

# Student Charter: Legal protection of students

Legal protection is an important aspect of student rights. Legal protection provides students with the possibility of protecting their interests when they object to a decision or certain behaviour, when their interests are damaged by a decision or when a decision is not forthcoming.

## **1. Legal protection as stipulated in the Higher Education and Research Act (WHW)**

The party concerned can appeal or object to a decision made by individuals, committees, the Executive Board or other University bodies according to the procedures below. In addition, the party concerned can object or appeal a decision that is not forthcoming or remains overdue.

Every party concerned may lodge a formal complaint against inappropriate behaviour towards the complainant by an individual, a committee, the Executive Board or any other University body.

A party concerned may be a student, a prospective student, a former student, an extraneous or a prospective or former extraneous.

The statutory provisions on legal protection can be found in Title 4 of Chapter 7 of the Higher Education and Research Act (WHW).

All parties concerned can either carry out the procedures themselves or seek legal aid from a lawyer or legal adviser at his or her own risk and expense.

### **1.1. Student Legal Protection Desk**

Wageningen University has set up a Student Legal Protection Desk which provides students and other parties concerned with information about the various procedures in place at Wageningen University and about legal protection. This digital help desk can be contacted preferably by e-mail ([legalprotection.students@wur.nl](mailto:legalprotection.students@wur.nl)) but also by regular mail: Wageningen University c.o. Student Legal Protection Desk, PO Box 9101, 6700 HB Wageningen). The Student Legal Protection Desk is located at the Corporate Governance & Legal Services Department of Wageningen University & Research. The Student Legal Protection Desk handles objections, appeals and complaints.

Acknowledgement will be sent by the Student Legal Protection Desk to the submitting party either digitally or in writing upon receipt of an objection, appeal or complaint. The Student Legal Protection Desk will immediately forward the objection, appeal or complaint to the authorised body for processing, such as the Dispute Advisory Committee (objection), the Examination Appeals Board (appeal) or to the Complaints

Committee (complaint). The date of receipt of the objection, appeal or complaint by the Student Legal Protection Desk determines whether the objection or appeal has been submitted on time.

### **1.2. The Dispute Advisory Committee (Article 7.63a and b Higher Education and Research Act)**

Wageningen University has a Dispute Advisory Committee which gives advice to the Executive Board concerning objections.

If a decision cannot be appealed with the Examination Appeals Board, in certain cases a notice of objection can be submitted by the party concerned to the Executive Board of Wageningen University, for example:

- decisions concerning enrolment, de-enrolment, tuition fees and other similar matters,
- decisions concerning the Student Financial Support Regulations (FOS),
- measures such as denial of entry to the buildings or grounds,
- decisions concerning the award of a degree.

An objection must be submitted within six weeks. The date of receipt of the objection by the Student Legal Protection Desk determines whether the objection has been submitted on time. The Student Legal Protection Desk forwards the notice of objection directly to the Executive Board.

Subsequent to the timely submission of the objection, the following procedure will apply. The Dispute Advisory Committee provides a hearing to the complainant and gives advice to the Executive Board concerning the objection and the decision to be made. The Executive Board then makes a decision about the objection based on the recommendation of the Dispute Advisory Committee. Appeals against the decision can be made to the Higher Education Appeals Tribunal (see section 1.4).

More information about the procedure can be found in the [Rules of Procedure of the Dispute Advisory Committee](#).

### **1.3. The Examination Appeal Board (Article 7.60 Higher Education and Research Act)**

Wageningen University has established an Examination Appeals Board.

A party concerned can appeal to the Examination Appeals Board against:

- decisions regarding refusal of admission to a specific study programme,
- decisions regarding the number of credits earned and passing the final student examinations,
- decisions regarding admission to the Bachelor and Master studies,
- certain decisions about the requirements for previous education (prerequisite subjects or profiles),
- decisions of Examining Boards and Examiners,
- decisions based on an entrance examination.

An appeal can be lodged when a party is not in agreement with one of the above mentioned decisions. An appeal can also be lodged against a written refusal to make a decision and against a decision which is not made on time.

#### ***Deadline for lodging an appeal***

The deadline for lodging an appeal is six weeks. This six week period starts on the day the party concerned is notified about the decision. The date of receipt of appeal

by the Student Legal Protection Desk determines whether the appeal has been submitted on time.

### ***Amicable settlement***

Before an appeal is taken into consideration, the Examination Appeal Board sends the notice of appeal to the body against which the appeal is lodged inviting them to enter into discussions with the parties concerned in order to determine whether or not an amicable settlement of the dispute is possible. It must be made clear within three weeks whether or not this is possible. If an amicable settlement is not possible, the Examination Appeals Board shall take the appeal into consideration.

### ***Further proceedings***

In principle, the sitting is in public. During the sitting, the parties concerned are given the opportunity to present their case in greater detail. Each party can be represented by an authorised individual or assisted by a counsellor, for example, the student counsellor, a lawyer or family member.

### ***Decision on appeal***

The Examination Appeals Board decides within ten weeks after the date of receipt of the appeal and informs the party about its decision within five working days. If the Examination Appeals Board decides the appeal is justified, the decision against which the appeal was made will be nullified (either partially or completely). The Examination Appeals Board is not authorised to make a new decision replacing the one that has been partially or completely nullified.

The Examination Appeals Board can decide whether a new decision is required or, when the decision is nullified, a decision remains to be made in the case. The Examination Appeals Board can also decide if the interim examination, the final examination, the entrance examination, the supplementary examination, or parts of them must be re-taken under conditions established by the Examination Appeals Board. The body whose decision was nullified shall once again take the case into consideration, taking into account the decision of the Examination Appeals Board.

If the Examination Appeals Board decides that the appeal is unjustified, the contested decision or the refusal to make a decision is upheld.

The appeal can also be declared as inadmissible. This means that the appeal cannot be taken into consideration. In that case, the Examination Appeals Board cannot make a substantive judgement. The parties concerned will be notified about this judgement.

Appeals concerning judgements made by the Examination Appeals Board can be lodged with the Higher Education Appeals Tribunal within six weeks.

In urgent cases the party concerned can request the Chair of the Examination Appeals Board to make an interim decision.

More information about the procedure can be found in the [Rules of Procedure of the Examination Appeals Board](#).

## **1.4. The Higher Education Appeals Tribunal (Article 7.64 Higher Education and Research Act)**

There is a Higher Education Appeals Tribunal which is located in The Hague. The appealing party must pay court registry fees of € 47 (one-time payment).

### ***Grounds for appeal***

The party concerned can lodge an appeal to the Higher Education Appeals Tribunal regarding decisions of the Examination Appeals Board, decisions of bodies based on a judgment of the Examination Appeals Board and decisions concerning an objection.

### ***Deadlines***

The deadline for lodging an appeal is six weeks starting on the day the party concerned is notified about the decision.

### ***Legal procedure***

The procedure at the Higher Education Appeals Tribunal is largely the same as that stipulated by the General Administrative Law Act concerning appeals to the courts. More information on this topic can be found at Higher Education Appeals Tribunal website: [www.cbho.nl](http://www.cbho.nl)

### ***Judgement***

There is no higher appeal open for appeals against decisions of the Higher Education Appeals Tribunal.

## **2. Confidential adviser inappropriate behaviour**

According to the Labour Conditions Act (Arbo-wet), the employer must ensure that the student is protected against inappropriate behaviour and negative consequences of such behaviour. To this end, Wageningen University established the 'Complaints procedure inappropriate behaviour' and appointed one of the student counsellors in the position of 'Confidential Adviser' for students.

### ***Confidential Adviser***

Students experiencing inappropriate behaviour by staff or fellow students should report this to the Confidential Adviser for students, who is a designated neutral party and handles all cases in strict confidence. The Confidential Adviser will give advice and take further action based on the experiences of the student. The Confidential Adviser can take various steps, including setting up mediation. Complaints concerning inappropriate behaviour can be discussed with the Confidential Adviser and when necessary presented to the appropriate complaints board. The Confidential Adviser provides higher administrative bodies with advice, either upon request or on their own initiative. The Confidential Adviser issues an annual report to the Executive Board in which concerned parties remain anonymous. For more information mail to the confidential adviser: [vpstudent@wur.nl](mailto:vpstudent@wur.nl).

Complaints concerning a student counsellor acting as a Confidential Adviser can be lodged through the existing complaints procedure to the Corporate Governance & Legal Services department ([faciliteit@wur.nl](mailto:faciliteit@wur.nl)).

### ***Inappropriate behaviour***

Whether behaviour is considered inappropriate or not, depends on the person experiencing it. In general, the following behaviours are considered to be inappropriate:

- Bullying, aggression and violence: includes threats (also through social media), intimidation, verbal abuse and systematically ignoring someone. Discrimination: includes making a distinction between groups or

individuals on the basis of race, gender, creed, political preference or otherwise,

- Sexual harassment: includes unwelcome sexual advances and other physical harassment of a sexual nature, verbal or non-verbal sexual behaviour which is considered degrading, public and private pressure to partake in sexual activities for favours (for example higher grades or promotion), assault or rape.

### **3. Complaints Committee at Wageningen University**

The party concerned can either lodge a complaint with the Student Legal Protection Desk, or contact the ombudsperson directly, who is authorised to perform the statutory tasks of the Student Legal Protection Desk with respect to complaints (confirms date of receipt of complaint, sends acknowledgement of receipt of complaint and forwards complaint on to the authorised body).

#### ***The Complaints Committee procedure***

A student who is considering submitting a complaint should first contact the student counsellor and attempt to resolve the complaint in consultation with the accused. At the student's request, the student counsellor can assist him/her in establishing contact with the accused and, in consultation with the parties involved, examine whether an informal solution is possible. If this consultation does not succeed in resolving the complaint, the student may proceed with submitting a complaint. The student counsellor may advise the student about the correct complaints procedure and may help the student submit the complaint.

The complaint is submitted to the Student Legal Protection Desk using the digital complaint form. The Student Legal Protection Desk will then forward the submitted complaint to the Complaints Committee as quickly as possible, which will then process the complaint. The (chair of the) Complaints Committee will give both the student and the accused the opportunity to be heard during an official hearing. Subsequently, the (chair of the) Complaints Committee will send the Executive Board a report of its findings, together with its advice and any specific recommendations. The Executive Board then informs the complainant and the accused of the conclusion reached by the Executive Board. The Executive Board may then decide to take certain measures, such as disciplinary action or the imposition of a penalty.

The Executive Board may decide to reject the complaint if:

The complainant has not contacted the student counsellor and has not investigated whether the complaint can be resolved by open discussion;  
another WU complaints procedure is applicable, such as the 'Complaints procedure inappropriate behaviour' or the 'Complaints procedure scientific integrity'. In this case, the Complaints Committee will clarify in what way the complainant can make use of that other complaints procedure; other cases are included in the General Administrative Law Act.

The internal Wageningen University complaints procedure can, in some cases, be followed up by the National Ombudsperson procedure. Information about submitting complaints to the National Ombudsperson can be found [here](#)

#### **4. Other forms of legal protection**

Wageningen University has many regulations which have their own arbitration procedures. The most important regulations are listed below.

For queries or more information please contact the Corporate Governance & Legal Services department.

##### ***Privacy***

At Wageningen University & Research, the Policy Document on the Processing of Personal Data at Wageningen University & Research describes what the General Data Protection Regulation (GDPR) entails, what frameworks is in use at WUR, the roles and responsibilities in this process, and what should be done to truly handle personal data securely and with care. The Protection of Personal Data Regulations\* describe how the tasks, responsibilities, and procedures regarding the processing of personal data will be applied in areas such as education, research, and administrative processes. The Regulations for Camera Surveillance\* explain WUR's approach to camera surveillance and the rules and procedures that apply for the recording and processing of images in regard to security and privacy.

These documents are all available on the WUR website. The website also has the forms that may be used to exercise the rights regarding inspection, correction, data portability, and making objections. WUR has appointed a Data Protection Officer to monitor WUR's compliance with the GDPR.

\* See Student Charter

##### ***Digital network of Wageningen University & Research***

Wageningen University & Research has regulations for network use (WURnet). The WURnet regulations clearly state what is and is not permitted by students when logged onto the WURnet account and regulations for monitoring and control:

- IT facilities at Wageningen University & Research are to be used for study.
- Use of IT facilities for private commercial activities (for example your own business) or political activities is prohibited. Wageningen University & Research makes use of Surfnet and private commercial activities are excluded from this.
- The mailbox and the M-disk are also study related.

When 'justified' and only under strict conditions, the institute can intervene regarding suspected abuse of the IT facilities. Administrators must follow an extensive protocol.

Needless to say, such action will be the exception and only when the interests of both the student and the institution have been taken into consideration.

### **Camera surveillance**

Regulations relating to camera surveillance have been drawn up (Student Charter). These regulations relate to the camera surveillance carried out at the various Wageningen University & Research locations. The regulations also provide legal protection for persons who have been filmed.

### **Labour conditions**

The aim of the Labour Conditions Act (Arbo-wet) is to promote the safety and health of the employee in a work situation. The Labour Conditions Act (Arbo-wet) also applies to students carrying out activities comparable to those in professional practice. This covers students carrying out an internship or thesis research within Wageningen University & Research and who are, therefore, carrying out similar activities to regular employees. The responsibility for ensuring good working conditions for students carrying out either an internship or thesis research is delegated to the directors of the science groups or the section of the organisation where the student is working. Students may contact the relevant directors with queries or complaints.

The Higher Education and Scientific Research Act (WHW) provides protection for students who are not protected by the Labour Conditions Act (Arbo-wet).

The staff department Corporate Education & Student Affairs is responsible for safety in lecture rooms and other workspaces. Students can contact the secretary (0317-482356) for queries and complaints.

The Wageningen University & Research Intranet site provides information on the prevention of repetitive strain injury (RSI).

## **5. Students and copyright**

A student (regardless of the category of enrollment) may encounter copyright in two ways: with copyright belonging to others and with the student's own copyright<sup>1</sup>.

### **Copyright belonging to others**

Students must respect the copyright of the original creators when using texts, images and videos from books, journals, magazines, lectures, readers or from websites.

This means that, in principle, all reproduction or publication of the works of others requires permission from the copyright holder(s) (the original creator or publisher). For this reason it is also not permitted to share lectures, handouts, exams or other study materials with others or to offer them on websites (e.g. via [www.studeersnel.nl](http://www.studeersnel.nl)).

In some cases, however, the student may make a copy or otherwise copy texts, images, and videos from others without having to obtain permission from the copyright holder. This is the case, for example, with:

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<sup>1</sup> For more information see [www.wur.eu/copyright](http://www.wur.eu/copyright) or contact [copyright@wur.nl](mailto:copyright@wur.nl).

- Use for personal study: it is permitted to make some copies of a work within the meaning of the Copyright Act for the purpose of personal use (study). These copies may not be shared with others.
- Quotations: it is permitted to quote short sections of public works in the student's own argument or scientific treatise. This applies to texts, images and videos. The size of the quote should be in proportion to the purpose and means. The source and author must always be mentioned. Permission is required if the copy serves to decorate something or make it more attractive to the eye.
- Works in the public domain that are no longer subject to copyright, because, for example, it has been 70 years since the creator of the work died.

If parts of the text and/or images in theses and other work are taken from books or magazines (possibly from the Internet) without proper acknowledgement of the source, then, in addition to plagiarism, there may be infringement of the copyright of the rightholder. Such infringement may lead to an obligation to compensate for damages. For plagiarism, see Rules and Regulations Examining Boards.

### **Copyright belonging to the student**

It follows from the Copyright Act<sup>2</sup> that the student who creates a thesis or other work product owns the rights to that work product. If more people create a work together, they could jointly own the copyright. The student is responsible for the content of the work product and for respecting the (copy)rights of others. The University is responsible for supervising and assessing the student in the creation of the work products and for assessing the educational quality. The University may keep and use some copies of the work products for these purposes.

Copyright means that the student has the power to decide whether or not to make the work products publicly available. (Written) agreements can be made about the of the copyright of the student, for example with an internship provider, or with WUR if the student participates in research of WUR. These agreements may include, for example, that the student (temporarily) cannot publish the work product, or that the student transfers the copyright or grants a license. These agreements can therefore restrict the effect of the student's copyright.

## **6. Disciplinary measures**

In accordance with article 7.57 of the Higher Education and Research Act (WHW), the Executive Board may make provisions and take measures for the purpose of running the institution. Students (of whichever category) are obliged to behave in accordance with the instructions given by the person in charge of maintaining order, cleanliness and safety of the University buildings.

This means that students using equipment, objects and computer facilities, amongst others, belonging to Wageningen University & Research, should exercise care.

If provisions are violated, the Executive Board can take measures, for example, give a warning, a reprimand or deny access to the buildings and grounds of Wageningen University & Research. The Executive Board can also expel the student for a serious violation of the provisions.

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<sup>2</sup> This is also reflected in the UNL Guidelines on Students and IPR: [https://vsnu.nl/files/documenten/Domeinen/Onderzoek/Valorisatie/Eindversie%20Addendum%20Richtsnor%20IER%20en%20studenten%20\(ENG\).pdf](https://vsnu.nl/files/documenten/Domeinen/Onderzoek/Valorisatie/Eindversie%20Addendum%20Richtsnor%20IER%20en%20studenten%20(ENG).pdf)