



**erasmus**  
HOGESCHOOL BRUSSEL

**GENERAL  
LEGAL POSITION REGULATIONS  
2021-22**

## Contents

Chapter 1: General provisions.....	4
Article 1 Scope.....	4
Article 2 Glossary.....	4
Chapter 2: Rights and obligations .....	12
Article 3 .....	12
Article 4 .....	12
Chapter 3: Equal opportunities and special target groups .....	12
Article 5 Reasonable facilities.....	12
Article 6 Assessment of the application .....	13
Article 7 Recognition criteria.....	13
Article 8 Procedure.....	14
Article 9 Internal appeal .....	14
Chapter 4: Treatment of complaints with respect to educational care.....	14
Article 10 The ombudsperson .....	14
Article 11 Role of the ombudsperson.....	14
Article 12 .....	15
Chapter 5: Possibilities of appeal .....	15
5.1 Internal appeal .....	15
Article 13 .....	15
Article 14 Appeals committees.....	15
Article 15 Submission of the complaint.....	16
Article 16 Handling of the complaint .....	16
Article 17 Decision.....	16
5.2 The external appeals procedure.....	16
Article 18 .....	16
Article 19 .....	17
Article 20 .....	17
Article 21 .....	17
Article 22 .....	17
Chapter 6: Material errors.....	17
Article 23 Examinations decisions .....	17
Article 24 Other decisions .....	18
Chapter 7: Code of conduct and disciplinary procedure.....	18
7.1 Code of conduct .....	18
Article 25 General provisions .....	18

Article 26 Mandatory measures .....	19
Article 27 Code of conduct with regard to dealing with others.....	19
7.2 Disciplinary procedure.....	19
Article 28 Causes .....	19
Article 29 Disciplinary sanctions.....	20
Article 30 .....	20
Article 31 Preliminary investigation .....	20
Article 32 Disciplinary Committee.....	21
Article 33 .....	21
Article 34 .....	21
Article 35 Appeal .....	22
Chapter 7a: Sanctions for violations of the Covid-19 safety regulations .....	22
Article 1 mandatory measure.....	22
Article 2 reporting procedure.....	22
Article 3 preventive suspension .....	22
Chapter 8: Final provisions .....	23
Article 36 .....	23
Article 37 .....	23

## Chapter 1: General provisions.

### Article 1 Scope

The Legal Position Regulations for students have been drawn up in accordance with the "provisions by decree regarding higher education, codified on 11 October 2013" and contains at least the provisions as specified in Article II.273. It contains the mutual rights and obligations of the part of the board and the student and the consequences of non-compliance with them, and the relevant information.

The regulations apply to all decisions that belong to the competence of the board of the Erasmus Brussels University of Applied Sciences and Arts. Regulations that belong to the department's decision-making powers on the basis of these general regulations are included in the departmental supplementation.

The university board publishes the degree courses and the Education and Examination Regulations and the Legal Position Regulations before the beginning of the academic year. These can be consulted on the website of the Erasmus Brussels University of Applied Sciences and Arts.

### Article 2 Glossary

<b>Academic year</b>	A period of one academic year that begins on 1 September at the earliest and 1 October at the latest and ends on the day before the beginning of the following academic year. The set duration of one year can only be deviated from if the university board decides at the beginning of the academic year to either move the date forwards or to disregard it.
<b>Accreditation</b>	The formal recognition of a degree course on the basis of a decision by an independent body in which it is determined that the degree course complies with the previously set minimum quality and level requirements.
<b>Distance education</b>	Education that is almost exclusively provided by using multimedia, by which the student is not tied to a specific location of education services.
<b>Specialisation</b>	A differentiation in a degree course with a course load of at least 60 credits for the Bachelor's degree courses of higher professional education. A differentiation in a degree course with a course load of at least 30 credits for the Bachelor's and Master's degree course of the higher professional and university education in the "Audiovisual and Visual Arts" and "Music and Stage Arts" fields.
<b>Association</b>	The non-profit association as referred to in Part 2, Title 1, Chapter 2 of the Codex Hoger Onderwijs (Higher Education Codex).
<b>Bachelor's degree course</b>	Bachelor's degree courses are aligned with secondary education. The course load of a Bachelor's degree course is 180 credits.
<b>Bachelor's degree after a Bachelor's degree course</b>	In higher professional education, universities of applied sciences and arts may offer Bachelor's degree courses that follow from another Bachelor's degree course. The degree load of the Bachelor's degree after Bachelor's degree courses is at least 60 credits.
<b>Aptitude test</b>	Testing the competences of a person, prior to issuing an aptitude certificate.
<b>Aptitude test</b>	A written and/or oral test in which the competences of a person are tested. The test is part of the aptitude test.

<b>Board</b>	Every administrative body of an association or institution, respectively, that, pursuant to a legal, or provision by decree or the articles, has been appointed to take enforceable decisions in the matters referred to in the Codex Hoger Onderwijs (Higher Education Codex).
<b>Scholarship student</b>	A student who: a) receives student finance from the Flemish Community in accordance with the provisions of the decree of 8 June 2007 regarding student finance of the Flemish Community; or b) complies with the provisions stipulated in Article 9 of the decree of 8 June 2007 regarding student finance of the Flemish Community and fulfils the financial criteria for receiving student finance in the Flemish Community; or c) is subject to a state within the European Economic Area and fulfils the financial criteria for receiving student finance from the Flemish Community; or d) is a DGDC (Directorate-general Development Cooperation) scholarship student, a BTC (Belgische Technische Coöperatie; Belgian Development Cooperation) scholarship student or a scholarship for the degree courses of the development cooperation of the Flemish Interuniversity Council.
<b>Almost scholarship student</b>	A student subject to a state within the European Economic Area or who complies with the provisions stipulated in Article 9 of the decree of 8 June 2007 regarding student finance of the Flemish Community and who does not receive a student grant from the Flemish Community but whose reference income is at least 3000 euros above the financial maximum limit set in the regulations regarding student grants. The amount of 3000 euros is indexed in accordance with Article II.218 of the Codex Hoger Onderwijs (Higher Education Codex).
<b>Certificate of aptitude</b>	A certificate via a document or proof of registration that a student, on the basis of RPLs or APLs, has achieved the competences specific to: a) the level of graduate in higher professional education; b) the level of a Bachelor's degree in higher professional or university education; c) the Master level; or d) a well-defined degree course, course unit or cluster of course units.
<b>Credit certificate</b>	The acknowledgement of the fact that a student has achieved the competences linked to a course unit based on an examination. This recognition is laid down in a document or a registration. The grades linked to the relevant course unit that are achieved are referred to as credits.
<b>Credit contract</b>	The contract that the student signs when enrolling with the intention of getting a credit certificate for one or more course units.
<b>Midterm examination</b>	Each assessment activity that, in addition to other assessment activities for a course unit (module), contributes to the realisation of the total final mark for a course unit (module). The examination mark of a midterm examination is called a midterm examination result.
<b>Course unit module</b>	A part of a combined course unit provided for in the degree course.
<b>Partial exemption</b>	The cancellation of the requirement to take an examination for a course unit module.

<b>Department</b>	A functional entity of the Erasmus Brussels University of Applied Sciences and Arts under which degree courses are placed. The day-to-day policy and management of the department is pursued by the director. Each department sets up a department council.
<b>Diploma contract</b>	The contract that the student signs at enrolment with the intention of attaining a degree or diploma in a programme of study or with the intention of attaining a degree certificate for a transfer programme, a preparatory programme or a postgraduate degree course.
<b>RPL</b>	A recognition of prior learning (RPL), i.e. the knowledge, insight, skills and attitudes as a whole attained by means of learning processes that are not endorsed by a study certificate.
<b>APL</b>	An accreditation of prior learning (APL), i.e. any Belgian or foreign study certificate that indicates that a formal learning path, whether or not in education, was followed successfully insofar as this is not a credit certificate that was achieved within the institution and programme of study within which you wish to have the qualification apply.
<b>Examination</b>	Any assessment of the extent to which a student, based on his/her study, has attained the competences linked to a course unit. An examination can consist of different module examinations.
<b>Examination decision</b>	Any decision that, whether or not on the basis of a deliberation, entails a final assessment as to meeting one or more course units of a degree course or a degree course as a whole.
<b>Examination board</b>	Body of persons who assess the assessment of study activities.
<b>Examination contract</b>	The contract that the student signed when enrolling for sitting examinations with the intention to get a programme of study diploma, a degree certificate of a transfer programme or a preparatory programme or a credit certificate for one or more course units.
<b>Examiner</b>	The teaching staff member charged with an education activity and its assessment for the student involved.
<b>Board of examiners</b>	Body of persons who assess an individual examination or part of the examination.
<b>Examination time</b>	The period in the academic year in which examinations can be sat. Each academic year is divided into 5 examination times: the January examination time, the postponed January examination time, the June examination time and the postponed June examination time belong to the first examination session. The August/September examination time belongs to the second examination session.
<b>Examination disciplinary decision</b>	A sanction imposed as a result of examination facts.
<b>Examination session</b>	The period of the academic year in which the examination board meets; the first examination session is related to all examinations before the summer holiday; the second examination session is related to the examination time after the summer holidays.
<b>External student</b>	A student who is not enrolled at the Erasmus Brussels University of Applied Sciences and Arts but who may participate in study activities and examinations based on a written agreement between the Erasmus Brussels University of Applied Sciences and Arts and the institution in

	which the student is enrolled, or in accordance with the provisions in the exchange project.
<b>The East Brabant unit</b>	A functional entity of the Erasmus Brussels University of Applied Sciences and Arts, located in Louvain and Diest where graduate degree courses are placed. The unit head is in charge of the day-to-day policy and management of the entity. The unit establishes a graduate council. In the text above, the term "department" should also be read as "the unit", and the term "departmental" as "of the unit".
<b>Functional entities of the University of Applied Sciences and Arts</b>	<p>The Erasmus Brussels University of Applied Sciences and Arts is divided into three functional entities:</p> <ul style="list-style-type: none"> <li>1° the departments;</li> <li>2° the Schools of Arts;</li> <li>3° "STUVO", the student services department.</li> </ul> <p>The University of Applied Sciences and Arts has the following departments:</p> <ul style="list-style-type: none"> <li>• People &amp; Society Department;</li> <li>• The Health, Design &amp; Technology department;</li> <li>• The East Brabant unit.</li> </ul> <p>The University of Applied Sciences and Arts has 2 Schools of Arts.</p> <ul style="list-style-type: none"> <li>• The Royal Conservatory of Brussels;</li> <li>• RITCS</li> </ul>
<b>Flexible learning path</b>	<p>A learning path developed for a specific student.</p> <p>Students whose study path derogates from the standard learning path with respect to the order in which the degree course is followed or with respect to the course units that are followed with the exception of the course units described in the section below, are regarded as students in a flexible learning path.</p> <p>Course units that are followed in the framework of the degree course at another institution for higher education in accordance with the modalities determined in this education regulations and for which equivalence has been established in advance with course units from the standard learning path of the degree course, are regarded as course units of a standard learning path.</p>
<b>First-time student</b>	A student who, in a certain academic year, enrolls for the first time with a diploma contract for a degree course in higher professional education or a professionally or academically focused Bachelor's degree in the Flemish higher education system. The status of the first-time student applies for that entire academic year.
<b>Tolerated credits</b>	Credits for which a student has not attained a credit certificate on the basis of examinations but for which an examination board has decided that the course units need not be resumed by applying the tolerance regulation/margin. The tolerance margin is calculated on the basis of the scope of the number of credits taken linked to the cumulative percentage of all the results already achieved in the learning path.
<b>Degree</b>	Indication of a graduate, Bachelor's or Master's degree granted at the end of a degree course or after completing a doctorate and being awarded a doctoral degree.
<b>Degree of distinction</b>	The indication of appreciation that is awarded for the entire degree course when attaining the diploma.

<b>Cut-off date</b>	The final date of deregistration for a number of credits taken while being refunded to the learning account.
<b>Reorientation</b>	Reorientation of a degree course means that a student wishes to enrol for a degree course other than the one for which the student is enrolled in at that time. Reorientation implies a deregistration from the initial degree course and a new enrolment for the degree course to which the student wishes to reorient.
<b>University of Applied Sciences and Arts of the Flemish community education</b>	A University of Applied Sciences and Arts of a public-law nature as referred to in the special decree of 19 December 1988 regarding the Autonome Raad voor het Gemeenschapsonderwijs (Autonomous Council for Community Education) with the exception of the universities of applied sciences and arts as referred to in title VI Bis of the special decree of 19/12/88 regarding the Autonomous Council for Community Education.
<b>University of Applied Sciences and Arts Board</b>	The administrative body that has been appointed to exercise the authorities granted pursuant to the University of Applied Sciences and Arts Decree of 13 July 1994 by or pursuant to the law, the decree or the articles.
<b>Enrolment programme</b>	Degree course that consists of a course unit or course units as a whole for which the student is enrolled for in a specific academic year and has entered into a contract.
<b>Institution</b>	A university or university of applied sciences and arts.
<b>University Board</b>	Any administrative body of an institution that, pursuant to a legal decree, provision by decree or the articles, has been appointed to take enforceable decisions in the matters referred to in the provisions by decree regarding higher education, codified on 11 October 2013.
<b>Annual examination</b>	Examinations that are related to a course unit that ran throughout the entire academic year.
<b>Qualification of a degree</b>	An addition that refers to the completed degree course.
<b>Learning account</b>	The total package of credits that a student can apply during his/her studies for an enrolment in the initial Bachelor's or Master's degree course under a diploma contract or in a course unit under a credit contract that can evolve, depending on the number of credits for which the student has enrolled and has attained. The learning account is not applied in a graduate degree course, in an educational Bachelor's degree course if a student already has a Bachelor's degree and in an educational Master's degree course if a student already has a Master's degree.
<b>Lesson-free week</b>	Period in which no study or examination activities take place but during which students are expected to organise their enrolment and file at the University of Applied Sciences and Arts insofar as they have not been able to do so earlier.
<b>Social services</b>	All services for third parties provided for a fee by the services of a University of Applied Sciences and Arts or persons connected to it and that arise from the knowledge present at the University of Applied Sciences and Arts, results of PWO (Praktijkgericht wetenschappelijk onderzoek; Practice-oriented scientific research) or technology.

<b>Master's degree course</b>	Master's degree courses fit in with the Bachelor's degree course in academic education or follow from other Master's degree courses. The course load of a Master's degree course is at least 60 credits.
<b>Master's thesis</b>	Assignment with which a Master's degree course is completed. It is how the student shows his/her analytic and synthetic ability or his/her independent problem-solving ability at university level or the ability to create artistically. The assignment reflects the general critical reflecting attitude or the investigative attitude of the student. The course load of the Master thesis expressed in credits is equal to at least one fifth of the total number of credits of the degree course with a minimum of 15 credits and a maximum of 30 credits.
<b>Standard learning path</b>	A learning path developed for a group of students. The following standard learning paths can be distinguished within degree courses: <ul style="list-style-type: none"> <li>- (standard) daytime lecture path;</li> <li>- alternative learning paths such as work-study paths or learning paths through a fast-track course.</li> </ul>
<b>Module examination</b>	An examination to conclude a module in which the course material of an entire course unit is concluded. Participation is mandatory.
<b>Refresher training and further training</b>	The universities and universities of applied sciences and arts organise shorter course degree paths in the framework of continuous education with refresher training and further training in mind. They determine, individually or in consultation, the qualification and certification framework for this refresher training and further training and publish this.
<b>Study activities</b>	The general name for theoretical subjects, exercise sessions, practicals, laboratories, didactic activities, work assigned to the individual student and internships.
<b>Education and Examination Regulations</b>	The regulations referred to in Part 2, Title 4, chapter 3 of the provisions by decree regarding higher education, codified on 11 October 2013.
<b>Included credits</b>	Credits linked to course units for which a student has enrolled in a specific academic year.
<b>Degree course</b>	The structuring unit of the education. If completed successfully, a diploma will be awarded.
<b>Programme of study features</b>	The profile demarcation of a degree course consisting of: <ul style="list-style-type: none"> <li>a) the qualification and/or specification of the degree granted upon completion of the degree course; and/or</li> <li>b) the course load of the degree course and/or the institution at which the degree course is organised; and/or</li> <li>c) a specific specialisation within a degree course.</li> </ul>
<b>Course unit</b>	A defined whole of education, learning and assessment activities aimed at developing well-defined competences with respect to knowledge, insight, skills and attitudes.
<b>Degree course</b>	A cohesive whole of course units aimed at realising well-defined objectives with respect to knowledge, insight, skills and attitudes that must be available to those completing a degree course.
<b>Teaching qualification</b>	Teaching qualification: <ul style="list-style-type: none"> <li>a) the fields of study;</li> <li>b) the elements of the fields of study;</li> <li>c) the combinations of the fields of study;</li> </ul>

	<p>d) the combinations of the elements of the fields of study;</p> <p>e) the combinations of fields of study with elements of fields of study, in which officially registered institutions can offer programmes of study pursuant to the Decree on the restructuring of higher education in Flanders, dated 4 April 2003.</p>
<b>Force majeure</b>	A force majeure situation is an event that has nothing to do with the person concerned and that could not have been foreseen, impeded or overcome, and which results in the person not being able to fulfil his/her obligations.
<b>Partners with an association</b>	The members of the association referred to in Article II.8 of the Codex Hoger Onderwijs (Higher Education Codex). The Vrije Universiteit Brussel (VUB) is a partner of the Erasmus Brussels University of Applied Sciences and Arts in the non-profit association Brussels University Association.
<b>Continuous assessment</b>	A regular assessment of the study performance linked to a course unit in the periods outside of the examination time and provided with regular written feedback.
<b>Adviser</b>	A lawyer or an expert.
<b>Council for disputes related to individual study progress decisions</b>	An administrative court established by the Ministry of the Flemish Community that has jurisdiction over the appeals submitted by the students against study progress decisions after having exhausted the internal appeals procedure of the University of Applied Sciences and Arts.
<b>Postgraduate programme of study</b>	This is a study track that, in the framework of the further professional training, aims to broaden or deepen the competences attained with the completion of a Bachelor's or Master's degree course or a degree course of higher professional education. The course load of such programmes of study is at least 20 credits. After successful completion, the degree course is concluded with a postgraduate certificate.
<b>Project-based scientific research</b>	Research in collaboration with universities or third parties by which the subject, the duration and the modalities are established.
<b>Combined course unit</b>	A course unit that consists of at least two degree course modules defined in the degree course.
<b>Transfer degree course</b>	A defined whole of education, learning and assessment activities aimed at developing well-defined competences with respect to knowledge, insight, skills and attitudes. The course load is between 45 and 90 credits.
<b>The Schools of Arts</b>	A functional entity of the Erasmus Brussels University of Applied Sciences and Arts under which degree courses are placed. The day-to-day policy and management of the department is pursued by the director. Each School of Arts establishes a Council of the Schools of Arts. In the text above, the term "department" should also be read as "the School of Arts", and the term "departmental" as "of the School of Arts".
<b>Half-yearly examination</b>	An examination on a course unit that is fully concluded at the end of a semester.
<b>Student</b>	The person enrolled in a higher education institution.
<b>Student with a functional impairment</b>	The person with a current medical condition at the Erasmus Brussels University of Applied Sciences and Arts because of a functional

	<p>impairment (visual, auditory, motor disability, chronic medical disorders, learning disorders and mental health problems).</p> <p>For the application of the financing decree, the category of functional impairments is limited to persons who have opened a right to an allowance with the Flemish Agency for Persons with Disabilities.</p>
<b>Fields of study</b>	One of the categories specified in Articles II.71 and II.73 of the Codex Hoger Onderwijs (Higher Education Codex) in which degree courses are united.
<b>Tuition fees</b>	The amount to be paid by the student for participating in study activities and/or examinations.
<b>Course load</b>	The number of credits allocated to a course unit or to a degree course.
<b>Application for a study course</b>	The file with an overview of the course units that a student wishes to include in a specific academic year.
<b>Credit (credits)</b>	An internationally accepted unit within the Flemish Community that matches at least 25 and at most 30 hours of prescribed study, learning and assessment activities and with which the course load of any degree course or any course unit is expressed.
<b>Learning path</b>	The manner in which the degree course is arranged.
<b>Study progress decision</b>	<p>One of the following decisions:</p> <ul style="list-style-type: none"> <li>a) an examination decision, being any decision that entails a final assessment as to compliance with one or more course units of a degree course or a degree course as a whole that may or may not be based on deliberation;</li> <li>b) an examination disciplinary decision, i.e., a sanction imposed as a result of examination facts;</li> <li>c) the recognition of an aptitude certificate that indicates that a student has attained certain competences on the basis of competences or qualifications attained earlier;</li> <li>d) the recognition of an exemption, being the cancellation of the requirement to take an examination for (part of) a course unit;</li> <li>e) a decision by which following a transfer and/or preparatory programme is imposed and by which the course load of such a programme is established;</li> <li>f) imposing a study progress monitoring measure as referred to in Article II.246 of the Codex Hoger Onderwijs (Higher Education Codex);</li> <li>g) the refusal to include a specific course unit for which the student following a flexible learning path had not enrolled for previously;</li> <li>h) an individual decision containing the refusal to enrol based on an insufficient learning account or a learning account lower than or equal to 0, if this is not the result of a general prescribed provision.</li> </ul>
<b>Preliminary examination</b>	An assessment in a postponed examination time for a part of or a full course unit. The grades are attained definitely for the first examination session.
<b>Study contract</b>	The contract between the board and the student concluded due to the enrolment and in which the council stipulates and amends the general terms and conditions with due regard for the participation rights of the student council. These general conditions are laid down in the Education and Examination Regulations and in the Legal Position Regulations of the student.

<b>Attained credits</b>	Credits, linked to course units, for which a student has received a credit certificate.
<b>Flemish autonomous University of Applied Sciences and Arts</b>	A University of Applied Sciences and Arts of a public-law nature as referred to in title V of the University of Applied Sciences and Arts Decree and in Title VI bis of the special decree of 19 December 1988 regarding the Autonome Raad voor het Gemeenschapsonderwijs (Autonomous Council for Community Education).
<b>Sequentiality</b>	The rules established by the university board regarding having followed or passed a course unit or degree course before a student may take an examination in another course unit or degree course.
<b>Preparatory programme</b>	A programme that can be imposed on a student who does not have a diploma that grants immediate acceptance to the programme of study for which he/she wishes to enrol.
<b>Exemption</b>	The cancellation of the requirement to take an examination for a course unit.
<b>Working student</b>	A student that meets all of the following conditions: - he/she has proof of employment for employment with a scope of at least 80 hours each month, or he/she has proof that he/she is an unemployment benefit recipient jobseeker and the programme of study fits in with the learning path proposed by a regional employment service; - he/she does not yet have a second cycle diploma or a Master's degree; - he/she is enrolled in a learning path with specific types of education and learning and with specific support and supply modalities registered as such in the Hogeronderwijsregister (Higher Education Register).

## Chapter 2: Rights and obligations

### Article 3

§1. The principle of equality: the students are treated equally.

§2. Public nature: with respect to the students, the university of applied sciences and arts board acts as governing body regarding the application of the Administrative Decree, dated 7.12.2018. This provision does not apply to the publicising of examination decisions.

§3. Impartiality: the students are treated without bias. The university of applied sciences and arts board will prevent persons with a personal interest in a decision regarding a specific student from influencing the decision-making.

§4. Substantiation: unilateral legal acts with individual purpose that are intended to have legal consequences for one or more students, stating the legal and actual considerations on which they are based in the deed. This reasoning must be adequate.

### Article 4

The participation rights of the students are regulated by the student council.

## Chapter 3: Equal opportunities and special target groups

### Article 5 Reasonable facilities

§1. All study activities must be inclusive. Each student must be given equal opportunities to participate in education. To that end, it may be necessary to offer certain education and examination facilities to a student in a specific situation. These facilities are described below under the title of "reasonable facilities".

§2. For **students with a functional impairment, sports stars, enterprising students, working students** and **student representatives**, the criteria are established on the basis of which it is possible for them to be eligible for obtaining the corresponding status.

§3. An application for obtaining reasonable facilities can also be submitted on the basis of reasons other than those specified in §2.

## Article 6 Assessment of the application

Each application is assessed on the basis of the following criteria:

- **Effectiveness**

This means that a facility serves primarily to make following lessons or taking examinations more feasible for the student to get his or her specific restrictive situation. The student must, with his or her specific situation taken into account, have equal opportunity to succeed.

- **Acceptability**

This means that a facility must be acceptable with the intention of obtaining the final competences of Education and Development. The quality guarantee must remain that a task or examination remains on the same level regardless of the recognized facility. It is not the competences or transfer of knowledge that may change, but the process in which the competences or transfer of knowledge are attained.

- **Proportionality**

This means that a facility may not have an unreasonable financial or organisational act for the institution.

## Article 7 Recognition criteria

**Students with a functional impairment:** as functional disabilities, we distinguish the following personal factors that hinder the student from participating in higher education optimally and efficiently:

- functional impairment of motor skills;
- hearing functional impairment;
- visual functional impairment;
- chronic disease;
- psychiatric functional impairment (including developmental disorders);
- multiple functional impairment;
- other;
- learning disability.

For more information about the criteria on the required attestation, the student may consult the student counsellor.

<https://www.erasmushogeschool.be/nl/begeleiding-tijdens-je-studie/studentenbegeleiding>

**Sports stars:** recognition as a sports star may apply to individual sports as well as team sports. For more information regarding the recognition criteria, please contact the learning path counsellor.

<https://www.erasmushogeschool.be/nl/begeleiding-tijdens-je-studie/trajectbegeleiding>

**Status for the enterprising student:** for more information regarding the recognition criteria, the students may contact the learning path counsellor.

<https://www.erasmushogeschool.be/nl/begeleiding-tijdens-je-studie/trajectbegeleiding>

A student with a mandate as a **student representative** is also automatically given the status of student representative. If a team should coincide with a mandatory educational activity or an examination, the student representative may lodge an appeal to certain

facilities. To that end, the students will inform the concerned lector and consult as to possibilities.

#### **Article 8 Procedure**

The student will in the case on the basis of that which he/she wishes to apply for the acquisition of reasonable facilities, and follows the procedure that applies to his/her situation.

The recognition of the need for reasonable facilities is only valid for a specific time period but may be renewed if assessed that the need for those facilities remains after the termination of the recognition.

The special study and Examination Regulations that arise from the recognition of reasonable facilities is laid down in the initial reports that is approved by the department council or, by delegation, the director of the department and signed by the student concerned as "seeing and approved".

Deviation from the examination format and the examination time must be applied for no later than 3 weeks before the start of the examination time in June and no later than 1 week before the examination times in January and August/September. When moving examinations, the examinations must take place before the close of the examination session. The examination session is closed with the announcement of the examination results.

#### **Article 9 Internal appeal**

An appeal may be lodged against a refusal of reasonable facilities by the internal appeals committee with regard to educational matters.

### **Chapter 4: Treatment of complaints with respect to educational care**

#### **Article 10 The ombudsperson**

At the start of each academic year, the department council will appoint one or more ombudspersons from among the members of the staff. Each member of the teaching staff or a member of the administrative and technical staff at level A or B, with the exception of the director of the department, is eligible for this.

The ombudsperson may not act for students whom he himself/herself examines. In that case, another ombudsperson must be appointed.

The ombudsperson must always be easily accessible to all students; the practical arrangements are included in the departmental supplementation and publicised at the commencement of the academic year.

#### **Article 11 Role of the ombudsperson**

The ombudsperson has a mediating role in disputes between a student and one or more staff members insofar as related to the location of the Education and Examination Regulations and/or Legal Position Regulations of the student or if there are unfairly experienced acts and conditions. Moreover, the ombudsperson has a mediating role in disputes between student representatives and staff members regarding a lack of respect for the rights of a student representative.

The ombudsperson is responsible for safeguarding the student's rights. Where necessary, he/she will report special situations and backgrounds.

He/she has access to the examination results achieved but confidentiality and discretion are mandatory.

## Article 12

Complaints with respect to the educational organisation can also be mapped via the student representatives in the existing administration and consultation bodies or via submitting a complaint to the internal appeals committee for educational matters.

# Chapter 5: Possibilities of appeal

## 5.1 Internal appeal

### Article 13

Students may launch an internal appeal against the following decisions:

- a. an examination decision;
- b. an examination disciplinary decision;
- c. a recognition of an aptitude certificate;
- d. the recognition of an exemption;
- e. a decision about following and the scope of a transfer or preparatory programme;
- f. imposing a measure of study progress monitoring;
- g. refusing to include a specific course element in a diploma contract for which the student had not enrolled previously;
- h. an individual decision containing the refusal to enrol based on inadequate learning account, if not the result of a general regulatory provision;
- i. a decision by the conduct enforcement committee;
- j. a decision regarding recognition of reasonable facilities.

An internal appeal against an examination decision and an examination disciplinary decision is dealt with by a departmental appeals committee. The other internal appeals will be dealt with by a central internal appeals committee for educational matters.

For complaints with regard to the education organisation or education services, a student may also turn to the internal appeals committee regarding educational matters.

## Article 14 Appeals committees

### **Internal appeals committee for educational matters**

The internal appeals committee for educational matters consists of 3 OP members, a representative for the students and a secretary competent in the Education and Examination Regulations. The secretary has no voting right. A chairperson is appointed from among the members of the appeals committee. A chairperson of the department council may not be part of the appeals committee. The following may be invited who will have an advisory vote: the ombudsperson, learning path counsellor and/or student counsellor of the programme of study concerned. The committee will convene legally with the presence of 3/4 of the members.

If an effective member of the committee is a party involved in the appeal lost by the student, the successor will take his/her place.

The members of the appeals committee are appointed by the Executive Board in the month of June prior to the academic year in which this committee will operate. The student is nominated by the student Council; the OP members by the departments.

### **Departmental appeals committee with respect to the dispute of examination decisions**

The departmental appeals committee is composed as follows: the chairperson of the examination board and at least 4 members from the programme of study concerned. The ombudsperson may be added as advisory member. If a teacher linked to the examination grade against which an appeal has been launched is part of the committee, a replacement member will be appointed to take his place unless this would mean that the committee cannot meet in sufficient numbers.

## **Departmental appeals committee authorized for examination disciplinary decision**

The committee consists of a minimum of 4 members. The ombudsperson is also part of the committee as an advisory member without a voting right. Pending a ruling, the student may not be refused to continue to complete his/her examinations.

### **Article 15 Submission of the complaint**

§1. The student must submit his/her application via his/her student email address to [internberoepexamenbeslissing@ehb.be](mailto:internberoepexamenbeslissing@ehb.be). The central complaints committee consists of the general director (or his/her replacement administrative director) and a member of the service organisations skilled in education regulations. This committee will examine the admissibility of the complaint.

§2. In order for the complaint to be declared admissible, the petition must:

- be submitted on time; up to 7 calendar days, commencing on the day after being informed of the decision;
- contain a sound reasoning. The reasoning consists of at least the purpose of the appeal and a description of the claimed objections. Documentary evidence can be added to the file (optional);
- Must be submitted via his/her own student email address with [internberoepexamenbeslissing@ehb.be](mailto:internberoepexamenbeslissing@ehb.be)

### **Article 16 Handling of the complaint**

If the application is declared admissible, the student will be informed of this via [internberoepexamenbeslissing@ehb.be](mailto:internberoepexamenbeslissing@ehb.be). The complaints file will be passed on immediately to the authorised internal appeals committee. The committee will convene; it will examine the application thoroughly and confirm or amend/revise the original decision in a substantiated manner. The meeting of the internal appeals committee may take place digitally as well as physically.

Within the 20 calendar days that commence on the day after the one on which the appeal by the student has been submitted, the student is informed of the substantiated decision via [internberoepexamenbeslissing@ehb.be](mailto:internberoepexamenbeslissing@ehb.be). If the appeal concerns an appeal to review a study progress decision, the letter with substantiation will also contain a reference to the possibility for appeal to the Council for disputes with respect to study progress decisions.

If the application is declared inadmissible, the student will be informed of this via [internberoepexamenbeslissing@ehb.be](mailto:internberoepexamenbeslissing@ehb.be). The members of the internal appeals committee, the ombudsperson and the director of the department will also be informed in writing of the decision.

If an appeal is lodged between 1 July and 15 August of the relevant academic year, the period of 20 calendar days will be suspended until 16 August.

### **Article 17 Decision**

The internal appeals procedure leads to:

- the motivated rejection of the appeal on the grounds of its inadmissibility; or
- a decision that confirms or amends/revises the original decision in a substantiated manner.

## **5.2 The external appeals procedure**

### **Article 18**

If the student wants to lodge an appeal against the ruling of the internal appeals committee, he/she may turn to the Council for disputes regarding study progress decisions if it concerns a study progress decision as described in Article 2 "Glossary".

An appeal against rulings by the internal appeals committee regarding decision that do not involve study progress decision may be lodged with the Council of State.

### **Article 19**

Appeals to the Council are to be lodged within a deadline of 7 calendar days, commencing on the day after that of being informed of the decision of the internal appeal. If the seventh day is a Saturday, Sunday or legal holiday, the period will be extended until the first following working day on which the postal services are open.

### **Article 20**

The appeals are lodged by way of petition, which includes at least a factual description of the objections invoked. The petition is dated and, upon penalty of inadmissibility, signed by the petitioner or his/her counsel.

The petition will list:

- the name and residence of the petitioner. If the choice of an address for service is that of the petitioner's counsel, this will be indicated in the petition.
- the name and registered office of the board;
- the subject of the appeal;
- a factual description and reasoning of the objections invoked.

The petition will be transferred to the Council by registered letter. At the same time, a copy of the petition will also be transferred to the university of applied sciences and arts board. The postmark will be the date of the appeal.

During the appeal period, an inadmissible petition may be replaced with a new petition that explicitly confirms the withdrawal of the earlier petition.

### **Article 21**

The petitioner may add the documentary evidence that he/she feels necessary. The petitioner may only add additional documentary evidence at a later time insofar as they were not yet known to the petitioner at the time of drawing up the petition. The petitioner will in that case provide the board with a copy of the additional documentary evidence immediately. The documentary evidence will be bundled by the petitioner and entered in an inventory.

The student may not enter any new objections in the procedure with the Council unless the basis of these objections only came to light during or after the internal appeals procedure was processed, unless the objection is related to the manner in which the internal appeal was processed or unless the objection concerns the public order.

### **Article 22**

The Council's decision for disputes regarding study progress decisions will be issued within a period of 20 calendar days, commencing on the day after that on which the appeal was entered in the register of incoming appeals.

## **Chapter 6: Material errors**

### **Article 23 Examinations decisions**

A material error is the unwanted improper reporting or copying of an element of a decision for which this element does not agree with the content of the decision.

Staff members or students may report suspected material errors in writing to the director of the department within a period of 10 calendar days, commencing on the day after that on which the examination results are publicised.

If the material error is confirmed, the director of the department may correct the error immediately. The examination results are publicised in a new report.

The decision will be taken within the 10 calendar days after receiving the report and the parties concerned will be informed in writing.

#### **Article 24 Other decisions**

Decisions related to other study progress decisions that are affected by material errors and/or inaccuracies may be corrected within the 10 calendar days after the day on which these have been taken at the request of students or staff members by virtue of their office by the director of the department.

The student will direct his/her application in writing to the director of the department. The decision will be taken within the 10 calendar days after receiving the report and the parties concerned will be informed in writing.

## **Chapter 7: Code of conduct and disciplinary procedure**

### **7.1 Code of conduct**

#### **Article 25 General provisions**

§1. Students are expected to behave both within and outside of the university community with a sense of responsibility and respect for others and the environment.

§2. No student is authorised to take initiatives on behalf of the university of applied sciences and arts.

§3. The student is responsible for his/her own possessions, even when stored away.

§4. The departmental supplementation describes which study activities are mandatory, how absence must be reported and in what manner absence is sanctioned. Dixit attestations and post factum attestations are not accepted in support of absence due to illness or an accident. A dixit attestation is an attestation in which only the statement of a patient is noted; a post factum attestation is an attestation after the fact that was not written on the day of the illness or the accident.

The modalities under which absence is sanctioned will be determined in the departmental supplementation to the education regulations. Exclusion from participation in the examination sessions does not belong to the possible sanctions here.

Absence from a study activity on the basis of participation in activities in the framework of student participation acknowledged by the institution cannot be sanctioned.

If, as a result of a flexible learning path or a personal standard learning path, the time of the lectures of different course units overlap and there is no possibility of organising the learning path differently, the student must contact the lecturers concerned in order to make arrangements in connection with his/her presence.

§5. Promptness and correctness are required when carrying out appointments and assignments. The student is expected to consult or redirect the email address assigned to him/her by the Erasmus Brussels University of Applied Sciences and Arts to a personal email address and keep communication operative. The student is also expected to set up notifications in the Canvas digital learning platform such that he/she is informed of official messages on time. If the teacher sends a communication to students via the Canvas digital learning platform, he/she assumes that the student has been informed.

§6. A student may only participate in conferences, manifestations, festivals, contests, etc., with projects and/or productions created during his/her studies at the university of applied

sciences and arts with the permission of the director of the department. Participation will be arranged via a contract.

§7. All materials used and the carrier material for recordings remain the property of the university of applied sciences and arts.

§8. The use of the library, video library, media library, language lab, warehouse, the various studios and such are regulated through provisions supplementary to the departmental regulations.

§9. Each student may be held jointly and severally liable financially. He/she is liable not only for the damage through his/her action, but also for that which he/she causes through his/her negligence or his/her carelessness. A student who breaks or loses school equipment is liable unless he/she can prove force majeure or the guilt of third parties. With disputes, the district court may deliver a judgement. He/she will remain liable even if the error occurred during the lessons. Borrowing recording equipment and other materials via **the lending service** does not fall under these regulations and is regulated in the relevant departmental regulations and/or user agreements.

§10. Unless an audio or video recording is required in the framework of a course unit, a student may not record discussions held between staff and/or student(s) during educational and/or assessment activities without written consent by all parties involved. This also implies that lecturers are not required to distribute a recording of their lessons to students.

§11. An infringement of other house regulations (study area, library, Acceptable User Policy for ICT facilities, etc.) may, depending on the nature of the infringement, be cause for a mandatory measure or a disciplinary measure.

## Article 26 Mandatory measures

If the code of conduct is violated, the director of the department (or his/her mandatory) may decide to take a mandatory measure to maintain the smooth functioning of the department and/or to restore a disturbance of that order. The following mandatory measures may be issued:

- a reprimand;
- withdrawal of the student card;
- denial of access to the electronic learning platform;
- carrying out cleaning or repair work intended to restore the consequences of the conduct;
- exclusion/removal from a study activity;
- temporary denial of access to a room or area.

Without prejudice to provisions regarding mandatory measures, each member of the teaching staff is entitled to remove a student from his/her own educational or learning activity for the purpose of restoring order during educational and assessment activities.

## Article 27 Code of conduct with regard to dealing with others

Protocol no. 264 – "code with respect to manners at Erasmus Brussels University of Applied Sciences and Arts" applies to all students and staff members. The code of conduct can be consulted via <https://www.erasmushogeschool.be/nl/onderwijs-en-examenreglement-en-rechtspositieregeling>

## 7.2 Disciplinary procedure

### Article 28 Causes

A student may be subjected to a disciplinary procedure after committing repeated, serious or intentional offenses. In the following cases, among others, a disciplinary procedure may be started:

1. the use of violence against members of the university community or intentional damage of their property;
2. the disruption of proper order within the university community;
3. deliberately or through gross negligence causing damage to university buildings or goods;
4. the theft of tangible or intangible property (including but not limited to intellectual property rights) or the unlawful use thereof;
5. committing acts that violate the dignity of the person;
6. taking actions that are incompatible with the objectives of the university of applied sciences and arts or that damage the name of the university of applied sciences and arts;
7. any form of fraud. However, if fraud is established in the context of an assessment, the Examination Regulations apply.

## Article 29 Disciplinary sanctions

§1. The following disciplinary sanctions may be pronounced:

- compensation for materials damages;
- an alternative sanction;
- blame;
- a disciplinary suspension (may vary in area of application and time period);
- exclusion.

The general director (by delegation, the administrative director of Education) may, as an urgent and provisional measure, preventatively suspend the student. The preventative suspension is a protective measure and not regarded as a disciplinary sanction.

§2. Disciplinary suspensions are pronounced for a period of a year at most.

§3. Exclusion may only be pronounced for facts whereby intent was demonstrated and means an immediate loss in the capacity of student. The party concerned may only be enrolled again after a period of at least 3 years and on the basis of a reasoned decision.

§4. The expiry of the duration of the disciplinary sanction has the consequence that the sanction concerned can no longer be taken into account except in the case of a repeat offense with respect to determining the penalty.

## Article 30

An investigation of disciplinary matters is initiated and lead by the general director (by delegation, the administrative director of Education) in collaboration with the director of the department.

Both during the preliminary investigation and in the disciplinary committee itself, he/she will be supported throughout the process by an advisor of the Education department in consultation with the advisor of the general director for the report.

The investigation of the disciplinary file must be carried out within a reasonable period of time.

## Article 31 Preliminary investigation

§1. The preliminary investigation is initiated and led by the general director (by delegation, the administrative director of Education) in consultation with the director of the department. In this framework, relevant data is collected both by the department and the Education department. On this basis, a decision is taken to dismiss the case or to refer it to the disciplinary committee.

§2. The student concerned is informed via his student email address of the commencement of the preliminary investigation and of the facts charged. If the student is a minor, the legal representative is also informed.

§3. The student will be informed via his student email address of the decision to dismiss the charges or to refer to the disciplinary committee. With a reference to the Disciplinary Committee, the letter will also formulate a disciplinary sanction proposal.

### **Article 32 Disciplinary Committee**

§1. The Disciplinary Committee consists of the general director (by delegation, the administrative director of Education), who will act as chairperson of the Disciplinary Committee, the director of the department, one member of the teaching staff and one student. The committee will convene validly if the chairperson and 2 members with voting rights are present. As advisory members, the ombudsperson, the student counsellor and/or learning path counsellor of the student may be added. They will not have a right to vote.

§2. The members of the disciplinary committee are appointed by the Executive Board. The student members are appointed by the student council. An appointed member will remain appointed as member of the disciplinary committee until the time that he/she submits his/her resignation.

§3. The members of the Disciplinary Committee are bound by confidentiality in this capacity.

### **Article 33**

§1. In the event of reference to the Disciplinary Committee, the student will be summoned by the chairperson of the Disciplinary Committee via his student email address at least 5 calendar days before the hearing. This letter will contain a description of the facts charged and a disciplinary sanction proposal.

§2. A student subjected to the disciplinary procedure is still entitled to:

- consult the entire file;
- assistance by one or more counsilors for defence and may, if so desired, also request a representative of the Student Council to attend the hearings.

### **Article 34**

§1. The hearing(s) of the Disciplinary Committee will take place behind closed doors and may take place digitally as well as physically. An official report will be made of the hearing. If the student concerned is not present at the hearing, except with proved force majeure, he/she will be deemed to have waived his/her rights to be heard and the decision, as referred to in §3, will be taken in his/her absence.

§2. The Disciplinary Committee may take all investigative measures that it deems necessary, including hearing witnesses. Witnesses are not part of the disciplinary committee.

§3. After having heard the party concerned, the Disciplinary Committee will make a decision by simple majority of the votes. If there is a tie, a decision is made to the advantage of the student.

§4. The student is informed of the reasoned decision via his student email address prior to the disciplinary measure coming into force; this letter will point out the possibility of appeal to the Executive Board.

§5. The disciplinary measure must agree with the seriousness of the facts. There is no possibility of collective exclusions.

## **Article 35 Appeal**

§1. The party concerned has a period of 10 working days after the signing of the decision to lodge an appeal with the Executive Board.

§2. Upon penalty of inadmissibility, the objection must be submitted on time, contain a reasoning and be signed.

§3. Pending the Executive Board deciding on the petition or, if applicable, until the appeal period has expired, the disciplinary sanction is suspended.

§4. The reasoned objection will be processed by the Executive Board. A member of the Disciplinary Committee who is also on the Executive Board must leave the meeting before the relevant agenda item is discussed. During the discussion of the appeal, the Executive Board must convene legally, meaning that more than half of the directors is present or represented by proxy.

§5. The party concerned may request to be heard by the Executive Board in a reasoned objection.

§6. The Executive Board will rule on both the admissibility and the validity of the appeal. After taking the investigative measures deemed necessary, the decision of the Disciplinary Committee will be confirmed or not.

§7. The party concerned will be informed via his student email address of the decision within 10 working days after enforceability. The decision will list the possibility of appeal with the department of the Council of State.

## **Chapter 7a: Sanctions for violations of the Covid-19 safety regulations**

### **Article 1 mandatory measure**

Each person with a supervisory position for a study or learning activity or for a move in the building is authorised to issue a mandatory measure if there is an infringement of the Covid-19 safety rules.

The first intervention is always a reminder of the current safety rules that in crescendo can turn into a reprimand as a first mandatory measure. If the rules are ignored repeatedly and/or apparently deliberately, the person with a supervisory position can deny the access to the rooms of the University of Applied Sciences and Arts for that day.

### **Article 2 reporting procedure**

§1. The staff member who identified the infringement and issued a mandatory measure:

- Will have the incident registered by the student registration office with a written description of the incident. The description shall at least contain (1) the identity of the student and (2) the time, location and course of the incident.
- Informs the headmaster of the department of the School.

§2. The student registration office shall investigate which educational and/or exam activities the student will miss because of the mandatory measure and will add that overview to the file. If there is a third infringement of the COVID-19 safety rules, the general director shall be informed of this immediately.

### **Article 3 preventive suspension**

If a student has violated the COVID-19 safety rules for a 3<sup>rd</sup> time, the general director (by delegation, the administrative director for Education) may proceed to suspend the

student by means of an urgent and provisional measure preventatively. The preventative suspend is a protective measure and is not regarded as a disciplinary sanction.

The preventive suspension entails that the student will temporarily, in anticipation of the results of the disciplinary proceedings, not have access to the buildings of the University of Applied Sciences and Arts and may not participate in educational or exam activities.

The student involved shall be informed of this measure via his/her EhB student email address.

## **Chapter 8: Final provisions**

### **Article 36**

Amendments to the General Education and Examination Regulations belong to the consultative competence of the Executive Board. Amendments to the Legal Position Regulations of the student belong to the consultative competence of the Supervisory Council. The board of the university of applied sciences and arts will consult the student council prior to these amendments.

### **Article 37**

These regulations will enter into force as from the academic year 2021-2022.