7 EMERGENCY FUND REGULATIONS**

### **Article 1 Scope**

1. In the event of a financial emergency concerning the immediate continuation of a degree course and the study activities related to that degree course, a student may make an urgent appeal to the HAN Emergency Fund if the emergency meets the following conditions:
  - a. the emergency is acute;
  - b. the emergency is unavoidable;
  - c. the emergency cannot be resolved through normal channels, which at any rate means student grants and loans under the 2000 Student Finance Act, support funds within the faculties and healthcare and other insurance policies;
  - d. the emergency is incidental, i.e. not systematic or of such a nature that it occurs periodically;
  - e. the emergency can be effectively resolved by one-time financial support;
  - f. and this financial support amounts to no more than € 1,000 in the form of an interest-free loan or € 1,000 in the form of a gift.
2. In addition to Article 1 paragraph 1 subparagraph d, the emergency may be the result of a non-incidental disability or illness, the financial emergency itself must be incidental.

### **Article 2 Application procedure for emergency support**

1. The applicant must contact the student counsellor and discuss the financial emergency with the student counsellor.
2. The applicant must complete and submit an application form to the student counsellor. This form is available online (only available in Dutch - please refer to the student counsellor for further information).
3. The applicant must enclose documentation with the application form specifying the amount of financial assistance requested.
4. If the emergency is the result of a disability/chronic illness, a medical statement must be enclosed that explains the nature of the disability/chronic illness and in which it is made plausible that the financial assistance requested will be effective in remedying the emergency.
5. In consultation with the student's personal tutor, the campus counsellor will verify whether the conditions referred to in Article 1 paragraph 1 have been met and will check the information in the application.
6. As soon as possible, and within at least five working days after the student has submitted the application, the student counsellor will advise the deciding body, the Department of Legal Affairs, on whether to award emergency support and on the type and amount of support.
7. As soon as possible, but within at least five working days after the student counsellor has submitted the advice, the Department of Legal Affairs will make a reasoned decision on whether to award emergency support and on the type and amount of support. The decision will be communicated in writing to the student, and student counsellor concerned and, if the application has been approved, to the Financial and Economic Affairs Service Unit.
8. The Department of Legal Affairs is responsible for the required administrative processing of the application and the approval of the application. The Department of Legal Affairs keeps a record of the applications. None of the content of decision will be made public.
9. The financial support is paid through the Financial and Economic Affairs Service Unit.

### **Article 3 Gift**

1. The basic principle that applies to all cases is support in the form of a gift. This gift is granted if the financial emergency was the result of an unbalanced division of income and expenditure during a certain period.
2. Under 'Additional comments' on the application form, the applicant must describe how he or she plans to resolve the emergency in the future.
3. The applicant must have good prospects of completing his or her studies.
4. A student may receive support in the form of a gift up to no more than €1,000. If a student submits several applications during the time he or she is enrolled at HAN, the total of those gifts provided may never exceed € 1,000.

## **Appendix 8 REGULATIONS FOR COMPLAINTS AND DISPUTES**

### **OFFICE<sup>4</sup> Article 4 Interest-free loan**

1. Contrary to the provisions in Article 3, support will be awarded in the form of an interest-free loan if the situation can be resolved through normal channels (which at any rate means student grants and loans under the 2000 Student Finance Act, support funds within the faculties and healthcare or other insurance policies) but the student has to wait some time for the payment or decision to be processed.
2. A student can obtain support up to an amount of € 1,000 in the form of an interest-free loan. If a student submits several applications during the time he or she is enrolled at HAN, the total of those interest-free loans provided may never exceed € 1,000.
3. The student will be informed of the repayment arrangement in a letter.
4. If possible, repayment should be completed within a year, or earlier if and when the student graduates or terminates his or her studies.
5. In the event of repayments in arrears, the student will receive a reminder from the Financial and Economic Affairs Service Unit.

### **Article 5 Unforeseen circumstances**

In cases for which this section does not provide, or if the limit of the financial support proves insufficient, the application will be presented to the HAN Executive Board.

The Executive Board will take a decision on the award, type and amount based on the documents presented.

<sup>4</sup>Students who have a complaint or dispute can contact the Complaints and Disputes Office at [Bureau.klachtengeschil@han.nl](mailto:Bureau.klachtengeschil@han.nl).



**Article 1. Service**

1. HAN provides a service as defined by Article 7.59a of the Higher Education and Research Act (WHW).
2. An individual may submit an oral or written complaint to the service unit as defined in Article 7.59b or a written appeal or objection as defined in paragraph 2 of the Act regarding a decision made by a HAN body or on account of the lack of such a decision based on the Act and the regulations based on those decisions.
3. The parties involved as referred to in paragraph 2 of this article may be students, former students, prospective students, external students, prospective external students or former external students.

**Article 2. Set-up of the Complaints and Disputes Office**

1. A legal expert from HAN determines where a complaint, objection or appeal should be submitted. The Complaints and Disputes Office can be reached at [bureau.klachtengeschild@han.nl](mailto:bureau.klachtengeschild@han.nl). The address of the Complaints and Disputes Office is:  
Postbus 31178,  
6503 CD Arnhem.
2. If a complaint is made orally, the service unit will record the complaint in a written document and send a copy of that document to the party involved. If that person does not agree with the complaint as put in writing by the facility, he or she may respond in writing within five days.

**Article 3. Procedures of the unit**

1. The unit sends written confirmation of its receipt of a complaint, objection or appeal to the party involved and then, after noting the date of receipt and attaching all relevant documents, sends the complaint, objection or appeal to the competent body. The party involved is informed to which body his or her complaint, objection or appeal has been forwarded.
2. The date of receipt as referred to in the first paragraph of this article is decisive for whether a complaint, objection or appeal will be considered to have been filed on time.
3. If the unit has sent a complaint, objection or appeal to a non-competent body, that body will return the document(s) in question to the service unit as quickly as possible. The unit then decides which body is competent to receive the complaint, objection or appeal and makes the referral to that body. The body to which the matter is referred is bound to the referral. The term for processing the complaint, objection or appeal will start as from the date of referral. The party involved will be informed about this in writing.
4. The competent body will handle a complaint, objection or appeal filed directly to that body by the party involved only after intervention by the unit.
5. If a complaint, objection or appeal is not signed, the documents in question will nevertheless be forwarded to the authorised body; the person concerned will be informed of this and requested to send a further signed copy to the authorised body within a specified time frame.

## **Appendix 9 REGULATIONS OF THE DISPUTES ADVISORY COMMITTEE<sup>5</sup>**

**Adopted with the consent of the Participation Council on 6-3-2012/Executive Board decision no. 2012/280**

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

1. HAN University of Applied Sciences provides a Disputes Advisory Committee for the benefit of students, prospective students and external students (Article 7.63a paragraph 1 of the Dutch Higher Education and Research Act (Act)). The members of the Disputes Advisory Committee function independently.
2. The Disputes Advisory Committee advises the Executive Board concerning objections against decisions based on the Act and the provisions based thereon, or the lack of such decisions, other than those defined in Article 7.61 Act.

### **Article 2 Size and composition, establishment of divisions**

1. The Disputes Advisory Committee has a chair, two deputy chairs, eight members, four of which belong to the HAN teaching staff and four enrolled as students, as well as two deputy members.
2. The Disputes Advisory Committee forms two divisions. One division holds its session in Arnhem and the other in Nijmegen.
3. Each division has five members:
  - a. a member who is not part of the HAN community. This member is also the chair. He or she must meet the requirements to qualify for an appointment as a district court judge and is preferably a member of the judiciary;
  - b. two members belonging to the HAN teaching staff;
  - c. two members who are enrolled as students at HAN.
4. The members of the Disputes Advisory Committee may be appointed to either of the divisions.
5. In departure from paragraph 3, the chair of the Disputes Advisory Committee may decide in simple cases to compose the Disputes Advisory Committee of three instead of five members, including a chair/deputy chair, one staff member and one student member.
6. The members and deputy members are appointed by the Executive Board. Members from the HAN community are appointed on a recommendation by the Participation Council. When nominating members and deputy members, the Participation Council will ensure the most even distribution of representation of the different HAN faculties possible. The members are not part of the Executive Board or the Inspectorate.
7. Members and deputy members of the Disputes Advisory Committee are appointed for a period of three years on the understanding that the student members among them are appointed for a term of one year.
8. At their request, members and deputy members of the Disputes Advisory Committee will be granted discharge by the Executive Board. Upon reaching the age of seventy, members and deputy members will be granted discharge as of the month following their seventieth birthday. Members will be dismissed if they are unable to perform their jobs owing to illness or disability, or if they are not suited to perform their job due to a conviction for a serious offence by a irrevocable court judgement. Prior to dismissal on the grounds of what is stated in the third sentence, the person concerned will be informed of the intended dismissal, and he or she must be given the opportunity to be heard.
9. Members and deputy members may be awarded an honorarium by the Executive Board.
10. The Disputes Advisory Committee is assisted by an official secretary, who is appointed by the Executive Board from amongst the general support and management staff at HAN. At the chair's request, the Executive Board may appoint one or more deputy official secretaries.
11. In performing their tasks, the official secretary and the deputy official secretaries will follow the chair's directions.

### **Article 3. Objection procedure**

1. Objections may be lodged by interested parties. Interested parties are students, former students, prospective students, external students, prospective external students or former external students. An objection is lodged by filing a reasoned letter of objection.
2. The letter of objection is lodged to the official secretary of the Complaints and Disputes Office, who notes the date of receipt on the letter and forwards it to the chair.
3. The letter of objection must be lodged within six weeks after the day on which the student was informed of the decision in question.
4. If the letter of objection is lodged after the term mentioned in the previous paragraph, it will not

<sup>5</sup>Students who have a complaint or dispute can contact the Complaints and Disputes Office at Bureau.klachtengeschied@han.nl.

be declared inadmissible if the person submitting the objection cannot reasonably be judged to have been in default.

5. The letter of objection must be signed by the person submitting it and should contain:
  - a. his or her name, address and telephone number;
  - b. the date on which the person is lodging the objection;
  - c. a clear description of the decision challenged by the objection, if possible with a copy of that decision. If the objection challenges the refusal to make a decision, a clear description of the decision that should have been made in the opinion of the person lodging the objection should be included;
  - d. the grounds on which the objection is based;
  - e. the signature of the person lodging the objection.

#### **Article 4 Obligatory attempt to reach an amicable settlement**

1. Before considering the objection, the Disputes Advisory Committee will send the letter of objection to the body that has made the challenged decision, inviting it to consult with the persons in question to see whether an amicable settlement of the dispute can be achieved.
2. The body in question will notify the Disputes Advisory Committee within 15 working days of the outcome of this consultation, and will submit the related documents.
3. The chair may decide that no attempt to reach an amicable settlement needs to be made if such an attempt is useless in his or her opinion or would result in disproportionate harm for the person who lodged the objection. In that case, the chair will set the term within which a written defence must be submitted.
4. If it has not been possible to reach an amicable settlement, the Disputes Advisory Committee will handle the letter of objection.

#### **Article 5 Urgency**

1. If immediate action is required, the chair of the Disputes Advisory Committee, on being asked to do so, may ask the Disputes Advisory Committee to deliver advice to the Executive Board as soon as possible.
2. The chair will determine within a week of receiving the objection whether immediate action is required and will inform the person in question and the Executive Board of this as soon as possible. The Executive Board will then make a decision within four weeks of receipt of the objection by the service unit in question.

#### **Article 6 Letter of defence**

1. If an amicable settlement has proved impossible, or was not attempted in accordance with a decision by the chair, the body in question will send a letter of defence to the Disputes Advisory Committee within 15 working days after receipt of the invitation, as referred to in Article 3 paragraph 1 or the term stipulated in paragraph 3.
2. The chair may decide that the letter of defence may be filed later, within a term he or she considers reasonable.
3. Besides the letter of defence, the chair may take the initiative to seek and request any information he or she deems necessary. The bodies and members of staff as well as the examiners will provide the Disputes Advisory Committee with any information the Disputes Advisory Committee requires to carry out its task.

#### **Article 7 Preliminary investigation and hearing**

1. If no amicable settlement has been reached, the chair will decide on the composition in which the Disputes Advisory Committee will handle the letter of objection, taking into account the provisions in Article 2. If the chair is absent or unable to act, his or her deputy will act as chair.
2. The Disputes Advisory Committee may:
  - a. seek further written information from the parties or other bodies;
  - b. request experts to assist with written advice or reports.
3. The Disputes Advisory Committee may, either in its official capacity or at the request of the parties, involve third parties who have a direct interest in the dispute. Any third party will become a party in the dispute as a result of such involvement.
4. Without prejudice to the provision in the previous paragraph, any interested party may ask the Disputes Advisory Committee for permission to intervene or join one of the parties. If that request is granted, the person making the request will henceforth be considered a party in the dispute.
5. The Disputes Advisory Committee may join related cases and separate joint cases.

6. As soon as the chair judges that the relevant facts have been made sufficiently clear through the preliminary investigation, and the factual information required for making a decision has been gathered in the documentation, the chair will set a time and place for the hearing. The official secretary will immediately summon the parties to the hearing. The summon is sent at least 10 working days before the hearing.
7. At least one week before the hearing, the Disputes Advisory Committee will make the letter of objection and any other documents relevant to the case available for the interested parties to inspect. The Disputes Advisory Committee may, at an interested party's request or otherwise, decide not to make these documents available for inspection if confidentiality is required for serious reasons. The party in question will be informed if this is the case.
8. The objection will be heard during a Disputes Advisory Committee hearing. The committee may assign the hearing to the chair or to a member who is not part of and does not work under the responsibility of the Executive Board. Unless provided otherwise by law, the Disputes Advisory Committee decides whether the hearing will be public.
9. The hearing of interested parties may be cancelled if:
  - a. the objection is manifestly inadmissible;
  - b. the objection is manifestly unfounded;
  - c. the interested parties have declared that they waive the right to be heard, or
  - d. the objection has been fully met and the interests of other interested parties cannot be harmed as a result.
10. The parties may let themselves be replaced by an authorised representative or assisted by counsel at the hearing. In addition, they may bring witnesses and experts to the hearing, on the understanding that they inform the Disputes Advisory Committee and the opposing party of the names of those persons in writing no later than by the fourth working day before the day of the hearing.
11. The Disputes Advisory Committee may summon witnesses and experts to the hearing, either in its official capacity or at the request of the parties.
12. If a party fails to appear at the hearing, the chair will check whether this party was properly summoned. If this was the case, the hearing can continue without the presence of that party. The latter also applies if both parties fail to appear.
13. A called hearing will not take place if, besides the chair, not all summoned members of the committee are present. However, if a student member or a teaching staff member or both are absent, the committee may decide to proceed with the called hearing if the parties agree to this.
14. The chair:
  - a. opens, chairs and closes the hearing;
  - b. gives each of the parties the opportunity to explain its position;
  - c. ensures that the case to be heard is moved towards a decision in a proper and effective manner;
  - d. decides - unless these regulations provide otherwise - on any disputes that may arise during the hearing about the manner in which the case is being heard.
15. If the Disputes Advisory Committee submits documents as written evidence in its official capacity, or if written documents are submitted to the Disputes Advisory Committee, parties will be given the opportunity to inspect those documents and make their views on those documents known.
16. The parties may ask each other questions through the intervention of the chair.
17. Parties may change the content of the objection and of the defence, as well as the grounds on which these are based, until the close of the hearing, unless the Disputes Advisory Committee believes that the other party would be unreasonably harmed by such changes.
18. The chair, either in his or her official capacity or at the request of one of the parties, may suspend the hearing, informing the parties of the time at which the hearing will be resumed or of the manner in which the parties will be informed of this.
19. The chair may decide not to continue the hearing of witnesses and experts as soon as he or she judges that the witnesses and experts already heard have sufficiently clarified the facts.
20. If, before the closure of the hearing of the Disputes Advisory Committee, the chair holds that the investigation has been incomplete, he or she may decide to suspend the hearing. A decision to suspend the hearing may involve instructions given to the parties for providing evidence.

#### **Article 8 Advice and decision**

1. The Disputes Advisory Committee advises the Executive Board concerning objections against decisions or the lack of such decisions based on the Act and the regulations based thereon other than those defined in Article 7.61 of the Act.

2. The committee decides about the implementation of Article 7.4 paragraph 6 and Article 7.5 paragraph 2 of the Dutch General Administrative Law Act.
3. Advice is given in writing and will contain a report of the hearing. A copy of the advice must be sent to the person involved and the body that has made the challenged decision.
4. If the objection is admissible, the challenged decision will be reconsidered based on that admissibility.
5. If the reconsideration gives reason to do so, the Executive Board will revoke the challenged decision and make a new decision if necessary.
6. The decision of the Executive Board is communicated within 10 weeks after receipt of the objection, without prejudice to the decisions on the basis of the procedure, by sending or delivering it to those to whom it is addressed. If the challenged decision was not specifically addressed to one or several involved parties, the decision will be communicated in the same way as that challenged decision.
7. If the decision on the objection diverges from the committee's advice, the reasons for that divergence will be stated.

#### **Article 9 Other provisions**

1. The official secretary ensures that decisions made by the Disputes Advisory Committee and any related documents are filed in the Disputes Advisory Committee's archives.
2. The Disputes Advisory Committee publishes an annual report about its activities.
3. In cases for which these regulations do not provide, the chair decides, if necessary after consulting with the other members of the board.

#### **Overview of articles from the General Administrative Law Act (Awb) that apply to the Disputes Advisory Committee**

##### **Article 7.3 of the Awb**

The hearing of interested parties may be cancelled if:

- a. the objection is manifestly inadmissible;
- b. the objection is manifestly unfounded;
- c. the interested parties have declared that they waive the right to be heard, or
- d. the objection is conceded completely and the interests of other interested parties cannot be harmed as a result.

##### **Article 7.4 of the Awb**

1. The interested parties may submit further documents up to 10 days before the hearing.
2. At least one week before the hearing, the Disputes Advisory Committee will make the letter of objection and all other documents relevant to the case available for the interested parties to inspect.
3. In the summons for the hearing, the interested parties are made aware of the provision in the first paragraph and of where and when they can inspect the documents.
4. The interested parties may obtain copies of these documents at no more than cost price.
5. If the interested parties agree to this, the implementation of the second paragraph may be waived.
6. The administrative body may, at the request of an interested party or otherwise, decide not to implement the second paragraph if confidentiality is required for serious reasons. Parties will be informed if this is the case.
7. Serious reason does not pertain in cases where, in pursuance of the Dutch Government Information (Public Access) Act (*Wet openbaarheid van bestuur*), there is an obligation to grant a request for information as contained in the documents in question.
8. If serious reasons exist due to fear of harm to the physical or mental health of an interested party, inspection of the documents in question may be reserved for an authorised person, who is either a lawyer or a physician.

##### **Article 7.5 of the Awb**

1. Unless the hearing is carried out (in full or partly) by the administrative body itself or by its chair or one of its members, the hearing will be carried out by:
  - a. a person who was not involved in the preparation of the challenged decision,
  - b. a group of several persons whose majority, including the person who chairs the hearing, was not involved in the preparation of the decision.
2. Unless provided otherwise by law, the administrative body decides whether the hearing will be public.

**Article 7.11 of the Awb**

1. If the objection is admissible, the challenged decision will be reconsidered based on that admissibility.
2. If the reconsideration gives reason to do so, the administrative body will revoke the challenged decision and make a new decision if applicable.

**Article 7.12 of the Awb**

1. The decision on the objection must be based on solid grounds, which are to be specified in the letter of decision. In addition, if the hearing was cancelled in pursuance of [Article 7.3](#), the grounds for this must be included.
2. The decision is communicated by sending or delivering the decision to those to whom it is addressed. If the challenged decision was not specifically addressed to one or several interested parties, the decision will be communicated in the same way as the challenged decision.
3. As soon as possible after the decision has been communicated, any interested parties that made their views known in the objection or in the preparation of the challenged decision will be informed of this.
4. [Article 6.23](#) will apply *mutatis mutandis* to the notification referred to in the third paragraph. With a view to the start of the retention period, it must be stated as clearly as possible when the decision was communicated in accordance with the second paragraph.

**Article 7.13 of the Awb**

1. This article applies if, for the purpose of making a decision on the objection, an advisory committee was formed:
  - a. that consists of a chair and at least two members,
  - b. of which the chair is not part of and does not work under the responsibility of the administrative body and
  - c. that meets any other legal requirements.
2. If a committee is to advise on the objection, the administrative body will inform the party that submitted the objection about this as soon as possible.
3. The hearing is carried out by the committee. The committee may assign the hearing to the chair or to a member who is not part of and does not work under the responsibility of the administrative body.
4. The committee will decide on the implementation of [Article 7.4](#) paragraph 6 and [Article 7.5](#) paragraph 2 and, unless provided otherwise by law, of article 7.3.
5. A representative of the administrative body will be invited to the hearing and given the opportunity to explain the position of the administrative body.
6. The committee's advice will be given in writing and will contain a report of the hearing. If the decision on the objection diverges from the committee's advice, the reasons for that divergence will be stated and the advice will be forwarded together with the decision.

## **Appendix 10 REGULATIONS FOR LEGAL PROTECTION OF DECISIONS CONCERNING EDUCATION**

(COBEX)<sup>6</sup>

**Adopted with the consent of the Participation Council on 6-3-2012/Executive Board decision no. 2012/280**

### **Article 1 Examination Appeals Board**

1. The HAN Examination Appeals Board, hereinafter referred to as the Appeals Board, "has been formed as:
  - a. the HAN Examination Appeals Board within the meaning of Article 7.60 paragraph 1 of the Act;
  - b. The HAN Examination Appeals Board, for CROHO registered Masters degrees, in accordance with the decision made by the institutional board on 6 March 2012 no. 2012/280.
2. The Appeals Board is located in the HAN administrative building in Arnhem and holds hearings in that building, in so far as the board has not given notification of a different hearing location as referred to in Article 2 paragraph 2.

### **Article 2 Size and composition, establishment of divisions**

1. The Appeals Board has a chair, two deputy chairs, eight members, four of which belong to the HAN teaching staff and four enrolled as students, as well as two deputy members.
2. The Appeals Board forms two divisions. One division holds its session in Arnhem and the other in Nijmegen.
3. Each division has five members:
  - a. a member who is not part of the HAN community. This member is also the chair. He or she must meet the requirements to qualify for an appointment as a district court judge and is preferably a member of the judiciary;
  - b. two members belonging to the HAN teaching staff;
  - c. two members who are enrolled as students at HAN.
4. The members of the Appeals Board may be appointed to either of the divisions.
5. In departure from paragraph 3, the chair of the Appeals Board may decide in simple cases to compose the Appeals Board of three instead of five members, including a chair/deputy chair, one member from the teaching staff and one student member.
6. The members and deputy members are appointed by the Executive Board. Members from the HAN community are appointed on a recommendation given by the Participation Council. When nominating members and deputy members, the Participation Council will ensure the most even distribution of representation of the different HAN faculties possible. The members are not part of the Executive Board or the Inspectorate.
7. Members and deputy members of the Appeals Board are appointed for a period of three years on the understanding that the student members among them are appointed for a term of one year.
8. At their request, members and deputy members of the Appeals Board will be granted discharge by the Executive Board. Upon reaching the age of seventy, members and deputy members will be granted discharge as of the month following their seventieth birthday. Members will be dismissed if they are unable to perform their jobs owing to illness or disability, or if they are not suited to perform their job due to a conviction for a serious offence by a irrevocable court judgement. Prior to dismissal on the grounds of what is stated in the third sentence, the person concerned will be informed of the intended dismissal, and he or she must be given the opportunity to be heard.
9. Members and deputy members may be awarded an honorarium by the Executive Board.
10. The Appeals Board is assisted by an official secretary, who is appointed by the Executive Board from amongst the general support and management staff at HAN. At the chair's request, the Executive Board may appoint one or more deputy official secretaries.
11. In performing their tasks, the official secretary and the deputy official secretaries will follow the chair's directions.

### **Article 3 Powers of the Appeals Board**

1. The Appeals Board rules exclusively on an appeal brought by an interested student or a prospective course participant or Masters student (hereinafter to be referred to as 'student') against:
  - a. decisions as referred to in Article 7.8b, paragraphs 3 and 5, and Article 7.9 paragraph

<sup>6</sup> Students who have a complaint or dispute can contact the Complaints and Disputes Office at Bureau.klachtengeschil@han.nl.

- 1 of the Act,
  - b. decisions on whether a student has passed his or her final assessment as referred to in Article 7.9d of the Act,
  - c. decisions that are not of general application and are taken on the basis of provisions laid down by or pursuant to Title 2 of Chapter 7 of the Act, with a view to exam admissions,
  - d. decisions taken on the basis of additional investigation, referred to in Article 7.25 paragraph 5 and 7.28 paragraph 4 of the Act,
  - e. decisions taken by Boards of Examiners and examiners,
  - f. decisions taken by the boards as referred to in article 7.29 paragraph 1, and
  - g. decisions taken on the basis of article 7.30b with a view to admission to the degree course referred to in that article.
2. A refusal to decide will be equated with a decision. A decision that is not taken within the time limit set by or pursuant to the law or, if no such time limit exists, is not taken within a reasonable time frame, will be deemed to have been refused.

#### **Article 4 Appeal procedure**

1. Appeals may be lodged by an interested party. Interested parties are students, former students, prospective students, external students, prospective external students or former external students. This appeal is lodged by filing a reasoned letter of appeal.
2. The letter of appeal is lodged to the official secretary of the Complaints and Disputes Office (by email at [bureau.klachtengeschild@han.nl](mailto:bureau.klachtengeschild@han.nl)), who notes the date of receipt on the letter and forwards it to the chair.
3. The letter of appeal must be submitted within six weeks after the day on which the student was informed of the challenged decision.
4. If the letter of appeal is lodged after the term referred to in the previous paragraph, it will not be declared inadmissible if the person submitting the objection cannot reasonably be judged to have been in default.
5. The letter of appeal must be signed by the person submitting it and should contain:
  - a. his or her name, address and telephone number;
  - b. the date on which the person is lodging the appeal;
  - c. a clear description of the decision challenged by the appeal, if possible with a copy of that decision. If the appeal challenges the refusal to make a decision, a clear description of the decision that should have been made in the opinion of the person lodging the objection should be included;
  - d. the grounds on which the appeal is based;
  - e. the signature of the person lodging the appeal.
6. The chair checks whether the letter of appeal complies with the provisions in paragraph 6. If the letter of appeal does not comply with those provisions, the chair will immediately notify the submitter of this and will ask him or her to rectify the omission within a stipulated time. The decision-making period will be suspended as long as the submitter has not rectified the omission. If the submitter does not rectify the omission within the stipulated time, the appeal will be disallowed.

#### **Article 5 Obligatory attempt to reach an amicable settlement**

1. Before considering the appeal, the Appeals Board will send the letter of appeal to the body that has submitted the challenged appeal, inviting it to consult with the persons in question to see whether an amicable settlement of the dispute can be achieved.
2. If the appeal is directed against a decision made by an examiner, the letter of appeal referred to in the first paragraph will be sent to the board of examiners.
3. The body in question will notify the Appeals Board within three weeks of the outcome of this consultation, and will submit the related documents.
4. If it has not been possible to reach an amicable settlement, the Appeals Board will handle the letter of appeal.



**Article 6 Letter of defence**

1. If an amicable settlement has proved impossible, the body in question will send a letter of defence to the Appeals Board within 15 working days of receipt of the invitation, as referred to in Article 6 paragraph 1.
2. If the appeal is lodged against a decision made by an examiner, a letter of defence from the examiner in question will be enclosed.
3. The chair may decide that the letter of defence may be filed later, within a term he or she considers reasonable.
4. Besides the letter of defence, the chair may take the initiative to seek and request any information and documents he or she deems necessary. The bodies and members of staff as well as the examiners will provide the Appeals Board with any information that the Appeals Board requires to carry out its task.

**Article 7 Composition of the board; challenge of members**

1. The Appeals Board immediately informs the parties of its composition as referred to in Article 2 paragraph 3.
2. If one of the parties holds that, based on facts and circumstances, an impartial judgement on the part of a member or the board is hampered, this party may challenge the member in question. A member of the board may also claim exemption based on such facts and circumstances.
3. A request to challenge a member or claim exemption must be made within three working days after receipt of a notification regarding the board's composition. A request to challenge a member or claim exemption is decided by the other members of the board. If the vote is tied, the request is granted.
4. If a request as set out in the previous paragraph is granted, the chair will appoint a deputy to replace the member in question, with due observance of the provisions in Article 2 paragraph 3. If the challenge or exemption concerns the chair, he or she will be replaced by the deputy chair.
5. Immediately after a final decision on the composition of the board, the chair will decide if, and if so, when the board will start the preliminary investigation referred to in Article 8.

**Article 8 Preliminary investigation and hearing**

1. If no amicable settlement has been reached, the chair will decide the composition in which the Appeals Board will handle the letter of appeal, taking into account the provisions in Article 2 paragraph 3. If the chair is absent or unable to act, his or her deputy will act as chair.
2. The Appeals Board may:
  - a. obtain further written information from parties or other bodies;
  - b. request experts to issue written advice or reports.
3. The Appeals Board may, either in its official capacity or at the request of the parties, involve third parties who have a direct interest in the dispute. Any third party will become a party in the dispute as a result of such involvement.
4. Without prejudice to the provision in the previous paragraph, any interested party may ask the Appeals Board for permission to intervene or join one of the parties. If that request is granted, the person making the request will henceforth be considered a party in the dispute.
5. The Appeals Board may join related cases and separate joint cases.
6. As soon as the chair judges that the relevant facts have been made sufficiently clear through the preliminary investigation, and the factual information required for making a decision has been gathered in the documentation, the chair will set a time and place for the hearing. The official secretary will immediately summon the parties to the hearing. The summon is sent at least 10 working days before the hearing.
7. The appeal will be heard in a public session held by the Appeals Board. In special cases the chair may decide that the appeal will be heard entirely or partially behind closed doors.
8. The parties may let themselves be replaced by an authorised representative and/or assisted by counsel at the hearing. In addition, they may bring witnesses and experts to the hearing, on the understanding that they inform the Appeals Board and the opposing party of the names of those witnesses and experts in writing no later than by the fourth working day before the day of the hearing.
9. The Appeals Board may summon witnesses and experts to the hearing, either in its official capacity or at the request of the parties.
10. If a party fails to appear at the hearing, the chair will check whether this party was properly summoned. If the party was properly summoned, the hearing can continue without the presence of that party. The latter also applies if both parties fail to appear.
11. A called hearing will not take place if, besides the chair, not all summoned members of the

- committee are present. However, if a student member or a teaching staff member or both are absent, the committee may decide to proceed with the called hearing if the parties agree to this.
12. The chair:
    - a. opens, chairs and closes the hearing;
    - b. gives each of the parties the opportunity to explain its position;
    - c. ensures that the case to be heard is moved towards a decision in a proper and effective manner;
    - d. decides - unless these regulations provide otherwise - on any disputes that may arise during the hearing about the manner in which the case is being heard.
  13. If the Appeals Board submits documents as written evidence in its official capacity, or if written documents are submitted to the Appeals Board, parties will be given the opportunity to inspect those documents and make their views on those documents known.
  14. The parties may ask each other questions through the intervention of the chair.
  15. Parties may change the content of the appeal and of the defence, as well as the grounds on which these are based, until the close of the hearing, unless the Appeals Board believes that the other party would be unreasonably harmed by such changes.
  16. The chair, either in his or her official capacity or at the request of one of the parties, may suspend the hearing, informing the parties of the time at which the hearing will be resumed or of the manner in which the parties will be informed of this.
  17. The chair may decide not to continue the hearing of witnesses and experts as soon as he or she judges that the witnesses and experts already heard have sufficiently clarified the facts.
  18. If, before the closure of the hearing of the board, the chair holds that the investigation has been incomplete, he or she may decide to suspend the hearing. A decision to suspend the hearing may involve instructions given to the parties for providing evidence.

#### **Article 9 Decision**

1. Before the hearing is closed, the chair will announce when the ruling will be given. This decision must be given within 10 working days after the close of the hearing and within 10 weeks of receipt of the letter of appeal.
2. The plenary Appeals Board will deliberate and decide in a closed hearing. The Appeals Board bases the decision exclusively on the documents put forward prior to or during the hearing.
3. The Appeals Board decides by a majority of votes. If the votes are equal, the chair's vote will be decisive.
4. If the Appeals Board considers the appeal well-founded, it will wholly or in part set aside the contested decision. The Appeals Board may decide that the case can be decided again or, if a decision has been refused, it can revisit that decision and rule that the examination, the entrance examination or any part thereof may be resat under conditions to be set by it. The Appeals Board is not authorised to make a new decision to replace the decision that was wholly or partially set aside.
5. The body whose decision set aside will, if necessary, provide for the case again with due observance of the decision of the Appeals Board. The Appeals Board may set a time limit for this in its decision.
6. The decision of the Appeals Board will be dated and contain the following:
  - a. names and addresses of parties and authorised persons;
  - b. the grounds on which the decision is based;
  - c. the decision and;
  - d. the names of the members of the Appeals Board who made the decision. If appeal is possible against the decision, this is stated in the decision.
7. Copies of the decision will be sent to the parties as well as to the Executive Board, the relevant board of examiners and the relevant faculty board. The decision will be made available for inspection in generally accessible places within HAN and its main points will be published in the HAN magazine.

#### **Article 10 Special procedures: preliminary relief and revision**

1. If immediate action is required, the chair may grant preliminary relief at the request of the person who submitted the application, in anticipation of the decision in the principal proceedings. Article 4 is also applicable to a request for preliminary relief.
2. The chair will reach a decision regarding that request once the relevant body or relevant examiner has had an opportunity to state its/his or her case, or has been called upon to do so.
3. The preliminary relief will lapse as soon as the Appeals Board has decided in the principal proceedings, unless stipulated otherwise in the preliminary relief.

4. A decision of the Appeals Board may be revised at the request of one of the parties on the basis of new facts or circumstances that may have led to a different decision if they had been known earlier.
5. If necessary, the provisions of these regulations will apply *mutatis mutandis* to the request for revision.

**Article 11 Other provisions**

1. The official secretary ensures that decisions made by the Appeals Board and any related documents are filed in the Appeals Board's archives.
2. The Appeals Board publishes an annual report about its activities.
3. In cases for which these regulations do not provide, the chair will decide, if necessary after consulting with the other members of the board.

## **Appendix 11 COMPLAINTS PROCEDURE FOR SEXUAL HARASSMENT, AGGRESSION AND VIOLENCE, BULLYING AND DISCRIMINATION (UNDESIRABLE BEHAVIOUR)<sup>2</sup>**

Adopted with the consent of the Participation Council on 20-9-2010/CvB-besluitnr. 2010/101

### **Preamble**

The complaints procedure for sexual harassment, aggression and violence, bullying and discrimination, also referred to as the Complaints Procedure for Undesirable Behaviour, is part of the HAN University of Applied Sciences policy to prevent and deal with cases of undesirable behaviour, aggression and violence, bullying and discrimination.

The procedure applies to HAN employees and students.

A safe learning and work environment is an essential condition for the proper functioning of the educational institution. HAN's policy in this regard seeks to decrease psychological work stress. HAN assumes the definition of psychological work stress as defined in Article 1.3.e of the Dutch Working Conditions Act (*Arbeidsomstandighedenwet*): 'stress-causing factors of direct or indirect differentiation, including sexual intimidation, aggression and violence, bullying and work pressure, in the working situation'.

These elements impair the ability of staff members and students to work and learn in a carefree manner; as such, they harm the institution.

These regulations outline how cases of sexual harassment, aggression and violence, bullying and discrimination can be reported and processed by operation of law. The procedures described in these regulations are designed to ensure that the interests of all persons concerned are respected and that reports and complaints are handled with due care.

These regulations are regulations as defined in Article 7.57h of the Act, Section U of the 2007-2010 Collective Labour Agreement for Universities of Applied Sciences (CAO-HBO) and Article 3.2 of the Working Conditions Act.

### **Chapter 1 General**

#### **Article 1 Terms and definitions**

The following definitions are used in these regulations:

*Accused*: the person about whose behaviour a complaint has been made to the confidential advisor or submitted to the Complaints Committee.

*Act*: Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*).

- c. *Aggression and violence*: incidents during which a staff member or student is psychophysically or physically harassed, threatened or attacked under circumstances directly related to his or her work or studies.<sup>3</sup>
- d. *CAO*: the collective labour agreement for higher professional education.
- e. *Executive Board*: the Executive Board of the HAN University of Applied Sciences.
- f. *Services Department Board*: the board of the Services Department.
- g. *Discrimination*: direct or indirect differentiation<sup>4</sup> including sexual harassment. Direct or indirect differentiation entails a person being treated differently from the way in which someone else in a similar situation is or would be treated based on religion, personal convictions, political affinity, race, gender, nationality, sexual orientation, civil status, age, disability or chronic

<sup>2</sup>Students who have a complaint or dispute can contact the Complaints and Disputes Office at [Bureau.klachten@han.nl](mailto:Bureau.klachten@han.nl).

<sup>3</sup>Aggression and violence entail, among other things, verbally violent behaviour (verbal abuse, insults) and physical violence (kicking and hitting, threatening to use a weapon and/or attacking). Psychological violence may also be concerned: threats, intimidation, exertion of pressure, threatening the home situation and damaging belongings.

<sup>4</sup>The term 'discrimination' is not used in the definition, because a link is sought with the existing concepts of 'direct and indirect differentiation' as defined in the equal treatment acts (source: Explanatory Memorandum to the Amendment of the Working Conditions Act).

- illness, or a provision that on the surface seems neutral, standard or manner of conduct particularly affects persons of a particular religion, personal convictions, political affinity, race, gender, nationality, civil status, age or hetero or homosexual orientation or with a disability or chronic illness.
- h. Faculty:* one of the HAN faculties, which in the context of these regulations is at any rate understood to mean: the Faculty of Economics and Management, the Faculty of Engineering, the Faculty of Education and the Faculty of Health and Social Studies.
- i. Faculty board:* the board of a HAN faculty.
- j. Undesirable behaviour:* psychological work stress as defined in the Working Conditions Act. This is understood to mean factors in the work situation that cause stress. This concerns sexual harassment, aggression and violence, bullying and discrimination.
- k. HAN:* HAN University of Applied Sciences in Arnhem and Nijmegen; which includes the faculties and Services Department of HAN and any similar, future divisions, such as legal persons or joint ventures in a parent-subsidiary relationship administratively controlled by the HAN Executive Board.
- l. Complaint:* any statement by a student or staff member submitted to the Complaints Committee as described in Article 18 of these regulations about alleged undesired behaviour.
- m. Complaints Committee for Undesirable Behaviour:* the Complaints Committee as defined in Chapter 4 of these regulations, with the duties and powers as described in articles 16 and 17.
- n. Complainant:* a student or staff member of HAN who has experienced unacceptable behaviour and has reported this to the confidential counsellor and/or has submitted a complaint about this to the Complaints Committee for Undesirable Behaviour.
- o. Member of HAN:* a student, a staff member, a member of the Executive Board or a member of the Supervisory Board.
- p. Employee:* a person who is employed by HAN based on an employment contract governed by civil law. For the purposes of these regulations, those assigned to HAN by means of temporary employment, traineeship or secondment contract, as well as those who are active within HAN based on a volunteer contract or otherwise are equated with a staff member .
- q. Report:* any statement made to a confidential counsellor by a student or staff member concerning undesirable behaviour as described in Article 12 of these regulations.
- r. Bullying:* all forms of intimidating behaviour of a structural nature by one or more staff members (colleagues, managers) and students targeting a staff member or a group of staff members, or a student or a group of students, who is/are unable to defend himself/herself/themselves against that 11 behaviour.
- s. Supervisory Board:* The Supervisory Board of the HAN University of Applied Sciences. any form
- t. Sexual harassment:* of verbal, non-verbal or physical behaviour with a sexual connotation that has the intention of or results in affecting a person's dignity, particularly if a threatening, hostile, offensive, humiliating or hurtful situation is created.<sup>5 6 7</sup>

<sup>5</sup>Persons in situations outside the institution (in particular at work placement addresses) about whom a complaint or a report is filed are not covered by these regulations. The confidential counsellor may assist when such cases occur, by referring the person involved to the procedure that applies at that location.

<sup>6</sup>A significant element of bullying at work or in a person's studies is the repetition of the behaviour in question through time. As such, a one-off threat does not constitute bullying. This conduct takes many forms but is expressed in particular through words, gestures, acts or threats. This is a non-comprehensive list.

<sup>7</sup>Sexual intimidation can take a number of forms. It may consist of ambiguous comments, unnecessary touching, leering, pornographic images being used at work or in a person's studies, but also of assault or rape. The definition of sexual intimidation indicates that it should also include cases of sexual blackmail, with chances of promotion and decisions about work and studies being made dependent on sexual services being rendered.

- u. Student:* a person who is enrolled at HAN as a student or external student in the sense of the Act or a person who uses the educational facilities at HAN based on a different kind of contract.
- v. Exemption,* the right of the confidential counsellor (Article 9) and member of the Complaints Committee (Article 15) to withdraw so as to ensure that impartiality continues to be sufficiently safeguarded.
- w. Confidential counsellor,* a person, appointed by the Executive Board who functions as a point of contact for all HAN students and staff members who have experienced undesirable behaviour, with duties and powers as described in articles 10 and 11.
- x. Challenge,* when a complainant or accused, in accordance with Article 15, expresses his or her opinion that, based on facts and/or circumstances, the impartiality of a judgement of a member or the chair of the Complaints Committee is in dispute, with the intention of having that member replaced.

## **Article 2 Publication and availability of the Complaints Regulations**

1. The Executive Board publishes these regulations in the usual manner for HAN such that everyone who falls under these regulations can take note of them and that those who have no access to the usual information channels can be informed of them separately.
2. The Complaints Regulations is a public document that is available for and obtainable by all members of the HAN community and may be inspected in the offices of the student counsellors, the confidential counsellors and the Human Resources department. The document can also be consulted, as part of the HAN Student Charter (Appendix 13), on the HAN website and on HAN Insite under the Human Resources Service Unit.

## **Chapter 2 Special provisions**

### **Article 3 Positions of members of the HAN community**

1. No member of the HAN community should be harmed in his or her position and/or interests within HAN as a result of having made a report or filed a complaint, or as a result of being or having been involved as counsel, confidential counsellor or person heard by the Complaints Committee, in a complaints procedure as defined in these regulations. An accused person should not be harmed in his or her position and/or interests within HAN unless the Executive Board decides to impose a measure as defined in articles 33 and 34.
2. Anyone who, in pursuance of these regulations, has knowledge of and/or is in the possession of documentation in relation to a case or possible case of undesirable conduct has an obligation of confidentiality with respect to third parties in regard to that information and must ensure that said documents are not disclosed to any third party.
3. Violation of paragraph 2 of this article may result in a disciplinary measure being imposed, as defined in the articles 33 and 34 of these regulations.

### **Article 4 Opportunity for proper performance**

The Executive Board will enable the confidential counsellors and the members of the Complaints Committee to perform their tasks properly.

### **Article 5 Confidentiality**

All persons concerned will devote the utmost care to safeguarding the confidentiality of any documents disclosed to them. Names and persons will be mentioned in reports or otherwise only if this is necessary in the opinion of the Complaints Committee. Correspondence will carry the predicate 'Personal and confidential'.

### **Article 6 Adoption and effective date**

These regulations are adopted by the Executive Board. The Participation Council has the right of consent to the intended decision by the Executive Board to adopt or amend these regulations. The regulations will enter into effect on the date provided in Article 39.

### **Article 7 Referencing the regulations**

These regulations may be referenced as 'Complaints and Reporting Regulations for Undesirable Behaviour'.

### **Chapter 3 The confidential counsellor and reporting procedure**

#### **Article 8 Confidential counsellors**

1. Each faculty board and the Services Department Board nominates at least one confidential counsellor from among their staff members. Subsequently, the Executive Board appoints the confidential counsellors.
2. The Executive Board will take into account an even distribution of the confidential counsellors across the various HAN locations.
3. The internal confidential counsellors are HAN staff members.
4. The following persons cannot be appointed as confidential counsellors: members of the Supervisory Board, members of the Executive Board, members of a faculty board, members of an institute board, members of a department board, members of the Services Department Board, heads of a service unit, and staff members of the Human Resources Service Unit.
5. The nomination of confidential counsellors takes place with due observance of the principle that at least half the total number of confidential counsellors should be women, and there must be at least one male confidential counsellor.
6. For decisions based on paragraphs 1,2 and 4, the Executive Board will seek the advice of a representative of the confidential counsellors.
7. When a vacancy for a confidential counsellor is published, the Executive Board will inform the Participation Council about how it wished to fill the vacancy based on the following characteristics: male-female, Arnhem-Nijmegen, which building, which faculty/institute or Services Department/service unit, general-specialist (for English or German speaking persons, immigrants), and the manner of recruitment ("open" application, approach of suitable candidate already known).
8. One his/her appointment, the newly appointed confidential counsellor will take the certification course for confidential counsellors.

#### **Article 9 Exemption**

1. A confidential advisor may claim exemption if:
  - a. He or she is functionally involved in a filed report as defined in Article 12 or in the filing of a complaint as defined in Article 18;
  - b. The accused and the confidential counsellor in question are related.
2. A confidential counsellor may claim exemption on the grounds that he or she cannot, or can no longer, reasonably be expected to function as the complainant's confidential counsellor.

#### **Article 10 Tasks**

1. The following comprises the tasks of a confidential counsellor:
  - a. Registering the number and kind of reports as defined in Article 12;
  - b. Advising those who file a report as defined in Article 12;
  - c. At the complainant's request, offering support in submitting a complaint as defined in Article 18;
  - d. At the complainant's request, investigating possibilities for mediation between the complainant and the accused;
  - e. At the complainant's request, helping to find possibilities to file a report or submit a complaint at an external location where studies or work are/is carried out;
  - f. Where needed and desired, referring the complainant to specialised support agencies;
  - g. Signalling problems and structural problems within HAN that lead to undesirable behaviour at HAN;
  - h. Taking responsibility for a safe working and learning environment and promoting this by providing both solicited and unsolicited advice. In addition, formulating recommendations in the area of preventing and combating undesirable behaviour.
2. The confidential counsellor can draw the complainant's attention to the option of reporting to the police and the justice department.
3. If the accused contacts the same confidential counsellor as the complainant, this confidential counsellor will be unable to assist both the complainant and the accused.
4. The confidential counsellor initiates a meeting at least twice annually with the faculty director and/or institute director or the education manager, about problems that have been indicated, observed trends or other dilemmas relating to undesirable behaviour.

**Article 11 Powers**

The confidential advisor is authorised to:

1. Consult one or several other confidential counsellors;
2. Gain access to all faculties, the Services Department, and other HAN departments and to hold meetings with students and staff members and seek information;
3. Inspect relevant documents, for example absenteeism records;
4. Arrange aftercare for the complainant;
5. Make recommendations and advise the Executive Board and the board of the faculties and the Services Department.

**Article 12 Reporting procedure**

1. A report is filed with the confidential counsellor as soon as possible, but at least within one year after the incident or the latest incident to which the report refers.
2. A report can be made orally or in writing. Written submissions should at least state content, time and place of confrontation as well as the names of the complainant and the accused.
3. Anonymous reports will not be considered.
4. If the complainant or the accused has already left HAN, the report will either not be processed or the handling process will be discontinued unless, in the opinion of the confidential counsellor, both HAN and the person who filed the report have a substantial interest in doing so.

**Article 13 Registration and reporting**

1. The confidential counsellor will keep an anonymous registration of the number, nature and severity of cases that he or she has handled, as well as of settled cases and the outcomes of mediations.
2. The information referred to in the first paragraph, as well as the observed trends and shifts in the nature of the reports, is included in the annual report, in compliance with the adopted format for the annual report.
3. Each year the confidential counsellor discusses the content of the annual report with the faculty director.
4. Each year in April the confidential counsellor discusses the contents of the annual report with the Executive Board, and specifically the recommendations that help ensure a safe working and learning environment. Each year in October the confidential counsellor discusses with the Executive Board the current state of affairs regarding the given recommendations..

**Chapter 4 The Complaints Committee for Undesirable****Behaviour Article 14 Composition**

1. The Complaints Committee consists of two members and deputy members and a chair and deputy chair. The Complaints Committee is assisted by an official secretary who is not a member of the Complaints Committee.
2. The Executive Board appoints the chair, deputy chair and the members for a term of three years. They may be reappointed.
3. A member is appointed on the recommendation of the Participation Council.
4. The chair and deputy chair are not members of the HAN community. The chair and deputy chair must meet the requirements for appointment as a judicial officer and have experience in handling complaints. The other members and deputy members are members of the HAN community.
5. The following persons cannot be appointed as members of the Complaints Committee: members of the Supervisory Board, members of the Executive Board, members of a faculty board, members of an institute board, members of a department board, members of the Services Department Board and heads of a service unit.

**Article 15 Right to claim exemption and challenge a member**

1. The chair informs the complainant and the accused of the composition of the Complaints Committee.
2. If one of the parties holds that, based on facts and circumstances, an impartial judgement on the part of a member or the chair of the Complaints Committee is hampered, this party may challenge the member or the chair in question. A member or the chair of the committee may also claim exemption based on such facts and circumstances. A member or the chair of the Complaints Committee should always seek exemption if he or she is part of the same institute / service unit to which the complainant and/or the accused belongs, or if he or she is otherwise



functionally involved, or if that member or the chair and the complainant and/or the accused are related.

3. A request to challenge or claim exemption must be made within three working days after receipt of a notification regarding the Complaints Committee's composition. A request to challenge a member or claim exemption is decided on by the other members of the Complaints Committee within five working days. If the vote is tied, the request is granted. If a request as set out in the previous paragraph is granted, the chair will appoint a deputy to replace the member in question, with due observance of the provisions in Article 14. If the challenge or exemption concerns the chair, he or she will be replaced by the deputy chair.
5. Immediately after a final decision on the composition of the Complaints Committee is reached, the chair will decide whether, and if so, when, the Complaints Committee will start the preliminary investigation as referred to in Article 23.

#### **Article 16 Tasks**

The Complaints Committee has the following tasks:

1. To investigate the complaints submitted as referred to in Article 18 and report to and advise the Executive Board about these complaints;
2. To provide the Executive Board with an annual, anonymous report on the work performed. Part of this report is an overview of the number, nature and settlement of the cases in which persons have contacted the Complaints Committee. That information is included in the annual report.

#### **Article 17 Powers**

The Complaints Committee has the following powers:

1. The right to hear staff members, students and other parties involved at HAN;
2. The right to consult experts;
3. The right to access all the faculties, the Services Department and other HAN units;
4. The right to inspect relevant documents. Leave to inspect personnel files must be sought from the head of the Human Resources Service Unit.

### **Chapter 5 The complaints procedure**

#### **Article 18 Filing a complaint: formal requirements**

1. The complaint is submitted in writing in a sealed envelope marked 'Vertrouwelijk' (confidential) by an individual complainant and addressed to the secretarial office of the Complaints and Disputes Office, to the attention of the chair of the Complaints Committee for Undesirable Behaviour, as follows:

Bureau Klachten en Geschillen  
t.a.v. de voorzitter van de Klachtencommissie grensoverschrijdend gedrag  
Postbus 31178 6503 CD Arnhem

Receipt of the complaint will be confirmed in writing. The secretary will note the date of receipt on the letter of complaint and forward a copy to the chair of the Complaints Committee.

2. The complaint signed by the complainant includes at least:
  - a. the date;
  - b. the complainant's name, address, telephone number and email address;
  - c. the identity of the accused and his or her capacity as a student or employee or other capacity;
  - d. a clear description of the matter to which the complaint refers, stating the place, date, and if possible, time;
  - e. When applicable, the names of witnesses.
3. If a complaint fails to meet some or all of the requirements listed in paragraph 2 of this article, the person filing the complaint is informed of this by the chair of the Complaints Committee and given the opportunity to rectify this within a term to be set by the chair.

#### **Article 19 Filing a complaint: substantive requirement**

1. The complaint is filed no later than one year after the incident or most recent incident to which the complaint relates.
2. If the incident to which the complaint relates is being handled as a report by the confidential advisor, the chair may extend the period for submission once by three months at most on a reasoned request from the complainant or accused.

#### **Article 20 Inadmissibility**

1. The chair of the Complaints Committee may immediately declare a complaint inadmissible if it

- fails to meet the definitions of undesirable behaviour and complaint in Article 1, and/or if the requirements in articles 18 and 19 are not met, or if the complaint cannot reasonably be admitted for a different reason.
2. If the complainant or the accused leaves or has left HAN, the complaint is declared inadmissible. However, the Complaints Committee may make a reasoned decision to handle the complaint, or continue to handling it, if it believes that it is in the interest of HAN and/or the complainant for future situations to investigate whether the challenged conduct is or is not appropriate in the HAN community.
  3. The complainant as well as the Executive Board and, where applicable, the board of the faculty in question or the Services Department Board, will be notified of the decision within two weeks after the complaint was submitted or, if Article 18 paragraph 3 applied, no later than two weeks after the end of that period. If the accused has been informed of the complaint, he or she will also be notified of the decision.
  4. The complainant can put the decision defined in paragraph 1 of this article to the Executive Board within 10 working days, requesting the board to have the Complaints Committee handle the complaint. The Executive Board will make a decision on this request no later than 15 days working after receiving it.
  5. If the Executive Board decides that the Complaints Committee should handle the complaint, the deputy chair will take the chair's place.

#### **Article 21 Joinder**

If two or more complaints have been submitted against the same accused and relate to the same facts, the chair may decide to handle the complaints jointly. One or more complainants may submit a reasoned objection for privacy reasons against joint treatment within three working days. The chair will decide within five working days after receipt of such written objections.

#### **Article 22 Forwarding the letter of complaint; letter of defence**

1. After a letter of complaint is received, a copy is immediately sent to the accused, to the Executive Board and, where applicable, to the board of the faculty or the Services Department.
2. The accused has the opportunity to send the Complaints Committee a letter of defence within a term of at least three weeks to be set by the chair. After the Complaints Committee has received the letter of defence, a copy is made available to the complainant.

#### **Article 23 Investigation**

1. The Complaints Committee begins the investigation into the facts and relevant circumstances of the complaint as soon as possible, and in any case no later than six weeks after receipt of the complaint, unless the complaint is immediately declared inadmissible, in accordance with Article 20, or unless there is an urgent reason as defined in Article 25, or unless the Complaints Committee makes a reasoned decision to declare it inadmissible for other reasons.
2. Further documents for the hearing may be submitted up to five working days before the hearing. The Complaints Committee will ensure that the parties can inspect any documents submitted by their opponents in a timely fashion.
3. The parties will receive a written summons to appear at the hearing.
4. The investigation takes place during a closed hearing during which the parties are heard in each other's presence, unless the Complaints Committee, in response to an explicitly reasoned request from the complainant or the accused, or based on the circumstances of the case, decides to hear the parties separately.
5. The Complaints Committee, in response to a reasoned request from the complainant and/or the accused or otherwise, may hear one or several witnesses and informants and order the submission of certain documents. A request to have witnesses and/or informants heard should be submitted to the Complaints Committee in writing no later than one week before the date of the hearing. Any costs for the hearing of witnesses and/or informants are covered by the Complaints Committee.
6. Up to one week before the hearing, witnesses who wish to remain anonymous on account of a well-founded fear of threats by or on behalf of one of the parties may submit a written request to the Complaints Committee to protect details of their identity. If this request is granted, the witness involved will be heard in a separate hearing by the chair of the Complaints Committee and at least one other member, in the presence of the official secretary.
7. The parties may seek the assistance of counsel.
8. The Complaints Committee, either at the complainant's request or otherwise, may decide that his or her confidential counsellor should be present at the hearing.
9. The official secretary will make a written report of the hearing for the benefit of the Complaints

Committee. The report contains the names and positions of those attending and a concise description of the hearing.

10. If paragraph 6 of this article is applied, in departure from paragraph 9, the report of the hearing will not contain any information from which the identity of the witness can be derived.
11. If parties, witnesses and/or persons involved are heard separately, the report as mentioned in paragraphs 9 and 10 of this article will be presented to them within a week after the hearing. By signing the report, they declare that the report is a good representation of the signatory's examination. If a person or party heard does not agree with the report, he or she is entitled to add written comments to the report. Subsequently the report, including such comments, will be made available to the other party.
12. If parties, witnesses and/or persons involved are heard separately, the party/parties who was/were not present at the hearing and, where applicable, the councils and the confidential counsellor, will be informed of its substance.

#### **Article 24 Obligation to appear**

1. Everyone who falls under the operation of this procedure and is summoned to be heard by the Complaints Committee, including at least the complainant, the accused and the witnesses, is obliged to appear before the Complaints Committee and to provide the information requested.
2. If a student fails to comply with the summons of the Complaints Committee, the Complaints Committee may ask the Executive Board to impose measures in accordance with Article 11 paragraph 3 of the General Code of Conduct (Appendix 1 to the HAN Student Charter). Paragraphs 4 and 5 of Article 11 of the General Code of Conduct will apply by *mutatis mutandis*.
3. If a staff member fails to comply with the summons of the Complaints Committee, the Complaints Committee may request that the Executive Board impose a disciplinary measure in accordance with Section P of the collective labour agreement for higher professional education (CAO-HBO).

#### **Article 25 Suspension of handling a complaint for urgent reasons**

The Complaints Committee has the authority to suspend its handling of a complaint for urgent reasons. A judicial inquiry into the conduct to which the complaint relates may constitute an urgent reason.

#### **Article 26 Withdrawal of a complaint**

1. The complainant may withdraw a complaint while the procedure is ongoing. The Complaints Committee is informed of this decision in writing. The decision may also be announced orally at the investigation during the hearing; in this case, this will be put into a report immediately and the report will be signed by the complainant.
2. After a complaint is withdrawn, the Complaints Committee will not handle the complaint further and will notify the parties of this in writing, with a copy to the relevant confidential counsellor(s), to the Executive Board and, if applicable, to the board of the relevant faculty or Services Department. The Complaints Committee may advise the Executive Board to facilitate the rehabilitation of the accused.

#### **Article 27 Consultation and decision-making**

1. The Complaints Committee will consult and decide in chambers. The Complaints Committee bases its decision exclusively on the documents made available for inspection, as well as on what was put forward or accepted during the hearing without detriment to the other party.
2. The Complaints Committee decides by a simple majority of votes.

#### **Article 28 Term for decision**

1. The Complaints Committee will make its decision no later than six weeks after the parties are heard. If witnesses were heard after the hearing, this term will commence on the day following the day on which the last witness or witnesses were heard.
2. The term stipulated in paragraph 1 of this article does not include the period of suspension for urgent reasons as defined in Article 25.
3. The Complaints Committee may extend the term set out in paragraph 1 of this article by four weeks at most. The Complaints Committee informs the parties of such an extension.

#### **Article 29 Contents of decision**

1. In its decision, the Complaints Committee declares:
  - a. the complaint wholly or partially inadmissible, or wholly or partially admissible, and/or
  - b. the complaint wholly or partially unfounded, or wholly or partially well-founded.
2. The decision includes the grounds on which it is based.

3. The anonymity of a witness as defined in Article 23 paragraph 6 must be safeguarded in the decision.

#### **Article 30 Advice**

1. If the complaint is found wholly or partially well-founded, the Complaints Committee may advise the Executive Board in its decisions to take one (or several) disciplinary measure(s) against the accused.
2. If the complaint is found wholly or partially unfounded, the Complaints Committee may, in its decision, advise the Executive Board to facilitate the rehabilitation of the accused.
3. If the Complaints Committee deems the complaint wholly or partially well-founded, it may, in its decision, advise the Executive Board about other measures that the Executive Board is authorised to take.
4. If desired, the Complaints Committee may advise the Executive Board to take measures, general or otherwise, for which the Executive Board is authorised, with a view to preventing situations such as the one to which the complaint related.

#### **Article 31 Publication of decision**

1. The Complaints Committee notifies the parties, the Executive Board and, if applicable, the board of the faculty concerned or the Services Department Board, of its decision.
2. A summary of the decision, without personal details, will be published in the HAN magazine, Sensor.
3. If requested, the Complaints Committee will hand over to the Executive Board the procedural documents in its custody, including the report drafted by the official secretary. The Complaints Committee may depart from the provision in this paragraph if special interests require this.

#### **Article 32 Filing**

The official secretary of the Complaints Committee keeps the files of complaints handled by the Complaints Committee. All information regarding a complaint will be destroyed after 10 years. Members of the Complaints Committee will ensure that documents they receive regarding a complaint are destroyed as soon as the Executive Board makes a decision in accordance with Article 33 or after the complaint is withdrawn in accordance with Article 26.

### **Chapter 6 Measures**

#### **Article 33 Decision by the Executive Board**

1. With due observance of the provisions in Sections P and Q of the collective labour agreement or Article 7.57h of the WHW, or of other provisions, the Executive Board will make a reasoned decision about measures to be taken as soon as possible and no later than four weeks after receipt of the Complaints Committee's decision.
2. The Executive Board will inform the accused and the complainant of its decision in writing. The chair of the Complaints Committee and, if applicable, the board of the relevant faculty or the Services Department Board will receive a copy of the decision.
3. A decision of the Executive Board that leads to a disciplinary measure or disciplinary measures as defined in Article 34 paragraphs 1 and 2 are imposed on an employee will be recorded in the relevant personnel file.

#### **Article 34 Disciplinary measures**

1. The following disciplinary measures may be taken against employees in view of and subject to the relevant provisions of the law and the Collective Labour Agreement for Universities of Applied Sciences (CAO-HBO):
  - a. written reprimand;
  - b. transfer;
  - c. suspension;
  - d. dismissal.
2. If one of the measures referred to in paragraph 1 subparagraphs c and d is imposed, access to the HAN buildings and grounds may at the same time be denied for a period of no longer than one year.
3. The measures referred to in paragraphs 1 and 2 may be imposed *mutatis mutandis* on persons equated with staff members in conformity with Article 1.o.
4. The following measures may be taken against students, partly in view of Article 7.57h of the WHW and the provisions in Article 11 of the General Code of Conduct (Appendix 1 of the HAN

Student Charter):

- a. a warning;
  - b. written reprimand;
  - c. transfer, possibly with allocation of a different lecture schedule;
  - d. complete or partial denial of access to the buildings and grounds of HAN for a period not exceeding one year;
  - e. denial of access to particular lectures or specified components of a degree course for a period not exceeding one year;
  - f. denial of use of specified facilities for a period not exceeding one year;
  - g. denial of access to particular buildings and grounds used by HAN, for a period not exceeding one year;
  - h. denial of access to all buildings and grounds used by HAN, for a period for a period not exceeding one year;
  - i. termination of enrolment for a period not exceeding one year;
  - j. definitive denial of access to the institution;
  - k. termination of the student's enrolment.
5. The measures referred to under 4 h and i may be imposed if a student has caused serious nuisance and had failed to stop this behaviour even after having been warned by or on behalf of the institutional board.

### **Article 35 Special provisions regarding suspension**

1. In view of and subject to Section P of the CAO-HBO, or Article 7.57 h of the WHW, and the HAN Student Charter and without prejudice to the provisions of this chapter, the Executive Board may suspend the accused for a period of no more than three months if the board deems that the circumstances make this necessary.
2. If the ground for suspension continues after termination of the period determined based on paragraph 1 of this article, the suspension may be extended once for a period of no more than three months.
3. During his or her suspension the accused will have access to the buildings and grounds of HAN only with prior written permission from the Executive Board.
4. Suspension will be imposed based on a decision to that effect and may commence with immediate effect.
5. If a decision to suspend is considered or imposed, the accused will be informed of this in writing, with reasons given. The contents of this article will be pointed out to the accused at that time.
6. The accused will be given the opportunity to defend him or herself. Using this right to a defence does not mean the implementation of the suspension is put on

### **hold. Article 36 Other measures**

1. On the advice of the Complaints Committee, the Executive Board may make a reasoned decision to take alternative measures to the ones listed in articles 33, 34, 35 and 36.
2. On the advice of the Complaints Committee, the Executive Board may decide to take general measures that the board is authorised to impose, with a view to preventing situations like the one to which the complaint related.

## **Chapter 7 Objection and appeal**

### **Article 37 Objection and appeal**

1. Under Article 4.7 of the WHW and Section S of the CAO-HBO, anyone employed at HAN based on an employment contract may appeal a decision made against him or her by the Executive Board as referred to in Chapter 6. The letter of appeal should be submitted within six weeks of the day on which the appealed decision was sent to the employee in question.
2. Those who are equated with staff members based on Article 1 .o can submit a written objection with the Executive Board against a decision as referred to in Chapter 6 made against them by the Executive Board. The written objection must be submitted within six weeks of the day on which the appealed decision was sent to the person concerned.
3. Under Article 7.63a of the WHW, a student or external student may present a decision by the Executive Board directed at him or her as referred to in Chapter 6 to the HAN Disputes Advisory Committee within six weeks with the request to issue advice to the Executive Board.

## **Chapter 8 Final provisions**

### **Article 38 Replacement of members of the Executive Board**

If one or several members of the Executive Board are involved in a complaint as complainant or accused, 'Supervisory Board' should be read throughout these regulations where 'Executive Board' is mentioned.

### **Article 39 HAN academic calendar**

All time periods referred to in these regulations will be extended by the holiday periods of employees and students, as listed in the HAN academic calendar.

### **Article 40 Disputes and unforeseen circumstances**

If circumstances occur for which these regulations do not provide, the Executive Board will make a decision after hearing the chair of the Complaints Committee or a representative of the confidential counsellors.

### **Article 51 Effective date**

These regulations will enter into effect as of 1 January 2009.

## **Appendix 12 COMPLAINTS REGULATIONS<sup>13</sup>**

### **Article 1.**

1. Complaints may be filed by current, prospective or former students and by current, prospective or former external students.
2. These regulations pertain only to complaints that do not fall under the regulations governing undesirable behaviour or the legal protection regulations governing education.

### **Article 2**

1. Complaints can be filed orally or in writing (by letter or email) with the Complaints and Disputes Office. Postbus 31178, 6503 CD Nijmegen, [Bureau.klachtengeschi@han.nl](mailto:Bureau.klachtengeschi@han.nl).
2. The Complaints and Disputes Office sends a confirmation of receipt and forwards the complaint to the competent body.

### **Article 3**

In principle, the complaint is handled by the institute director. If the complaint relates to the institute director, the complaint will be handled by the faculty director. The faculty director or the Executive Board may decide to deal with the complaint themselves; If the complaint concerns the Personal Data Protection Act (*Wet Bescherming Persoonsgegevens*), the complaint will be handled by the data protection officer.

### **Article 4**

1. If a written complaint relates to conduct towards the complainant and meets the provisions in paragraph 2 of this article, Articles 5 through 10 will apply.
2. The letter of complaint must be signed and contain at least:
  - a. the name, address and telephone number of the person submitting the complaint;
  - b. the date;
  - c. a description of the behaviour challenged by the complaint.
3. If the complaint is made orally or if the complaint does not relate to behaviour towards the complainant, it will be up to the person handling the complaint to decide whether the complaint will be handled based on articles 5 through 10.

### **Article 5**

A copy of the letter of complaint as well as the related documents will be sent to the person whose conduct the complaint refers to.

### **Article 6**

1. The person handling the complaint will give the complainant and the person to whose conduct the complaint refers the opportunity to be heard.
2. The hearing of interested parties may be cancelled if:
  - a. the complaint is manifestly unfounded;
  - b. the complainant has stated that he or she does not want to exercise the right to be heard, or
  - c. the complainant has not stated within the period set by the administrative body that he or she wants to exercise the right to be heard.
3. A report will be drawn up of the hearing.

### **Article 7**

1. The complaint must be settled within six weeks of receipt of the letter of complaint.
2. The person handling the complaint may adjourn the settlement for four weeks at most. The complainant and the person to whose behaviour the complaint applies must be notified of the adjournment in writing.

### **Article 8**

The person handling the complaint informs the complainant, in writing and with reasons given, of the findings of the investigation into the complaint, about his opinion thereon and of any consequences to be attached thereto.

<sup>13</sup>Students who have a complaint or dispute can contact the Complaints and Disputes Office at [Bureau.klachtengeschi@han.nl](mailto:Bureau.klachtengeschi@han.nl).

**Article 9**

1. If the person handling the complaint fails to settle the complaint in a manner that satisfies the student or group of students in question, he, she or they may write to the Executive Board. The Executive Board may review the contents of the complaint and its procedural aspects. The student may ask the student counsellor for help and advice in submitting the complaint. The student counsellor will not act as counsel to the student in the proceedings, however.
2. No appeal can be made against a decision regarding the handling of a complaint concerning the conduct of a body.

**Article 10.**

1. The person handling the complaint is not obliged to process the complaint if the complaint relates to conduct:
  - a. about which a complaint has already been submitted and handled;
  - b. that took place over a year before the complaint was submitted;
  - c. against which the complainant could have objected;
  - d. against which the complainant may file an appeal.
2. The person handling the complaint is not obliged to handle the complaint if the interest of the complainant or the severity of the conduct is clearly insufficient.
3. If a complaint will not be handled, the complainant will be informed of this in writing as soon as possible, at any rate no later than four weeks of receipt of the letter of complaint. The Complaints and Disputes Office will receive a copy of this notification. If the complainant disagrees with the handling party's decision not to handle the complaint, he or she may send a written objection to the Executive Board.

**Article 11.**

The person handling the complaint will keep a record of the complaints submitted to him or her. The recorded complaints will be published annually.



## **Appendix 13 REGULATIONS ON THE PROCEDURE FOR REPORTING THE USE OF PORTRAITS BY HAN ON INTERNET**

### **Article 1 General provisions**

1. A portrait is understood to mean any visible representation on which a person is depicted recognisably (photo, painting, drawing, film or video images).
2. The articles contained in these regulations pertain only to portraits that were not made on the instructions of the student.
3. HAN may use a portrait of a student, if HAN is considered the author of that portrait under the Copyright Act in the interest of education, for the purpose of informing, providing information to or exchanging information with other educational institutions.
4. HAN excludes all liability for losses ensuing from its use of portraits on the internet.

### **Article 2 Reporting procedure**

1. HAN assumes it has permission to publish a portrait on the internet in which a student is depicted in an educational situation, unless the student has a reasonable interest that opposes publication on the internet. If the student has a reasonable interest, the student may state this in writing to the head of the Service Unit for R&E (Research & Education; in Dutch 'Onderzoek en Onderwijs' - O&O).
2. A student may also submit a notification to object in advance to the use of his or her portrait on the internet. This notification must also be submitted to the head of the Service Unit for R&E.
3. The notification should be signed by the person submitting it and contain the following:
  - a. his or her name, address and telephone number;
  - b. the date on which the person is submitting the objection;
  - c. a clear description of which portrait is concerned and the date on which the portrait was created;
  - d. the reasons for the reasonable interest that the student has against publication of the portrait.
4. If a notification fails to meet some or all of the requirements, the person submitting the complaint is informed of this by the head of the Service Unit for R&E and given the opportunity to rectify this within a term to be set by the chair.

### **Article 3 Decision, time frame, content**

1. The Service Unit for R&E will decide within 10 working days after receipt of the notification. The decision must be based on solid grounds, which are to be specified when the decision is announced.
2. The head of the Service Unit for R&E may arrive at the opinion that the complaint is unjustified or fully or partially justified.
3. If the objection is fully or partially justified, HAN will not use the portrait in question on the internet and will immediately remove any portraits that it has already placed on the internet.

### **Article 4 Unforeseen circumstances**

In cases not provided for by these regulations, the announcement will be presented to the HAN Executive Board. The Executive Board makes a decision on the notification based on the documents presented.

## **Appendix 14 REGULATIONS ON THE REPORTING PROCEDURE UNDER THE WHISTLEBLOWER REGULATIONS**

**Approved with the consent of the Participation Council on 9 July 2014/Executive Board decision no. 2014/600**

### **Article 1**

The following definitions are used in these regulations:

- person concerned:* an employee or student who reports a suspicion of wrongdoing.  
*employee:* a person working at HAN, whether or not under an employment contract.  
*suspicion of wrongdoing:* a suspicion based on reasonable grounds related to HAN regarding:
- a. a serious and/or threatening offence;
  - b. a gross and/or threatening violation of regulations or policy rules as laid down in laws, decrees and other regulations, both internal and external;
  - c. an intentionally incorrect informing of public bodies or a threat thereof;
  - d. a threatening and/or great danger to public health, safety or the environment;
  - e. intentional concealment, destruction or manipulation of information about these facts or a threat thereof.

### **Article 2**

These regulations expressly do not apply to:

- a. reporting personal complaints concerning matters related to work or studies;
- b. reporting conscientious objections related to performing regular duties;
- c. expressing criticism of the policy choices made by HAN within the frameworks established for this.

### **Article 3**

1. The HAN Executive Board will appoint two of its employees who have sufficient knowledge and experience to be able to assess the merits of a report as investigating officers under the Whistleblower Regulations. One of these officers will be appointed on a recommendation from the Participation Council. One of these officers will be a lawyer. The Executive Board will appoint one of the two officers as chair.
2. In the event of instructions as referred to in Article 5 paragraph 4, the investigating officers under the Whistleblower Regulations may be assisted in their investigation by no more than two persons, appointed by the chair, who are employed at HAN and who have sufficient and demonstrable autonomy, knowledge and experience to assess the merits of a report. Of these two persons, at least one must be a member of the Participation Council.
3. The persons referred to in paragraphs 1 and 2 jointly form a Committee of Inquiry under the Whistleblower Regulations.
4. The Investigating Officer under the Whistleblower Regulations whom the Executive Board appoints as chair in accordance with Article 3 paragraph 1 of these regulations will act as chair of the Committee of Inquiry under the Whistleblower Regulations.

### **Article 4**

1. Unless there are grounds for exemption as referred to in Article 8 paragraph 1, an employee must report a suspicion of wrongdoing to his or her immediate supervisor, or if he or she does not consider this desirable, to the person he or she considers responsible for the suspected wrongdoing or, if he or she does not consider this desirable, to a faculty confidential counsellor.
2. Unless there are grounds for exemption as referred to in Article 8 paragraph 1, a student must report a suspicion of wrongdoing to the institute director of the degree course he or she is taking or, if he or she does not consider this desirable, to the person he or she considers responsible for the suspected wrongdoing or, if he or she does not consider this desirable, to a confidential counsellor.

### **Article 5.**

1. The person to whom the complaint is reported will record the report in writing, with the date on which it was received, and will have this recording signed by the person concerned for approval, who will receive a copy of it.

2. The person to whom the complaint is reported ensures that the chair of the Executive Board is immediately informed of the report and of the date on which it was received. This person will also ensure that the chair of the Executive Board receives a copy of the record of the report. If the complaint is related to the Executive Board, the Supervisory Board must be informed of the report and of the date on which it was received.
3. The chair of the Executive Board will immediately instruct the investigating officers under the Whistleblower Regulations to conduct an investigation on the basis of the report.
4. The chair of the investigating officers under the Whistleblowers Regulations will send the person concerned a confirmation of receipt. Reference will be made in the confirmation of receipt to the original report.
5. The handling of the report and the investigation that results from the report will be conducted confidentially. Information about the report, its handling and/or outcome may only be released with permission from the chair of the Executive Board.

#### **Article 6**

1. If both investigating officers under the Whistleblower Regulations conclude that there is no question of wrongdoing, no investigation will take place. The person filing the report and the Executive Board will be informed of this.
2. If possible wrongdoing is involved and if one or both of the investigating officers under the Whistleblower Regulations consider it necessary or desirable, the officers will form a Committee of Inquiry under the Whistleblower Regulations together. The person filing the report and the Executive Board will be informed of this.
3. An investigation will be started jointly by the investigating officers under the Whistleblower Regulations or by the Committee of Inquiry under the Whistleblower Regulations. For the purposes of this investigation, they will be authorised to seek all information they consider necessary to formulate their advice.
4. Once the investigation is closed, the investigating officers under the Whistleblower Regulations or the Committee of Inquiry under the Whistleblower Regulations will formulate a report containing the findings of the investigation, a final assessment and any recommendations. The report will be presented to the Executive Board for settlement no later than eight weeks after the instructions referred to in Article 5 paragraph 4.

#### **Article 7**

1. The Executive Board must notify the person concerned in writing as soon as possible of its substantive point of view on the suspicion of wrongdoing reported by the person concerned. The final assessment of the report referred to in Article 6 paragraph 4 will also be given. The chair of the Executive Board will specify the steps to which the report has led.
2. The investigating officers under the Whistleblower Regulations will receive a copy of the notification referred to in paragraph 1.

#### **Article 8**

1. In departure from Article 4, the person concerned can report the wrongdoing directly to the chair of the Supervisory Board if:
  - a. he or she does not agree with the point of view as defined in Article 7 paragraph 1;
  - b. the suspected wrongdoing concerns a member of the Executive Board;
  - c. one of the following grounds for exemption applies:
    1. a situation exists in which the person concerned may reasonably fear retaliation as a result of an internal report;
    2. a statutory obligation or right exists to immediately report on the wrongdoing externally;
    3. a previous report in accordance with the procedure of the same or essentially the same wrongdoing did not remove the wrongdoing;
    4. there is an acute danger, whereby an important and urgent social interest necessitates an immediate external report;
    5. there is a clear threat of embezzlement or destruction of evidence.
2. If a report is made to the chair of the Supervisory Board, 'chair of the Supervisory Board' should be read instead of 'chair of the Executive Board' and 'Supervisory Board' should be read instead of 'Executive Board' in articles 5, 6 and 7 of these regulations.
3. The chair of the Supervisory Board will inform the chair of the Executive Board of its point of view

on the report after obtaining permission to do so from the person concerned. Depending on the findings, the chair of the Supervisory Board may give the chair of the Executive Board binding instructions on how to settle the report.

**Article 9**

1. The person concerned who has reported a suspicion of wrongdoing with due observance of these regulations, may not be prejudiced in any way in his or her position in so far as such prejudice is a consequence of the report.
2. The investigating officers under the Whistleblower Regulations and members of a Committee of Inquiry under the Whistleblower Regulations may not be prejudiced in any way in their positions in so far as such prejudice is the consequence of holding these positions.

## **Appendix 15 OMBUDSMAN REGULATIONS**

### **Article 1 Ombudsman**

1. There is an ombudsman for students of HAN University of Applied Sciences (HAN).
2. The ombudsman is appointed by the Executive Board, after consultation with the Participation Council, for a period of two years. Reappointment is possible.
3. In addition to the duties referred to below the ombudsman may make solicited or unsolicited recommendations to HAN staff and/or bodies on bottlenecks experienced in the functioning of the university and on the content and development of general rules and regulations for students.
4. A student or group of students may contact the ombudsman with complaints about undesirable behaviour or situations at HAN, provided the student or students are those with respect to whom the contested behaviour took place or who are in the contested situation.
5. If the behaviour or situation referred to in paragraph 3 is a decision open to appeal at the Examination Appeals Board, before contacting the ombudsman, the student must lodge an appeal against that decision in accordance with the provisions of the Legal Protection Regulations on Decisions Concerning Education (Appendix 10 to the HAN Student Charter) and then appeal to the Board of Appeal for Higher Education. The student may contact the ombudsman only after a decision has been made on the higher appeal.
6. A student or group of students may contact the ombudsman in whichever way they wish to report a situation as referred to in paragraph 4: orally or in writing or by any other means of communication. For address details, see Appendix 18 'Relevant Addresses' to this charter.
7. The ombudsman will advise the students and will aim to reach a solution for the problems that arose by consulting/mediating with the student or students and HAN staff or body/bodies involved.
8. If the consultation or mediation arising from the report referred to in paragraph 5 does not lead to a solution, the student or students can file a complaint with the ombudsman about the behaviour or situation as referred to in paragraph 4 of this article.
9. A complaint can be submitted verbally or in writing to the ombudsman. If the complaint is filed verbally, it must later be recorded in writing by the complainant.
10. If the complaint is manifestly unfounded, the ombudsman will not handle the complaint.
11. The handling of a complaint entails the following:
  - a. the ombudsman presents the complaint in writing to the HAN members of staff or the relevant HAN body involved and requests a response;
  - b. the ombudsman informs the complainant of his or her findings and asks for a response or asks additional questions;
  - c. the ombudsman starts an investigation: he or she hears/consults with the employee or employees concerned and other witnesses and experts, and may visit locations if desired. In relation to this investigation, HAN bodies must provide the ombudsman with all of the information that the ombudsman requests in the context of his or her investigation of the complaint;
  - d. the ombudsman makes a report and sends this report to the parties involved, who may respond to it;
  - e. the ombudsman makes a final report, in which the complaint is declared well-founded or unfounded and in which reasons are stated for this decision. If the complaint is declared well-founded, the report will contain recommendations for the individual case or recommendations for similar cases. The report will be published in an anonymised format.
12. A decision in which the complaint is declared well-founded and recommendations are given is not legally enforceable.
13. No appeal may be made against the decision of the ombudsman.
14. The ombudsman publishes a report annually that includes the recommendations made.

**Appendix 16 CODE OF CONDUCT FOR HAN EDUCATION TAUGHT IN OTHER LANGUAGES as referred to in Article 7.2 paragraph c of the WHW**

**Article 1 Education in other languages**

HAN courses are taught in Dutch and examinations are taken in Dutch. As an exception to this, a different language may be used:

- a. for a degree course relating to that language,
- b. for a course component taught by a guest lecturer who speaks a different language, or
- c. if the specific nature, organisation or quality of the education or the origin of students necessitates this.

The Code of Conduct for HAN Education Taught in Other Languages only applies to subparagraph c.

**Article 2 Specific nature, organisation and quality of education**

An education component is considered to have a specific nature, organisation or quality if

- a. knowledge of a language other than Dutch is required for the curriculum or curriculum components;
- b. curriculum components need to be taught in a language other than Dutch as part of the skills set required for the professional field of the degree course;
- c. certain curriculum components need to be taught in a different language as part of the internationalisation aims or international exchange programmes.

**Article 3 Internationalisation or international exchange programmes**

1. If the education is provided in a language other than Dutch on the grounds of Article 2 subparagraph c of the Code of Conduct for HAN Education Taught in Other Languages, the faculty director is required to formulate a transparent internationalisation and quality policy.
2. The education provided in a different language must meet the same quality standards as the education taught in Dutch.
3. The course department should aim for a balanced mix of student nationalities, to give students the opportunity to work in international classrooms.
4. It is not permitted to offer a degree course in a different language if all or most of the students enrolled in that degree course are from border regions and if that degree course does not directly meet strong needs within the Dutch labour market. If all students enrolled in a degree course are from the border region and the course does to comply with the needs stipulated in the previous paragraph, it will be phased out.

**Article 4 Authority to use different languages in education**

1. The faculty director has the authority to decide to offer a degree course in a language other than Dutch. The faculty director needs approval from the Executive Board to make such a decision.
2. The faculty director may make this decision at the request of the institute director(s) concerned.
3. The faculty director may decide to offer the degree course in a different language only or may decide to offer the degree course in another language alongside the Dutch degree course.
4. Before deciding to use a different language, the institute director obtains advice from various bodies such as the professional advisory committee, curriculum committee and/or the course committee(s).
5. The use of a foreign language may not lead to an increase in the study load of the degree course. The study load of a degree course is expressed in ECTS credits. The number of ECTS credits that a student can obtain by doing a degree course in a foreign language may not exceed the number of ECTS credits that can be obtained in a Dutch degree course.
6. The faculty director is required to attach conditions to the decision to use a different language that guarantee the quality of the course component concerned. These conditions explicitly include the language proficiency of the lecturers involved.
7. An internationally recognised and transparent standard (a Cambridge exam) must be used to determine the required language proficiency as referred to in paragraph 6. The general standard depends on a lecturer's tasks, which at any rate means that:
  - a. level C1 applies as an obligatory target standard for all lecturers who teach in a language other than Dutch;
  - b. a basic standard is set for current lecturers who do not yet meet the C1 level. This basic standard is set as a starting level for lecturers to teach in an English-taught degree course. Agreements need to be made with these lecturers about obtaining the C1 level.

**Article 5 Provision of Information**

1. The Education and Examination Regulations must state which subjects are taught fully or partially in a language other than Dutch.
2. If an examination or an integrated examination for a unit of study is set in a language other than Dutch this must be stated in the Education and Examination Regulations.
3. The course guide and websites of the degree course should also inform students and prospective students which course tracks are offered in Dutch or a different language.
4. If a Bachelors or Masters course is offered mostly or entirely in a foreign language, the Student Charter, Education and Examination Regulations and possibly other channels used to inform students, such as the course department's website, should be made available in English or the language(s) in which the degree course is provided.

**Article 6 Language requirements for exchange students**

The contract between the home and host higher education institutions concerning an exchange programme for a degree course offered in a different language should contain agreements on required language levels for the international student. If requested by the Committee for the Code of Conduct in Higher Education, the institute director will provide the contract with the partner educational institution for inspection. An exchange student is a student with a foreign nationality who is studying or has studied at an educational institution located in the Netherlands for a period of 3 to 12 months as part of an exchange programme set up for that purpose, but who is not enrolled as a regular student at that educational institution and will not receive a degree from that educational institution.

**Article 7 Reimbursements**

The institute director may decide to charge a fee for having a student's language skills, prior education and diplomas evaluated in accordance with articles 2.3 to 2.5 a of the Model EER. This is to be communicated to the prospective students in advance.

## **Appendix 17 HAN - PROTOCOL FOR DYSLEXIA**

**Adopted in October 2007; revised version January 2013**

### **Preface**

This protocol was first adopted in October 2007 and consequently included in the HAN policy plan for students 'studying with a chronic illness or disability'<sup>8</sup>. The protocol specifies which HAN facilities students with dyslexia are entitled to and how students can apply for such facilities. The present protocol is the version that was revised in January 2013.

The exact number of HAN students with dyslexia is unknown, but a realistic estimation is about 2 to 3% of the student population.

### **Basic principles**

1. If a student requests the course department to make specific modifications with respect to his or her dyslexia, he or she must submit an official dyslexia diagnosis.
2. A dyslexia diagnosis is valid only if it has been issued by a certified specialist. (see later in the text).
3. Diagnoses issued by other professionals must be verified by a certified specialist. A verification is also required if there is any doubt about the validity of a diagnosis.
4. The dyslexia diagnosis must specify which difficulties the student encounters in their studies and which modifications would be helpful.
5. A dyslexia diagnosis has an unlimited period of validity. According to the Dutch foundation for dyslexia, Stichting Dyslexie Nederland, dyslexia is for life.
6. If the diagnosis was issued when the student was in primary school, the modifications listed in the document must be reviewed in light of the application for additional support (see point 2 in section on facilities below). The student will contact a certified specialist for this purpose.
7. Students with dyslexia must notify HAN themselves if they wish to use the facilities that HAN offers.

### **Facilities**

1. Students from all HAN degree courses are eligible for the following if they have a dyslexia diagnosis:
  - extra time during exams (25% of the exam time);
  - exams printed in A3 format.
2. In some cases, students may receive additional types of support. The dyslexia diagnosis must contain instructions for such further support. The board of examiners (or the director of the relevant institute or department) will decide whether such facilities can actually be offered.
3. Students can also use tools such as a reading pen, daisy player or a text to voice program (e.g. Kurzweil) for extra support. In principle, students are responsible for the cost of purchasing these tools. The HAN study and multimedia centres have Kurzweil installed on the computers. All exams offices have one or more USB flash drives with Kurzweil that can be used for exams.

### **Procedure**

1. A student with dyslexia must submit his or her dyslexia diagnosis to the personal tutor or senior tutor at the start of the academic year<sup>9</sup>.
2. The personal tutor or senior tutor assesses whether the diagnosis meets the set criteria.
3. If the diagnosis is approved, the personal tutor or senior tutor discusses with the student whether he or she wishes to use the HAN facilities available for students with dyslexia. The personal tutor or senior tutor will record this in the student's file by means of a study contract.
4. The personal tutor or senior tutor will discuss with the student which steps the student needs to take to be able to use the granted facilities.
5. If the student requests additional facilities, the personal tutor or senior tutor will discuss with the student the procedure for submitting an application for additional facilities with the board of examiners or the director of the institute.
6. If the dyslexia diagnosis is not approved, the personal or senior tutor will refer the student to a

<sup>8</sup> For the text of the HAN policy plan: [www.han.nl/insite/campusdecaanaat](http://www.han.nl/insite/campusdecaanaat) > functiebeperking en studie (only available in Dutch - please refer to your campus counsellor).

<sup>9</sup> Different terms are sometimes used to refer to **senior tutors**, such as student supervisor, student adviser, personal tutoring task team or personal tutoring coordinator.



certified specialist or to the student counsellors for further information.

7. In principle, the agreements made regarding the facilities apply for the duration of the degree course.

### **Dyslexia test**

1. A student with poor language skills who wishes to be tested for dyslexia will be referred to a certified specialist<sup>10</sup>.
2. The student in question will be referred to a certified specialist if there is any doubt about the validity of a diagnosis.

### **Certified specialist**

1. A person is deemed to be an expert on dyslexia testing if, in addition to a university degree, he or she has specialised knowledge in the area of learning disabilities, educational hindrances and psychodiagnostics, and who, for example, works as a child or youth psychologist, a special education generalist or Doctor of Psychology.
2. A student can apply for a dyslexia test with any certified specialist. These tests are generally quite costly (between 500 and 1000 euros).

### **Financial support**

1. If a student is clearly not able to pay for a dyslexia test, the student counsellor can help the student search for possibilities to cover these costs by applying for external financial support.
2. The student counsellor will help the student search for internal (HAN) or external sources for financial support to cover the costs of purchasing supplementary tools.
3. If the student falls behind in his or her studies as a result of the dyslexia, the student can apply for an extra one-year student grant with the DUO Education Executive Authority. Students can contact the student counsellor for more information.

### **For more information:**

For more information, you can visit [www.han.nl/insite/campusdecanaat](http://www.han.nl/insite/campusdecanaat) > functiebeperking en studie (only available in Dutch - please refer to the campus counsellor).

A wealth of information about dyslexia can be found on the website Stichting Dyslexie Nederland ([www.stichtingdyslexienederland.nl](http://www.stichtingdyslexienederland.nl))

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<sup>10</sup>The student counselors can provide information on specialists with student-friendly prices.

## **Appendix 18 RELEVANT ADDRESSES**

HAN Complaints and Disputes Office

Students with a complaint or dispute can contact the Complaints and Disputes Office

Address:

Secretarial Office  
Department of Legal Affairs  
Att. Secretary of the HAN Complaints and Disputes Office  
Postbus 31178  
6503 CD NIJMEGEN.  
email: [bureau.klachtengeschil@han.nl](mailto:bureau.klachtengeschil@han.nl)

Secretary: B.A. van Koeven LL.M and L.H.J. Baars - 026 369 15 04

### **Legal Affairs Desk**

*Provides people with a low income with advice, information and legal assistance.*

Arnhem: Legal Affairs Desk  
Ruitersstraat 33  
6811 CP Arnhem T  
0900-8020

Nijmegen: Legal Affairs Desk  
Kronenburgersingel 2  
6511 AT Nijmegen T  
0900-8020

[www.hetil.nl](http://www.hetil.nl)

### **Student Counsellors**

*Sending an email is the fastest way to contact the student counsellors for questions or for making an appointment.*

Arnhem Campus: Ruitenberglaan 31, room C0.12  
Ingrid van der Heijden  
[Campusdecanaat.arnhem@han.nl](mailto:Campusdecanaat.arnhem@han.nl) Ph  
026-3658111 Marcel Sprengers  
[Campusdecanaat.arnhem@han.nl](mailto:Campusdecanaat.arnhem@han.nl) Ph  
026-3658111

Nijmegen Campus: Kapittelweg 33, room C3.27/C3.28  
Peter Hoekstra  
[Campusdecanaat.niimegen@han.nl](mailto:Campusdecanaat.niimegen@han.nl)  
Ph 024-3531330 Liesbeth Diemel  
[Campusdecanaat.niimegen@han.nl](mailto:Campusdecanaat.niimegen@han.nl)  
Ph 024-3530246 Astrid Sluis  
[Campusdecanaat.nijmegen@han.nl](mailto:Campusdecanaat.nijmegen@han.nl)

[www.han.nl/insite/campusdecanaat](http://www.han.nl/insite/campusdecanaat)

### **Dutch Data Protection Authority**

Juliana van Stolberglaan 4-10 2595 CL DEN HAAG Postbus  
93374 2509 AJ Den Haag Ph 0900-2001201 [www.cbpweb.nl](http://www.cbpweb.nl)  
E [infol@cbpweb.nl](mailto:infol@cbpweb.nl)

### **Higher Education Appeals Tribunal**

Postbus 16137 2500 BC Den Haag  
Post can be delivered at Oranjestraat 15, 2514 JB Den Haag.  
Ph 070-4264800 / 06-31749275 / 06-11377116. [www.cbho.nl](http://www.cbho.nl) E

[info@cbho.nl](mailto:info@cbho.nl)

**The Netherlands Institute for Human Rights** Kleinesingel  
1-3 Postbus 16001 3500 DA Utrecht Ph 030-8883888 I  
[www.mensenrechten.nl](http://www.mensenrechten.nl) E [info@mensenrechten.nl](mailto:info@mensenrechten.nl)

**HAN Financial Support Fund Committee**

Address:

**Secretarial Office of the Department of Legal Affairs**  
Attn. chair of the HAN Financial Support Fund  
Committee Postbus 31178 6503 CD Nijmegen

**HAN Elite Sport Coordinator**

Lotte Visschers  
Papendallaan 51,6816 VD Arnhem Postbus 6960 6503 GL  
Nijmegen Ph 024-3691483 or 06-46419577 E  
[lotte@topsport gelderland.nl](mailto:lotte@topsport gelderland.nl)

**Expertisecentrum Handicap en Studie** (Dutch expert centre for studying with disabilities)  
Stationsplein 14 3500 BH Utrecht Postbus 1585 5200 BP 's-Hertogenbosch,

Ph 06-33790503.

I [www.handicap-studie.nl](http://www.handicap-studie.nl) E [algemeen@handicap-studie.nl](mailto:algemeen@handicap-studie.nl)

**Interstedelijk Studentenoverleg, ISO**

Bemuurde Weerd O.Z. 1 3514 AN Utrecht  
Ph 030-2302666 I [www.iso.nl](http://www.iso.nl) E [iso@iso.nl](mailto:iso@iso.nl)

**Dutch National Student Union, LSVb**

Drieharingstraat 6 Postbus 1335 3500 BH Utrecht  
Ph 030-2316464 I [www.lsvb.nl](http://www.lsvb.nl) E [lsvb@lsvb.nl](mailto:lsvb@lsvb.nl)

**Code of Integrity Office**

The office is staffed by Mr A. van Amelsvoord  
Kapittelweg 33 6503 GL Nijmegen and Henri van  
Boxtel Ruitenberglaan 26 6826 CC Arnhem Ph  
026-3691516 E

**Ombudsman**

The position of ombudsperson at HAN is held by:

Mr E. Hulshof  
Postbus 6960  
6503 GL Nijmegen  
Ph 024-3530528  
or 06 23228974  
room 2.24b Bischof Hamerhuis E  
[Egbert.Hulshof@han.nl](mailto:Egbert.Hulshof@han.nl)

**Student housing**

Arnhem: Vivare  
Velperbuitensingel 8 Postbus 5265 6802 EG Arnhem Ph  
026-3550200  
Opening hours: Monday to Friday from 08.30 to 17.00.  
I [www.vivare.nl](http://www.vivare.nl) E [arnhem@vivare.nl](mailto:arnhem@vivare.nl)

Nijmegen: SSH-Nijmegen  
Laan van Scheut 4 Postbus 1175 6501 BD Nijmegen  
Ph 024-3594939  
Opening hours: Monday to Friday from 10.00 to 16.30; Tuesday to 19.00.  
I [www.sshn.nl](http://www.sshn.nl) E [info@sshn.nl](mailto:info@sshn.nl)

### **Student Chaplaincy**

Arnhem: Arnhem Student Point  
Kastanjelaan 22-e 6828 GL Arnhem Ph 06-33790503 I  
[www.arnhemstudentpoint.nl](http://www.arnhemstudentpoint.nl) E [mailaanasp@gmail.com](mailto:mailaanasp@gmail.com)

Studentenkerk (Student Church)  
Erasmuslaan 9a 6525 GE Nijmegen Ph 024-3619188  
Open on Monday to Friday from 10.00 to 17.00. I

Nijmegen: [www.ru.nl/studentenkerk](http://www.ru.nl/studentenkerk) E [info@studentenkerk.ru.nl](mailto:info@studentenkerk.ru.nl)

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### **Student grants**

DUO Education Executive Agency I [www.duo.nl](http://www.duo.nl)  
Ph 050-5997755 (on work days from 9.00 to 17.00)

Arnhem DUO Service Office  
Pels Rijckenstraat 1 in Arnhem (only by appointment)

Nijmegen DUO Service Office  
Keizer Karelplein 32b, Nijmegen (entrance: van Schaeck Mathonsingel)  
Opening hours: work days from 10.00 to 17.00.